

P23-1714_LOO1v1_PL_LDS_RL_MG

31 January 2025

The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir / Madam,

Re: Section 78 Appeal: Land north of Hemingfield Road, Hemingfield, Barnsley

This covering letter accompanies our submission of an appeal under Section 78 of the Town and Country Planning Act 1990. The appeal is made by Pegasus Group on behalf of “the Appellant” Hargreaves Land Limited, George Newton Wright, Margaret Mary Wood, Marcus James Wood and Jonathan David Wood and relates to the refusal of outline planning permission by Barnsley Metropolitan Borough Council (“the LPA”) on land north of Hemingfield Road, Hemingfield, Barnsley (LPA reference 2024/O122).

The description of development is 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.” (“the Proposed Development”).

The application was refused on the following reasons:

1. The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.
2. In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

Within the Statement of Case accompanying this appeal we clearly set out why we disagree with the above reasons. This primarily revolves around the adequacy of the Council’s review of its Local Plan and the acute and chronic lack of market and affordable housing delivery and supply within the LPA administrative area which the Appellant considers should be provided significant weight in the planning balance.

Appeal Procedure

The Appellant respectfully requests that the appeal be determined by way of a public inquiry. In making this request the Appellant has had full regard to the guidance contained within Annexe K of the November 2020 Planning Appeals – England Procedural Guide. In relation to non-enforcement appeals the procedural guide advises that an inquiry would be appropriate if:

- there is a clearly explained need for the evidence to be tested through formal questioning by an advocate; or
- the issues are complex; or
- the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.

It is considered that bullets 1 and 2 both apply to this appeal for the following reasons.

The appeal site was removed from the Green Belt and designated as safeguarded land within the extant Barnsley Local Plan. The Appellant will demonstrate that the site is located within a sustainable location and there are no technical constraints or objections from statutory consultees to the proposed development. The Appellant will provide clear and robust evidence which weighs heavily in the favour of approving the proposed development now. This evidence will include the following:

- i. Review of the Local Plan – how this was undertaken, and the evidence base in relation to housing land supply;
- ii. Plan Monitoring – whether the Council has complied with paragraph 78 of the NPPF;
- iii. Five-year housing land supply – the Appellant will demonstrate that the Council is unable to demonstrate a five-year housing land supply and thus the presumption in favour of sustainable development is triggered. Further, the housing land supply position has consistently deteriorated since the Council undertook its review of the Local Plan. The Council's has confirmed its position at a public inquiry recently that it can no longer demonstrate a five-year housing land supply, and the Appellant will also demonstrate that the actual position is significantly worse than the Council suggested in that case. The scale of difference between the Appellant and the LPA will require rigorous testing as it relates to the weight to be applied upon the contribution this site will make in relation to housing land supply;
- iv. Local plan policies – the Appellant will examine the terms of the Local Plan policies and their relationship with the NPPF and demonstrate that the policies which are most important for determining the planning application – to the extent that they may constitute a reason for refusal – are out of date; and,
- v. Comprehensive development – the Appellant will demonstrate that the Council's second reason for refusal relating to the 'potential impact on the comprehensive development' of the wider area of safeguarded land is unsubstantiated.

Each of the above issues will require consideration of a significant amount of data and evidence. It is considered that formal questioning by an advocate on these complex issues would assist the Inspector to properly examine and understand the Appellants case.

In terms of local interest, the scale of interest in the appeal remains unknown. However, based upon comments received during the application process it is anticipated that other interested parties will wish to participate in the appeal.

In addition to the points raised above, it is not considered that the principal parties can adequately present their respective cases within 2 days (which exceeds normal practice for a Hearing). The Appellant considers that up to 3 days (including a site visit and closing submissions in writing) would be required, depending upon the extent of third-party involvement in the appeal proceedings, which may elongate the proceedings further.

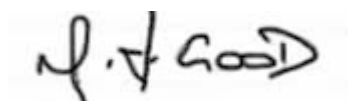
Appeal Documentation

This covering letter is accompanied by all relevant documents relating to the submission of this appeal. These include:

- Statement of Case with Appendices;
- Draft Statement of Common Ground;
- Draft Core Documents list;
- Draft Section 106 Agreement;
- All documents and plans submitted with the application;
- A complete list of plans for approval; and
- All other relevant documents.

Under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals the Appellant has notified the LPA and the Planning Inspectorate of its intention to request the inquiry procedure. This notification was made on 12 December 2024, a minimum of 10-days prior to this appeal submission.

Yours faithfully,



Matthew Good
Senior Director - Planning