BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Assets
Planning, Policy and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2026/0479

To Fox Architecture and Design
Fox Cottage
Whitley Road
Whitley
Dewsbury
WF12 0LU
United Kingdom

DESCRIPTION Demolition of existing dwellinghouse and erection of replacement dwelling (Custom/Self-Build).
LOCATION 29 Hermit Lane, Higham, Barnsley, S75 1PL

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 17/07/2026 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out strictly in accordance with the approved plans:

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and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3 Prior to commencement of works, to evaluate the mining legacy risks and ground conditions, intrusive site investigations shall be undertaken as specified in the report "Phase 1 Environmental Desk Study & Coal Mining Assessment" produced by RGS, dated 01.06.2026, reference C5966/26/E/9239. Following the investigations a report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted to and approved in writing by the Local Planning Authority. The site investigations and subsequent development should be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable. The report shall include the results of the investigations, an appraisal of remediation options, a proposal of the preferred option and a remediation statement summarising the works to be undertaken. The development shall thereafter be undertaken in full accordance with the submitted report.
Reason: In the interests of potential land contamination and land stability.

4 Before commencement of the development drainage details shall be submitted and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed with Yorkshire Water.
Reason: In the interest of satisfactory and sustainable drainage.

5 Before commencement of the development, all external materials used in the development shall be submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 High Quality Design and Place Making.

6 Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s) and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
ii. Materials and construction to ensure long lifespan of the feature/measure
iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
iv. When the features or measures will be installed within the construction, occupation, or phase of the development.
Reason: In the interests of biodiversity conservation.

7 Notwithstanding the submitted details, upon commencement of development, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the dwelling.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.

9 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.

10 Prior to the occupation, all areas to be used by vehicles must be surfaced in a bound, solid material to prevent the migration of loose material on to the public highway.
Reason: In the interest of road safety.

11 The development shall be completed in strict accordance with the recommendations in Section 4 of the consultancy reports (Preliminary Roost Appraisal, 10 May 2026 and Badger Survey and Method Statement, 21 September 2026) (unless varied by a European Protected Species (EPS) licence issued by Natural England). All the recommendations shall be implemented in full.
Reason: In the interests of biodiversity conservation.

12 The dwelling hereby approved shall be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The dwelling shall only be occupied as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 for a period of at least 3 years from date of the first occupation of the dwelling. In the event that the dwelling is not built and occupied for a minimum 3 years as a self- build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall be implemented in accordance with the approved details.
Reason: In accordance with the Schedule 7A: Biodiversity Net Gain in England of the Town and Country Planning Act 1990.

13 During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

14 There shall be no burning of any material on the development site during the demolition and construction phases.
Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 Under the Building Act 1984, the Council is required to be notified of any demolition exceeding 50 cubic metres carried out within the Borough. This can be done by contacting us via email at demolition@barnsley.gov.uk or by telephone on 01226 773555.

3 The development hereby approved includes the demolition of existing buildings. You are advised that before undertaking any demolition, you may require a demolition licence from the Highway Authority. Please be aware that works shall be to the specification and satisfaction of the Highways Authority and you must give 6 weeks' notice of demolition. If you start demolition work without the appropriate licence, you may be prosecuted. Fees are payable for the approval of demolition, and you will be issued with a Section 81 notice prior to commencing work, or you may be prosecuted. Further information and an application form are available on the BMBC website at https://www.barnsley.gov.uk/services/planning-andbuildings/building-control/permission-to-demolish-a-building/ or please contact at email demolition@barnsley.gov.uk.

4 The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

5 It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.

6 Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal mine-on-your-property.

7 If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for applicants-for-incidental-coal-agreements.

8 In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed: Dated: 4 November 2026



Garry Hildersley
Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
b) the pre-development biodiversity value of the onsite habitat;
c) the post-development biodiversity value of the onsite habitat;
d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
e) any biodiversity credits purchased for the development; and
f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
h) a description of the development and planning permission reference number (to which the plan relates);
i) the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
j) the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
n) a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
o) if habitat degradation has taken place:
    i. a statement to this effect,
    ii. the date immediately before the degradation activity,
    iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
    iv. any available supporting evidence for the value.

INFORMATIVE 1
When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2
The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.
The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3
A Biodiversity Net Gain Template can be found here:
https://www.gov.uk/government/publications/biodiversity-gain-plan

INFORMATIVE 4
The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt.
The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments