



PLANNING SUPPORT STATEMENT

**OUTLINE APPLICATION FOR 2 NO. DWELLINGS
(RESUBMISSION OF APPLICATION NO
2019/0728)**

**HARTGAN HOUSE, PINFOLD LANE, ROYSTON,
BARNSELEY, S71 4PQ**

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CONTENTS

1.0 INTRODUCTION

2.0 THE SITE, PROPOSAL AND BACKGROUND

3.0 PLANNING POLICY

3.1 Barnsley Local Plan

3.2 Central Government Policy Advice - The National Planning Policy Framework

4.0 OTHER ISSUES

4.1 The Development Plan

4.2 Other Material Considerations

4.2.1 Principle of Development

4.2.2 Highways

4.2.3 Backland Development

4.2.4 Housing Land Supply

5.0 CONCLUSION

1.0 INTRODUCTION

This application is submitted in outline for the development of 2No dwellings at the site known as Hartgan House, Pinfold Lane, Royston, Barnsley. The application is a resubmission of a previously refused planning application (ref 2019/0728). The previously submitted scheme has been amended to address the previous concerns raised by the Council.

It will be noted that the issue of access is for consideration at this stage.

The application is supported by the following information:

- (i) Illustrative layout of the proposal and location plan.
- (ii) Planning Support Statement – Townsend Planning Consultants.
- (iii) Highways Statement – Paragon Highways.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function. It is considered that this statement clearly demonstrates to the Council that the proposal accords with planning policy and, when judged against this and all material considerations, it is the case that planning permission should be granted.

It is considered that amendments to the previous scheme, which include a reduction in the extent of the site and numbers of dwellings proposed together with highway improvements proposed, fully addresses the previous concerns of the Council. It will also be demonstrated in this submission that notwithstanding the previous reasons for refusal the proposal does not constitute “backland” development.

This statement proceeds to provide details of the site, proposal and background, including the planning history. Relevant Planning Policy and Central Government advice in the form of the National Planning Policy Framework is then outlined, together with relevant Local Plan policy. The issues that the proposal raises are then examined in detail and finally the conclusion reached that permission should be granted for the proposal to proceed.

2.0 THE SITE, PROPOSAL AND BACKGROUND

The subject site, which extends to some 0.12 hectares or thereabouts, forms part of the extensive garden area to Hartgan House. The land contains a number of outbuildings, including a lock-up container and timber barn. Access to the site is taken via Pinfold Lane an unadopted highway.

The site is located on the edge of the settlement outside the green belt within a residential area, with easy access to local shopping, schooling and community facilities, together with access to public transport routes. The site is situated in a sustainable location.

The starting point for the consideration of this application is the planning history. It is noted that in considering a previous application for 5 dwellings (2015/0895), the Council determined to grant planning permission subject to a Section 106 Agreement in respect of Greenspace contributions. It is understood that the Section 106 Agreement was never completed and that application remains undetermined. Whilst it is acknowledged that the proposal involved a different access, nevertheless this demonstrates that in principle the proposed development of the site should be considered acceptable to the Council.

More recently the application for 3No dwellings served via Pinfold Lane was refused by the Council. This application has been drafted to fully address the previous reasons for refusal, on which the following comments are made:

(i) Highways

It is acknowledged that Pinfold Lane constitutes an unmade unadopted highway. Nevertheless, it is a defined highway. To address the previous concerns, this proposal is on a scaled down site with a reduction in the number of dwellings from that previously proposed. Highway improvements are proposed as set out in the Highway Report and plans submitted by Paragon Highways, which include a service vehicle turning head and widening of Pinfold Lane. It is considered that the proposed improvements more than offset any alleged harm by the traffic movements associated with the two proposed dwellings and provide overall betterment.

(ii) Backland Development

Notwithstanding the previous reason for refusal, the proposal does not constitute backland development. The definition of backland development is land without a highway frontage. This site has a road frontage onto Pinfold Lane (a defined highway). It therefore cannot, by any stretch of the imagination, be considered by any stretch of the imagination to constitute backland development.

It is considered that the proposal will put to beneficial use an underused urban resource and constitutes sustainable development. The development can usefully add in some small way to the Council's housing delivery targets in the short term.

In summary, it is considered that the highway improvements fully address the previous reason for refusal in terms of highway issues. The proposal does not constitute backland development and there is no justification for that assertion.

It is therefore considered that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.

3.0 PLANNING POLICY AND CENTRAL GOVERNMENT POLICY ADVICE

3.1 Barnsley Local Plan

The development plan consists of the LDF Core Strategy and the LDF Local Plan. A number of policies are cited in the previous reason for refusal.

In terms of relevant development plan policies in respect of the consideration of this proposal, these are as follows:

(i) Policy GD1 'General Development' states:

“PROPOSALS FOR DEVELOPMENT WILL BE APPROVED IF:

- ***THERE WILL BE NO SIGNIFICANT ADVERSE EFFECT ON THE LIVING CONDITIONS AND RESIDENTIAL AMENITY OF EXISTING AND FUTURE RESIDENTS;***
- ***THEY ARE COMPATIBLE WITH NEIGHBOURING LAND AND WILL NOT SIGNIFICANTLY PREJUDICE THE CURRENT OR FUTURE USE OF THE NEIGHBOURING LAND;***
- ***THEY WILL NOT ADVERSELY AFFECT THE POTENTIAL DEVELOPMENT OF WIDER AREAS OF LAND WHICH COULD OTHERWISE BE AVAILABLE FOR DEVELOPMENT AND SAFEGUARDS ACCESS TO ADJACENT LAND;***
- ***THEY INCLUDE LANDSCAPING TO PROVIDE A HIGH QUALITY SETTING FOR BUILDINGS, INCORPORATING EXISTING LANDSCAPE FEATURES AND ENSURING THAT PLANT SPECIES AND THE WAY THEY ARE PLANTED, HARD SURFACES, BOUNDARY TREATMENTS AND OTHER***

- FEATURES APPROPRIATELY REFLECT, PROTECT AND IMPROVE THE CHARACTER OF THE LOCAL LANDSCAPE;**
- **ANY ADVISE IMPACT ON THE ENVIRONMENT, NATURAL RESOURCES, WASTE AND POLLUTION IS MINIMISED AND MITIGATED;**
 - **ADEQUATE ACCESS AND INTERNAL ROAD LAYOUTS ARE PROVIDED TO ALLOW THE COMPLETE DEVELOPMENT OF THE ENTIRE SITE FOR RESIDENTIAL PURPOSES, AND TO PROVIDE APPROPRIATE VEHICULAR AND PEDESTRIAN LINKS THROUGHOUT THE SITE AND INTO ADJACENT AREAS;**
 - **ANY DRAINS, CULVERTS AN OTHER SURFACE WATER BODIES THAT MAY CROSS THE SITE ARE CONSIDERED;**
 - **APPROPRIATE LANDSCAPED BOUNDARIES ARE PROVIDED WHERE SITES ARE ADJACENT TO OPEN COUNTRYSIDE;**
 - **ANY PYLONS ARE CONSIDERED IN THE LAYOUT; AND**
 - **EXISTING TREES THAT ARE TO REMAIN ON SITE ARE CONSIDERED IN THE LAYOUT IN ORDER TO AVOID OVERSHADOWING.”**

This essentially forms a checklist for development. There is no conflict with this policy in respect of the revised proposal.

- (ii) Policy SD1 ‘Presumption in Favour of Sustainable Development’ states:

“WHEN CONSIDERING DEVELOPMENT PROPOSALS WE WILL TAKE A POSITIVE APPROACH THAT REFLECTS THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT CONTAINED IN THE NATIONAL PLANNING

POLICY FRAMEWORK. WE WILL WORK PROACTIVELY WITH APPLICANTS JOINTLY TO FIND SOLUTIONS WHICH MEAN THAT PROPOSALS CAN BE APPROVED WHEREVER POSSIBLE, AND TO SECURE DEVELOPMENT THAT IMPROVES THE ECONOMIC, SOCIAL AND ENVIRONMENTAL CONDITIONS IN THE AREA.”

This proposal constitutes sustainable development and as such the applicant is entitled to the presumption inherent in the NPPF to be weighed in his favour.

- (iii) Policy T3 ‘ New Development and Sustainable Travel’ states:

“NEW DEVELOPMENT WILL BE EXPECTED TO:

- ***BE LOCATED AND DESIGNED TO REDUCE THE NEED TO TRAVEL, BE ACCESSIBLE TO PUBLIC TRANSPORT AND MEET THE NEEDS OF PEDESTRIANS AND CYCLISTS;***
- ***PROVIDE AT LEAST THE MINIMUM LEVEL OF PARKING FOR CYCLES, MOTORBIKES, SCOOTERS, MOPEDS AND DISABLED PEOPLE SET OUT IN THE RELEVANT SUPPLEMENTARY PLANNING DOCUMENT;***
- ***PROVIDE A TRANSPORT STATEMENT OR ASSESSMENT IN LINE WITH THE GUIDANCE SET OUT IN THE NATIONAL PLANNING POLICY FRAMEWORK AND GUIDANCE INCLUDING WHERE APPROPRIATE REGARD FOR CROSS BOUNDARY LOCAL AUTHORITY IMPACTS; AND***
- ***PROVIDE A TRAVEL PLAN STATEMENT OR A TRAVEL PLAN IN ACCORDANCE WITH GUIDANCE SET OUT IN THE NATIONAL PLANNING POLICY FRAMEWORK INCLUDING WHERE APPROPRIATE REGARD FOR CROSS BOUNDARY***

LOCAL AUTHORITY IMPACTS. TRAVEL PLANS WILL BE SECURED THROUGH A PLANNING OBLIGATION OR A PLANNING CONDITION.

WHERE LEVELS OF ACCESSIBILITY THROUGH PUBLIC TRANSPORT, CYCLING AND WALKING ARE UNACCEPTABLE, WE WILL EXPECT DEVELOPERS TO TAKE ACTION OR MAKE FINANCIAL CONTRIBUTIONS IN ACCORDANCE WITH POLICY I1.

IF IT IS NOT POSSIBLE OR APPROPRIATE FOR THE MINIMUM AMOUNT OF PARKING FOR CYCLES, MOTORBIKES, SCOOTERS AND MOPEDS TO BE MET ON SITE, THE DEVELOPER MUST PROVIDE, OR CONTRIBUTE TOWARDS, OFF-SITE PARKING, OR IMPROVE OR PROVIDE OTHER FORMS OF TRAVEL.”

This proposal fully conforms with this policy. The site is in a sustainable location with access to public transport. Cycle facilities can be included in the proposal.

- (iv) Policy T4 ‘New Development and Transport Safety’ states:

“NEW DEVELOPMENT WILL BE EXPECTED TO BE DESIGNED AND BUILT TO PROVIDE ALL TRANSPORT USERS WITHIN AND SURROUNDING THE DEVELOPMENT WITH SAFE, SECURE AND CONVENIENT ACCESS AND MOVEMENT.

IF A DEVELOPMENT IS NOT SUITABLY SERVED BY THE EXISTING HIGHWAY OR WOULD CREATE OR ADD PROBLEMS OF SAFETY OR THE EFFICIENCY OF THE

HIGHWAY OR ANY ADJOINING RAIL INFRASTRUCTURE FOR USERS, WE WILL EXPECT DEVELOPERS TO TAKE MITIGATING ACTION OR TO MAKE FINANCIAL CONTRIBUTION TO MAKE SURE THE NECESSARY IMPROVEMENTS GO AHEAD. ANY CONTRIBUTIONS WILL BE SECURED THROUGH A PLANNING OBLIGATION.”

This policy is fully addressed in the Paragon Highways report submitted with this application, which demonstrates that the site can be safely accessed.

- (v) The site is located within Royston which is identified as a Principal Town. At para 5.49 it identifies Royston as an area where the local housing market has failed and renewing housing in these areas is a priority.
- (vi) Policy H4 ‘Residential Development on Small Non Allocated Sites’ states:

“PROPOSALS FOR RESIDENTIAL DEVELOPMENT ON SITES BELOW 0.4 HECTARES WILL BE ALLOWED WHERE THE PROPOSAL COMPLIES WITH OTHER RELEVANT POLICIES IN THE PLAN.”

It is clear from examination of the development plan that there is no conflict with development plan policy.

3.2 Central Government Policy Advice - The National Planning Policy Framework

The National Planning Policy Framework is a material consideration which must be taken into account in determining this application.

Para 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

Para 11 of the Framework identifies how the presumption in favour of sustainable development is to be applied in making decisions:-

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay;

It is considered that the proposal complies with the Development Plan as set out in this submission.

In respect of determining applications, Para 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-

makers at every level should seek to approve applications for sustainable development where possible.”

Para 124 stresses the Government's commitment to achieving good design, high quality buildings and places.

Para 127 sets out planning policies and decisions should:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

The proposal constitutes sustainable development and it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicant is entitled to anticipate the presumption inherent being weighed in his favour.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this proposal as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework. This states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

As set out, there is no conflict with policy and, therefore, the applicants are entitled to the presumption inherent in Section 38(6) to be weighed in their favour.

4.2 Other Material Considerations

It now falls for the proposal to be considered in the context of all other material considerations. It will be demonstrated that such considerations support the assertion that planning permission should be granted.

The following are material considerations to which the proposal gives rise:-

4.2.1 Residential Development

By reference to the planning history, the Council have been mindful to determine to grant planning permission for the development of this site for residential purposes. Whilst it is acknowledged that the permission was never issued owing to the applicant (the previous owner) not entering into a Section 106 Agreement in respect of Greenspace, nevertheless it demonstrates that in principle of development of this site for residential

purposes was considered to be acceptable in 2015. It is acknowledged that the Council have adopted new development plan policies since that time and central government policy has also changed. However, as demonstrated in this submission, there is nothing in that policy base or advice which would lead to any conclusion other than planning permission should be granted.

This site is located within a settlement identified as suitable for growth in a general residential area which is sustainable. It is considered under the circumstances that the only reasonable conclusion that can be reached is that the principle of development is acceptable.

4.2.2 Highways

A detailed highways report is submitted with this application. This demonstrates with the improvements proposed, including a turning head and the widening of Pinfold Lane, that the site can be readily and safely accessed, notwithstanding its unadopted status of the highway. The proposed highway improvements, which offer betterment to all users, outweigh any harm by the increased traffic movements associated with 2No dwellings.

4.2.3 Backland Development

By reference to the previously refused application, reason for refusal No 2 relates to the issue of unacceptable backland development. However, by reference to the case officer's report, no comment whatsoever is made about the issue of backland development. So it is not clear how the Council have reached such a conclusion. As set out in this submission, this site has a highway frontage and as such does not constitute backland

development. There is no reasonable basis for reaching such a conclusion.

4.2.4 Housing Land Supply

This site can usefully add in some small way to the delivery of housing land supply in the district which the Council are currently underperforming in terms of housing numbers.

5.0 CONCLUSION

It is fully acknowledged that a previous planning application for three dwellings was refused on this site. Indeed, the previous refusal was the starting point for the drafting up of this submission. It must also be recognised by reference to the planning history that the Council have been mindful to grant permission for residential development on this site previously (albeit with a different access). This demonstrates the acceptability of the development of the site for residential purposes in principle.

The site is situated in a sustainable location and can usefully add in a small way to the delivery of housing in the District which is urgently required.

It is acknowledged that the access to the site constitutes an unadopted highway. However, the previous scheme has now been reduced in number and highway improvements are proposed which offer betterment. These improvements fully address the previous concerns of the Council. As demonstrated in this submission and as a matter of fact, the development proposed does not constitute what is regarded in planning terms as 'backland' development – the site benefits from a highway frontage.

In all other terms, the proposal is considered to be acceptable and does not give rise to any issues of harm.

In the light of the above comments, it is considered that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.