

**THE TOWN AND COUNTRY PLANNING ACT 1990**

**PROOF OF EVIDENCE BY**

Laura Bennett MTCP  
Spatial Planning Project Manager for Barnsley MBC

**APPEAL BY:**

Hargreaves Land Limited, G. N. Wright, M. M. Wood, M. J. Wood, and J.D. Wood

**APPEAL AGAINST THE REFUSAL OF**

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

**SITE**

Land north of Hemingfield Road, Hemingfield, Barnsley

**LPA REF: 2024/0122**

**INSPECTORATE REF: APP/R4408/W/25/ 3359917**

## **1.0 Personal Details**

- 1.1 My name is Laura Bennett and I am a Spatial Planning Project Manager for Barnsley MBC. I have over 19 years of experience in town and country planning and I am a Licentiate member of the Royal Town Planning Institute. I graduated from the University of Manchester in 2006 with a Masters Degree in Town and Country Planning. I am currently studying via an apprenticeship for a Diploma in Management and Leadership through the Chartered Management Institute (CMI).
- 1.2 My responsibilities include; Providing professional advice, guidance and recommendations to internal and external stakeholders including Members and external bodies, processing the most complex and contentious policy and/or development management issues, Interpreting evidence, legislation, plans, policies and guidance and making recommendations to Cabinet and/or Planning and Regulatory Board and playing a lead role in the preparation, review, development, implementation and monitoring of relevant planning policy documentation.
- 1.3 I have been involved in this case since the application was made valid and I was the Planning Officer who wrote the Delegated Officer Report (CD 2.1) and made the recommendation to the Head of Planning on this application 2024/0122. The decision notice outlines the reasons for refusal put forward (CD 2.2).
- 1.4 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution. I can confirm that the opinions expressed are my true and professional opinions.

## **2.0 Main Issues**

- 2.1 The main issues, as set out in the Case Management Conference, that my Proof of evidence will address are;
- 1) Whether the development would be contrary to local and national policies in relation to safeguarded land and if so the weight to be given to such conflict
  - 2) Whether the development would prejudice 'comprehensive' delivery on the wider site and piecemeal development

I will also deal with the overall planning balance and the weight to be given to benefits and any conflicts with development plan policies.

The 5 Year Housing Land Supply position will be dealt with via a separate proof of evidence.

## **3.0 Executive Summary**

- 3.1 The tilted balance is engaged in this case. The Council cannot demonstrate a 5 year supply of housing land, as set out in the Council's Statement of Case. At the time of

writing there are no other planning applications for development within the larger safeguarded land allocation SL6.

3.2 The benefits of the scheme are as follows;

- The development would contribute up to 165 – 180 dwellings toward housing delivery targets within the borough which carries substantial weight. The most compelling benefit is clearly housing in view of the housing land supply position.

- The scheme would provide Affordable Housing, contributions towards Education, Sustainable Travel, Biodiversity, Public Open Space, Public Transport Enhancements and this would carry moderate weight as these contributions are required by the relevant Local Plan Policies and SPD's.

3.3 This development parcel is identified as Safeguarded Land, Site SL6 Land North East of Hemingfield as allocated within the Local Plan. The proposal is contrary to the adopted development plan for the borough, the NPPF and policy GB6. It is considered that the development of this site, as proposed, would also be piecemeal and would have a potential impact on the comprehensive development of the wider site, contrary to Local Plan Policy GD1 'General Development'. It will be demonstrated that it is appropriate to dismiss the appeal and refuse planning permission.

3.4 In the Council's opinion, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits highlighted in para 3.2 above. The Council therefore respectfully requests that the appeal is dismissed accordingly. This is also my opinion as a planner and as the planning witness in this inquiry.

3.5 The points raised in the summary above will be expanded upon under the following headings.

#### **4.0 Background**

4.1 The development plan comprises the Barnsley Local Plan which was adopted in 2019 ("the Local Plan") (CD5.1A) and is also accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

4.2 Barnsley Council resolved at Cabinet on 2nd November 2022 that the Local Plan 'remains fit for purpose and is adequately delivering its objectives', which means 'no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. A further review will take place in 2027 or earlier if circumstances, including fundamental changes to the Local Plan system, require it'. The review assessment considered that the aims and objectives of the plan remain aligned with those set out in the NPPF, Para 78 and footnote 39.

4.3 Policy GB6 Safeguarded Land is the first policy of relevance to the decision, in particular reason for refusal 1 on the decision notice. The policy states that: 'We will only grant planning permission on sites allocated as safeguarded land for development that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential

for future development of the site. The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.' The supporting text goes on to say: 'NPPF (now updated CD 6.1B) paragraph 85 states where necessary local planning authorities should 'identify areas of 'safeguarded land' between the urban area and Green Belt, in order to meet long term development needs stretching well beyond the plan period'. Its suitability as an allocation for development will be considered in a future review of the Local Plan. Any review of the Local Plan which includes assessment of the suitability of safeguarded land for development will include the normal planning considerations of the sustainability and suitability of sites for development.' No review has taken place that would elevate this land from a safeguarded site, to a site allocated for development.

4.4 Policy GD1 General Development 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 a wider area 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 adverse 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 and 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.

The particular sections of relevance of GD1 to this appeal and the reason for refusal 2 are the following points

2) They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;

3) They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;

## **5.0 Main Issues point a) Whether the development would be contrary to local and national policies in relation to safeguarded land and if so the weight to be given to such conflict**

5.1 The application site forms part of site SL6, Land North East of Hemingfield and is identified as Safeguarded Land within the Local Plan. Safeguarded land is land between the urban area and the Green Belt safeguarded to meet longer term

development needs stretching well beyond the plan period. 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.

5.2 Policy GB6 (Safeguarded Land) of the Barnsley Local Plan and the NPPF (para 149) together indicate that planning permission for the permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.

5.3 Since the application was refused, the NPPF has been updated (December 2024) (CD 6.1D) therefore this statement refers to the updated paragraph numbers. Para 149 of the NPPF points c and d, state that:

c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

5.4 In line with the above, the principle for the proposed development of this safeguarded site SL6, Land North East of Hemingfield, is contrary to national and local policy. The suitability of the site as an allocation for development will be considered in a future review of the Local Plan. Any review of the Local Plan which includes the assessment of the suitability of safeguarded land for development, will include the normal planning considerations of the sustainability and suitability of sites for development.

5.5 The Local Plan was adopted in January 2019 and subsequently reviewed recently in 2022. This review concluded that the Local plan remains fit for purpose and is adequately delivering its objectives. No updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. A further review will take place in 2027 or earlier if circumstances, including fundamental changes to the Local Plan system, require it. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.

5.6 The proposed residential development of this safeguarded land is therefore contrary to national policy contained within the NPPF (para 149) and local planning policy GB6. The granting of permission on this safeguarded site would undermine and prejudice the delivery of the sequentially preferable allocated housing sites and Masterplan framework sites within the Local Plan and would likely result in further applications on safeguarded land being submitted and a potential to set a precedent for further residential development of these site prematurely.

## **6.0 Main Issues point b) Whether the development would prejudice 'comprehensive' delivery on the wider site and piecemeal development**

6.1 Further to the conflict with national and local safeguarded land policy, the proposed development also constitutes piecemeal development, comprising part of a wider safeguarded site SL6 Land North East of Hemingfield Road, which raises concerns as to the potential impact on the comprehensive development of the wider site, contrary

to policy GD1 of the Local Plan. The relevant points of GD1 are points 2 and 3 which state that:-

2) They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;

3) They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;

6.2 In terms of the above points, the comprehensive development of the site would be considered in more detail as and when the plan's allocations are reviewed and reconsidered, via a site specific policy (which would specify what would be required as part of a future planning application submission). It would normally be expected that a site of this size, which is the second largest safeguarded site at 18.2ha, should be masterplanned, to make sure that it can be comprehensively developed and not developed in a piecemeal way.

6.3 Para 77 of the NPPF also states that 'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.' Point c) of para 77 refers to the use of appropriate tools such as 'masterplans and design guides or codes are used to secure a variety of well-designed homes to meet the needs of different groups in the community'. As this site is a safeguarded site for future development, rather than an allocated development site with a specific site policy (which would specify what would be required as part of a future planning application submission) therefore if developments are allowed on a piecemeal basis, brought forward prematurely, as is the case here, then this will be without a full understanding or a masterplan of how the adjacent land and the appellant's site would be developed together, and to ensure that they are compatible and would not prejudice or adversely effect the potential development of the wider area of land, contrary to policy GD1.

6.4 The Council has a good track record of producing masterplans associated with its larger housing and employment sites identified within its Local Plan, these are via adopted Masterplan Frameworks or masterplans which are required by site specific policies for larger housing allocations. Their aim has been to set objectives for the development to ensure that it contributes towards BMBC's wider objectives and is aligned with the Local Plan. The frameworks have acted to serve to coordinate sustainable development across larger allocations to ensure that they are integrated with surrounding landscape and existing communities.

6.5 The Local Plan at para 6.12 provides specific guidance on what is expected of Masterplan frameworks. In summary, the objectives of the masterplan frameworks are to:

- understand the site constraints and opportunities
- set out a clear vision and development objectives for each masterplan framework
- encourage the creation of high-quality spaces and buildings in a way that prioritise the people's experience of the development

- improve the quality of the public areas with a focus on the interface between new routes and open spaces
- make sure there's suitable access to the development.
- set out a clear delivery plan of each projects phasing, timescales, delivery approach, funding and key parties to be involved.
- provide a design code to guide future development and make sure integrated places and communities are created.

6.6 As stated previously, the Council has a good track record of producing masterplans associated with its larger housing and employment sites identified within its Local Plan. For example, a masterplan was required for a smaller site within the borough, approximately 9km from the appeal proposal site, within Thurnscoe, Barnsley. This was allocated Housing Site, Site HS52 (Land west of Thurnscoe Bridge Lane and south of Derry Grove, Thurnscoe). The Council indicated 308 homes could be delivered on the site and the site specific policy stated that 'the development will be subject to the production of a masterplan covering the entire site to ensure that development is brought forward in a comprehensive manner.' Outline planning permission was applied for in 2020 for a small portion of the eastern part of the allocation (ref: 2020/0422, decision date: 12/3/2021) (CD 9.7) and was refused for the following reason (amongst others):

'The proposed would result in piecemeal development of a larger housing allocation prejudicing the ability to take a master planned approach to comprehensively address the constraints across the site allocation and deliver the wider policy aims. This piecemeal approach is contrary to Local Plan Policies HS52 and GD1 as well as policies HE6 and BIO1. In addition, the development proposed results in an unviable scheme that cannot appropriately mitigate its impact on infrastructure requirements, contrary to Local Plan Policy I1.'

6.7 Further to the above, a planning application (ref 2024/1004) has been submitted to develop part of the site (approximately 13.7 ha) and as part of this application, a Masterplan (CD 9.8) has been submitted for the whole site in line with the site policy. The application (site plan CD 9.9) is currently under consideration at the time of writing. The above demonstrates that a smaller, allocated housing site was expected to be masterplanned to ensure that it could be comprehensively developed.

6.8 The appellants have stated within the Statement of Case that 'the proposals clearly would not adversely affect the potential development of the wider area of safeguarded land and the proposals show how access would be safeguarded to the wider site.' However this only deals with Highway impacts. The statement indicates an estimate of the capacity of the entire area of safeguarded land at 430 dwellings. A further sensitivity test which assessed the capacity of local junctions to accommodate a total of 520 dwellings has been conducted voluntarily by the appellant and 'rounds up' the Council's indicative housing yield of 518 dwellings identified in the identified in the 2016 Strategic Housing and Economic Land Availability Assessment (SHELAA) (CD 5.6).

6.9 Whilst there are no objections from a highways point of view to the proposal or the proposed junction, it is clear based on the projected housing numbers, that the proposal forms a smaller portion of much larger safeguarded site, with the appellants considering the remaining site could accommodate up to a further 338 homes. With a site of this size, the Council would expect that the site is masterplanned to ensure that there is a comprehensive development of the whole site. The benefit of a masterplan is to set the overall parameters of key anchor points, such as access arrangements to

and within the site, location of public open spaces, services and the phasing of development. Adopted Masterplan Frameworks and site specific housing policies have referred specifically to density levels to achieve the required indicative numbers. In the absence of a site specific policy or masterplan, the Council cannot be clear that this outline application makes the most efficient use of the site and that S106 contributions are effectively apportioned to each part of the allocation if development is to proceed in parcels/phases. Without this detail, the proposal is piecemeal and fails to provide a comprehensive development of the larger site and could potentially impact the overall deliverability and viability of the site as a whole.

- 6.10 As previously set out this safeguarded site has not been elevated to a formal allocation via a review of the Local Plan. As such there is no site specific policy relating to the site meaning the overall integration of the site with its surroundings or local community has not taken place. Whilst it is acknowledged that the indicative plan provides linkages between the appeal site and the remaining safeguarded site, it has failed to strategically plan for the most efficient and effective development of the site

## 7.0 Planning Balance and Conclusions

- 7.1 The table below summaries the Council's position in respect of each of the directly applicable Local Plan policies as articulated in the delegated report statement of case and proof of evidence:

Policy	Scheme in Accordance?	Weight Attributed	Reason
GB6	No	Substantial	We will only grant planning permission on sites allocated as safeguarded land for development that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.
GD1	No	Substantial	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 points (2 and 3) of policy GD1 of the Local Plan.

- 7.2 The NPPF sets out a presumption in favour of sustainable development and the Government's key objective to increase the delivery of new homes. Paragraph 11 identifies this presumption is to be applied in making decisions. Footnote 8 includes,

in terms of policies being out-of-date, situations where the Local Planning Authority is not able to demonstrate a 5 year supply.

- 7.3 It is acknowledged that the tilted balance is engaged in this case. The Council cannot demonstrate a 5 year supply of housing land, as set out in the Statement of Common Ground.
- 7.4 The scheme would contribute up to 165 – 180 dwellings toward housing delivery targets within the borough which carries substantial weight. The most compelling benefit is clearly housing in view of the housing land supply position.
- 7.5 As stated previously, the scheme would provide Affordable Housing, contributions towards Education, Sustainable Travel, Biodiversity, Public Open Space, Public Transport Enhancements and this would carry moderate weight as these contributions are required by the relevant Local Plan Policies and SPD's. Moderate weight is attributed to these benefits of the scheme, although caution needs to be taken with the possibility of viability assessments being submitted down the line.
- 7.6 The benefits of the scheme coming forward are outlined above, however, substantial weight has to be attributed to the fact the development as proposed is contrary to Local Plan Policy GB6 as outlined above.
- 7.7 Substantial weight needs to be attributed to the failure of the development to provide a comprehensive development of the wider safeguarded site as outlined above, contrary to Policy GD1 of the Local Plan.
- 7.8 It is recognised that the weight attributed to the policy conflict and other material planning considerations is a matter for the decision maker. In the Council's opinion, based on the table and text above, and on balance, great weight should be attributed to the harm of bringing this site forward for development prematurely, and the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits.
- 7.9 The Council therefore respectfully requests that the appeal is dismissed accordingly as it is not in accordance with the Local Plan nor the NPPF, for the reasons set out above. The Council agrees with the Appellant that the tilted balance is engaged but considers that the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the acknowledged benefits.