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**2017/0008**

**Applicant:** Mr Archer Smith C/o Murdoch Planning Ltd

**Description:** Change of use of land to a private gypsy and traveller site comprising of 11 no. pitches. (Resubmission)

**Site Address:** Land to the South of Middlecliffe Lane, Little Houghton, Barnsley

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There are 102 individual objection letters and an objection from Billingley Parish Council.

### **Site Description**

The proposal site is located to the south and east of the village of Middlecliffe. It comprises part of a field and an access track which is in use to serve a Yorkshire Water sewage pumping station within part of the site. The access track joins with the B6723, Rotherham Road in a location adjacent to a cross roads whereby the B6273 Rotherham Road is crossed by Middlecliffe Road connecting Little Houghton and Billingley. No formal junction exists between the junction of the track and Rotherham Road, only a dropped crossing and the footpath forming part of Rotherham Road. The track then passes to the east and south of residential properties located on Rotherham Road and Lesmond Crescent before reaching the main part of the site. This comprises part of a field which is 0.6ha in size and is approximately rectangular in shape.

The majority of the site is currently open. This is with the exception of a small number of sheds and a small amount of vegetation which are located in a central area of the site adjacent to the Yorkshire Water equipment compound that the application red line boundary has been drawn around.

The site adjoins open land on three sides and is in a semi-rural location. A culvert and a public right of way are located alongside the eastern boundary of the site. A watercourse passes immediately beyond the southern boundary of the site and a pond is located to the south west.

### **Proposed Development**

The application seeks planning permission to change the use of the land to provide a site that is stated would be used by named members of the Gypsy and Traveller community.

A layout plan has been submitted which indicates that the site would be divided into 11 plots. 9 of the plots would contain a static caravan and space for a touring caravan. Plot 10 would be occupied by up to 4 touring caravans whilst Plot 11 would be the Wardens Office and would contain a static caravan. 13 touring caravans and a wardens office. In addition each plot, apart from the Wardens Office plot, would be provided with an amenity block containing toilet and bathroom facilities and parking provision which would be a minimum 2 spaces per plot.

A new 6m wide estate road would be constructed within the site. This would connect to the existing track that is located to the east of the houses on Lesmond Crescent and Rotherham Road before connecting with the latter.

## History

A previous application for this proposal for change of use of land to a private gypsy and traveller caravan site comprising of 11 no. pitches was withdrawn (2015/1269). Enforcement action has been taken in relation to unauthorised works to improve the access.

There have been no other previous planning applications on the main part of the site. However, the following applications relate the parcel of land located towards the northern end of the access track, to the east of Rotherham Road and Lesmond Crescent and adjacent to the site entrance:-

B/86/0574/HR - Residential Development on land to the rear of No.2 Rotherham Road.

Decision: Planning permission refused 18<sup>th</sup> September 1986 for the following reasons:-

1. The proposed access is located at a road junction which is complicated by the presence of a number of shops, a telephone call box and an alignment of roads conjunctive to excessive and therefore hazardous speeds for such conditions. In the opinion of the Local Planning Authority the proposal by significantly increasing the number of turning movements and potential obstruction at the junction, will introduce an additional source of hazard at the junction.
2. The existing track is considered to be inadequate and unsuitable to cater for the vehicular traffic generated by residential traffic.

B/90/1073/HR – Erection of 3 No. detached dwellings with private garages on land off Lesmond Crescent (Outline). Decision: Outline planning permission granted with conditions 1<sup>st</sup> November 1990.

B/00/0894/HR - Residential Development - 3 detached dwelling houses (Outline) on land off Lesmond Crescent. Decision: Outline planning permission granted with conditions 29<sup>th</sup> September 2000.

B/02/1371/HR - Formation of new parking area, seating area, litter bins, block paving, planting box, new hedging and bollards on land at Post Office Corner, Middlecliff Lane/Rotherham Road. Planning permission granted with conditions 20<sup>th</sup> November 2002.

## Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

## Core Strategy

CSP2 'Sustainable Construction'  
CSP3 'SUDS'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP34 'Protection of Green Belt'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'

## Saved UDP Policies

UDP notation: Green Belt with the exception of a portion of the access track which is included in the Housing Policy Area notation affecting the adjacent land forming the existing part of the village.

GS6/DA5 'Extent of the Green Belt'  
GS7 and GS8 'Development within the Green Belt'

## SPD's

-Designing New Residential Development  
-Parking

## Emerging Local Plan

SD1 Presumption in favour of sustainable development  
GD1 General development  
D1 Design  
T4 New Development and Highway Improvement  
GB1 Protection of the Green Belt  
Gt1 Sites for Travellers and Travelling Showpeople.  
Poll1 Pollution Control and Protection  
CC4 Sustainable Drainage Systems (SuDS)

## NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
— specific policies in the Framework indicate development should be restricted.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

87. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

#### Planning Policy for Traveller sites – DCLG

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

#### **Consultations**

Biodiversity Officer – Has assessed the ecology report that has been submitted but is of the opinion that it is inadequate and needs updating following further surveys. In particular the report does not adequately assess nearby habitats, boundary vegetation, or provide suitable mitigation.

Billingley Parish Council – Object based upon the following summary of concerns:-

- Unsuitable location - Consider that the application is contrary to Core Strategy CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople' in relation to the criteria for suitable sites being as there are no schools or doctors within the village.
- Inappropriate development in the Green Belt.
- Harm to the setting of the Billingley Conservation Area.
- Highway safety – A long and narrow access which would not allow for two way vehicle movements and conflict with a section of the highway which is already very busy and difficult.
- Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for.
- Concerns about the site being contaminated from noise, waste water pollution, flood risk.
- Query whether the applicants meet the definition of being gypsies or travellers given the reference to the applicants living on a static site at Ings Road, Low Valley.
- Query whether restrictive covenants are in place.

Contaminated Land – No comments at the time of preparing report but previously raised concerns about the potential for the land to be contaminated by the previous use of the site as a waste water treatment works.

Drainage – No objections subject to conditions.

Environment Agency – There is a discrepancy within the application and supporting information regarding disposal of foul effluent from this proposal. The application form states 'septic tank' but the drainage statement states disposal will be to mains sewer. Providing the foul effluent is disposed of to the mains sewer, we have no objection. However, we will object if the proposal is to discharge to a septic tank due to the proximity of the main sewer in this area

YWA- Initially raised issue of inaccurate certificate B declaration. This has now been resolved but YWA object to the proposed development as the submitted site layout shows that the tourers within plots 2, 3 and 4 will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable.

Highways – Object on highway safety grounds based upon the following:-

1. The access to the site is located on a heavily trafficked, classified road, in close proximity to a road junction and immediately opposite another road junction. It does not allow two way traffic flows which will result in vehicles waiting on the highway to the detriment of free and safe flow of other traffic on the highway. The access is long and there are no opportunities for vehicles to pass each other, resulting in excessive reversing manoeuvres. Access would be required for a fire appliance including a turning head.
2. The access is not suitable for any intensification of use which this development would represent, and would be detrimental to the free and safe flow of other traffic on the highway, both vehicular and pedestrian.

Pollution Control – Raise no objections to the application.

PROW – There are no Public Rights of Way on this site.

Tree Officer – No objections subject to conditions.

Waste Management – Object based upon the following:-

- The track is unsurfaced and is not wide or substantial enough for any waste collection vehicles to attempt collection of waste.
- Concerns are raised that a collection point near to the site entrance would be dangerous and put operatives and other users of the highway at risk due to the heavy traffic flows and the existing complexity of the road network in this area.

## **Representations**

The application was advertised by notices in the press and on site and by individual neighbour notification letters to neighbouring properties. 102 individual objections have been received. In summary the main concerns expressed are as follows:-

Inappropriate development in the Green Belt. Concerns are raised that the development would blur settlement boundaries with adjacent villages.

Harm to village character and ambience.

Overdevelopment of the village.

Extension of the village by a disproportionate size and that it would be overbearing.

Harm the appearance of the village and concerns that the development would be a local eye sore.

Harm to the living conditions of existing properties as a result of increased noise and disturbance and loss of privacy.

Loss of land used for animal grazing purposes and agriculture.

The applicants very special circumstances case is disagreed with - The assertion is made that the applicants concerns about flooding at the Ings Road site do not take into account of the flood defence work that has been carried out in that area since 2007 and that there has been no flooding since. In addition a point is made that large numbers of other people were affected by the floods in 2007 and that the applicants should be treated any differently because of this. It is also asserted that families are being forced to cohabit it is as a result of a failure to protect themselves with appropriate insurance and that if residents move they will be forced to continue to co-habit. As such it is asserted that they should continue to live on the existing established site. In addition is disagreed that the application site would deliver one of the applicants stated aims of being secluded because it would be overlooked by a number of the dwellings on Lesmond Crescent.

No justification has been provided to demonstrate why the proposal is in the best interests of children.

Concerns about an increase in surface water flooding affecting adjacent land and properties due to the increase in areas covered by impermeable hardstandings.

Concerns about pollution of the local aquatic environment from foul water from the development and vehicles.

It is asserted that traveller's business is scrap metal or ground works, and use heavy duty vehicles.

It is questioned whether plot 10 is located outside of the site on the farmers field.

It is stated that a legal covenant prevents development on the land, although this is not a material planning consideration.

It is questioned who is the true application due to difference persons being named as the applicant and client.

A copy of the land sale particulars have been provided dating back to when the site was up for auction showing that the access track is not included in the land title.

Concerns that the proposal site is contrary to the criteria for determining suitable sites in policy CSP18. Any proposal for an unallocated Gypsy site should be decided as part of Local Plan process

It is questioned whether the applicants meet the definition of gypsy and travellers on the grounds that the Ings Road is a static and permanent site.

It is asserted that there are many other suitable alternative brownfield sites that are available

It is stated that the application site is more at risk because of the problems in this area with blocked drains.

It is asserted that the site is unsuitable as it is low lying and as many areas are under water or waterlogged during many months of the year and is near open water.

Highway safety – Unsafe access. Concerns about the section of road near to the proposed access entry being the subject of a large number of accidents and that the development would increase the risk of further accidents occurring. Concerns about the stability of the access track because of flooding and broken pipework under the track.

Concerns that the development would add congestion to an existing overly congested area of the highway network. Congestion at peak times is stated to be particularly problematic.

Concerns that traffic accessing the development would cross a footpath near to a bus stop and would prejudice pedestrian safety, including children. There is no safe crossing point for children.

Concerns are raised that the access and that the sections of the highway outside the site are not large enough to accommodate the vehicles and the manoeuvres associated with bringing the static and touring caravans on the site and any other construction traffic.

Not possible to get refuse or fire vehicles along this track. Unauthorised works have been carried out to the track to widen it.

Planning history – It is stated that previous applications have been refused on highway safety grounds and the decision for this application should follow suit.

Extension of a village that has inadequate amenities, infrastructure and resources.

Concerns that the development would be affected by odours from the Yorkshire Water facility.

Biodiversity – Harm to biodiversity interests including habitat suitable for birds of prey, barn owls, lapwings and sky larks, newts, frogs, toads, bats and small mammals.

Concerns about the ability of local schools and doctors to cope with the additional demands. Would put a strain on health and education services.

Concerns that the development would threaten the structural integrity of the sewerage system which has become blocked in the past and resulted in foul sewage being deposited in the private gardens of houses in the area.

It is queried where bin storage and collection points would be within the development.

Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for which would increase all the negative effects associated with the development. The proposal will have more caravans than claimed.

Concerns that private property would be damaged by vehicles and caravans negotiating the narrow access to the site due to the narrow width and proximity of land, walls and fences belonging to existing houses.

Concerns that Billingley roads would be used as a rat run by traffic to avoid the additional congestion.

Land ownership – It is queried whether other parties own some of the land within the application site.

It is queried whether emergency service vehicles could access the site in an emergency.

It is asserted that other available sites exist elsewhere.

Harm to local businesses.

Inadequate bus service.

Proximity to electricity pylons.

Concerns that the proposal for a warden's office indicates that the site will be run as a business for transient occupants rather than the site being occupied by the families stated.

It is questioned how electricity to the development would be supplied and if this would lead to noise nuisance if generators were required.

Localism – It is stated that the amount of local opposition should dictate that the application is refused planning permission.

It is asserted that the problem of this application should never have arisen in the first place should the Council have allowed the proposed gypsy and traveller site at Doncaster Road in Darfield. It is also queried why the Grange Lane temporary transit site was closed down by the Council after a short period.

Concerns about pollution based upon concerns about sewerage from the development and the lack of detail within the application about its disposal.



Concerns that the ground is made of clay and that soakaways would not be an option for surface water drainage.

It is stated that such sites should only be considered if they have been allocated in the local plan process and that potential sites in Middlecliff such as the application site have already been discounted. It is also stated that the 5 year supply can be provided as Carlton Industrial Estate, Royston and Grimethorpe.

Conflict with the vehicles associated with local residents accessing and egressing their properties.

Light pollution.

A concern the visual impacts of the development could not be mitigated by planting.

Removal of vegetation prior the application being submitted.

Proximity to watercourses and concerns about the site being unsuitable because of flooding.

Site is clearly visible from adjacent houses and will adversely affect their outlook. Loss of views (although this is not a material planning consideration)

Pollution of local watercourses and ditches from the site.

Concerns that the site will be contaminated from the previous use as a sewage works.

Concerns that the development would increase the burden on the adjacent farm business.

Query whether the applicants meet the definition of being gypsies or travellers.

Reduction in property values (although this is not a material planning consideration)

It is queried who would pay for bin collection and other public services used by the applicants.

Increase in litter and scrap.

Concerns about racial tensions and community cohesion.

Concerns that the Council and tax payers would pick up the cost of addressing any flooding problems once developed.

It is asserted that previously unauthorised work has caused damage to Council land and private property.

Fears about public safety concerns from elderly residents.

Concerns that all local facilities including schools, doctors and shops are located outside of the village meaning that the development would add additional traffic to the roads and the congestion problems.

Drainage – Concerns that the application is insufficiently detailed with regards to surface water and foul water drainage details.

Harm to the setting of Billingley Conservation Area.

It is asserted that inaccuracies on the submitted plans and forms e.g. there are more caravans shown than in the description, no topographical survey provided, they do not show power cables that cross the site. It is says no works will take place to access but there was an injunction to stop such works. The correct amount of parking is not shown.

## **Assessment**

### Principle of development

The majority of land included in the application is in the Green Belt where most forms of development are classed as inappropriate including Gypsy and Traveller sites. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However regard also has to be had to the Government's Planning Policy for Traveller sites. This requires the following issues to be taken into consideration:-

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections*

However, subject to the best interests of the child, the National planning policy states that personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

In terms of need, as part of the Local Plan submission, a background Paper on Gypsies, Travellers and Travelling Showpeople has been produced. This utilises information gained through the Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015. In summary this states that there is a five year requirement of 7 pitches between 2014/15 and 2018/19, increasing to 11 pitches for the period 2014/15 to 2021/22. Over the full Local Plan period there is a requirement of 18 pitches. On paper therefore the provision of 11 new pitches would make a contribution towards addressing the unmet need. However the supporting statement states that the majority of proposed residents currently reside on the Ings Road Caravan site in Low Valley and such it would seem that the proposal is mainly about seeking relocation rather than contributing to the shortfall in the number of pitches.

The statement that the majority of residents currently live at the Ings Road site implies that some currently live elsewhere. However, no further information has been provided, therefore it is not possible to afford much weight under the needs section of the assessment. On this point it can also be said that the Local Plan submission provides pitches to accommodate 19 pitches over two sites so on this point it can be said that unmet need is moving nearer to being addressed due to the site that the emerging plan has reached.

In terms of the applicant's personal circumstances, the supporting statement states that the development would be occupied by 22 children. In addition it states that the residents of the Ings Road site have suffered from repeated flooding incidents that have ruined people's homes and possessions and left people feeling vulnerable and insecure based upon the fear of future flooding incidents.

Potentially more weight should be given to these considerations. However the applicant has not provided details of which schools the school age children forming part of the application currently attend and so it is not possible to understand how the application relates to their needs. In addition the same very special circumstances have already been used to justify planning permission for a 10 pitch site on the site located at Burntwood Cottages several miles to the north of the site.

In the absence of a clear explanation as to why any vulnerable residents were left behind on the Ings Road when the Burntwood Cottages site was developed it is unclear what level of weight should be afforded to this point, or whether this is an attempt to reuse the same argument on a problem that has already been dealt with.

The introduction of 10 static caravans , 13 touring caravans, amenity blocks, hard standings including 6m wide road, turning head and parking spaces and the other domestic paraphernalia that would be likely to arise would have a significant and harmful effect on openness through the site conflicting with the aims of national Green Belt planning policy. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt.

The national policy statement also instructs Council's to apply locally specific criteria to assess applications that may come forward on unallocated sites. CSP18 of the Core Strategy (Sites for Gypsies, Travellers and Travelling Showpeople) is the relevant policy. This states that new sites in terms of their broad location should have good access to facilities and be primarily located in urban areas.

This is not the case with the application site which is located adjacent to a village that is not intended as a location to accommodate growth in the Core Strategy in order to deliver sustainable development. This is reflected in the fact that the site is also remote from schools, health care facilities, supermarkets and other services. The site is therefore judged to be contrary to policy CSP18 which is a development plan policy and needs to be afforded significant weight accordingly.

In summary, the proposal is contrary to national and local Green Belt planning policy. Regard has been had to the National Policy for Traveller Sites, but this reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the very special circumstances case put forward as it is insufficiently detailed. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site does not benefit from good access to facilities.

#### Visual amenity

The proposal site is a sensitive greenfield site that forms countryside located around Middlecliff, a small village which currently has a neat settlement boundary that is approximately rectangular in shape. The proposal would have the effect of extending the urban boundary of the village to the south east as an isolated splinter of development. In addition the development would have an urbanising effect on this land which forms the entrance to the village from the south. These roads including the B6723 and A6195 are heavily trafficked. Land levels rise up from this direction which increase the prominence of the site.

The introduction of 10 static caravans , 13 touring caravans, amenity blocks, hard standings including 6m wide road, turning head and parking spaces and the other domestic paraphernalia that would be likely to arise would have a significant visual impact on long range views. In addition the development would disrupt the existing neatly defined village

envelope, leading to sprawl and development in the countryside. The harm caused to an important view/vista of the village of Middlecliff would be in conflict with policy CSP29 'Design'.

### Residential Amenity

The relationship between the proposed static and touring caravans with existing properties is such that the development should not lead to problems of overlooking and overshadowing. However as access to the development passes immediately behind the gardens of Nos 3-10 Lesmond Crescent Noise and disturbance would be a significant problem due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site. In addition the increase in noise and disturbance levels arising from the development would adversely affect the residents of the existing properties due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use.

In terms of amenity levels for future residents, the proximity to the Yorkshire Water means that if approval of the proposal is to be considered a condition that the compound be screened by vegetation planted within the application site facility should be attached. Apart from this the proposal provides adequate amenity for future occupants.

### Highway Safety

The proposal is to access the site via an unmade track. This connects with the B6273 Rotherham Road which is a heavily trafficked classified road in a location that is directly adjacent to a staggered crossroads junction where it is crossed by Middlecliff Lane to Little Houghton and Billingley. Works to improve this track have been subject to enforcement action. This resulted in an injunction being served to prevent this work taking place. This is still in force.

Historically the access track has been used on an infrequent basis by service traffic associated with the pumping station on the site. In addition the access is long and there are no opportunities for vehicles to pass each other.

Highways consider that the site access is not suitable for any intensification of use taking into account those characteristics due to the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. These concerns also relate to the difficulty fire appliance and refuse vehicles would have with accessing and egressing the site. Furthermore there is also the potential for pedestrian safety to be compromised. Based upon this Highways have recommended that the application should be refused planning permission due to the likelihood of conflicts between vehicles associated with the development and other road traffic.

In addition to the above the rights of the applicant to use the track to provide access to the development are in question given the representations from 2 different landowners which assert that they own parts of it. Also the sales particulars from the land when it was sold at auction appear to show that it was sold without the access track being included. Ultimately however land ownership is not a material planning consideration meaning that this would be a separate matter for the applicant to resolve outside of the planning process. The same is also true of the any legal covenants affecting the land.

### Biodiversity

The site is located in the Dearne Valley Nature Improvement Area. In addition the grassland, trees and wetland features located on or near to the site form habitat that is suitable for a

range of ecology including protected species. The application has been accompanied by an ecological survey to determine the biodiversity value of the site.

The Biodiversity Officer has assessed the ecology report and has commented that it does not provide an adequate assessment of the ecological issues facing the site. In particular the report does not adequately assess nearby habitats, boundary vegetation, or provide suitable mitigation to conserve and enhance the biodiversity of the area. Based upon this assessment, it is considered that insufficient information has been submitted with the application to determine whether or not the development would have an unacceptable impact on biodiversity, including protected species having regard to CSP36 of the Core Strategy 'Biodiversity and Geodiversity'

#### Ground conditions

In the previous application for this site (2015/1269) concerns were raised by the Land Contamination that the site is potentially contaminated from being used more extensively in the past as a waste water treatment. However the application has not been accompanied by a detailed ground investigation report to identify the risks and any mitigation measures that would be necessary. Again therefore insufficient information has been submitted with the application to determine whether future occupants of the site would be affected by contamination issues having regard to policy CSP39 'Contaminated and Unstable Land'.

#### Flood Risk/Drainage

Notwithstanding the comments received from residents no part of the site is located in a flood risk area. In addition the site is stated to be less than 1ha in size. Based upon this the Council is not in a position to insist that the application is accompanied by a Flood Risk Assessment.

The initial proposals for drainage are soakaways for surface water and a septic tank for foul drainage. An assessment of the ground conditions would need to be undertaken to determine whether the site is suitable for soakaways. In addition it would be necessary to apply the foul drainage hierarchy before determining whether or not a septic tank would be acceptable. However the Drainage section would be content to agree the drainage details under a pre-commencement planning condition. This would need to ensure that a suitable drainage scheme is designed so that surface water run rates do not exceed greenfield run off rates. A further issue however is that the proposed site warden's office would be built over a sewer and this has resulted in an objection from Yorkshire Water to the proposed site layout accordingly.

#### Public rights of way

Contrary to the assertions made by some of the local residents no public rights of way would be affected by the development according to the Public Rights of Way Officer.

#### Conclusion

The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness and in addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt.

Due regard has been given to the National Policy for Traveller Sites, which reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the insufficiently detailed very special circumstances case put

forward. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site, which is not within an existing urban area does not benefit from good access to facilities.

In addition the proposed development is also considered unacceptable on highway safety grounds and due to the likely impact on the living conditions for the residents of existing properties. Furthermore insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from a contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Accordingly the proposal is contrary to the National Planning Policy Framework, the National planning policy statement for traveller sites and policies CSP18, 26, 29, 34, 36, 39 and 40 of the adopted Barnsley Core Strategy.

## **Recommendation**

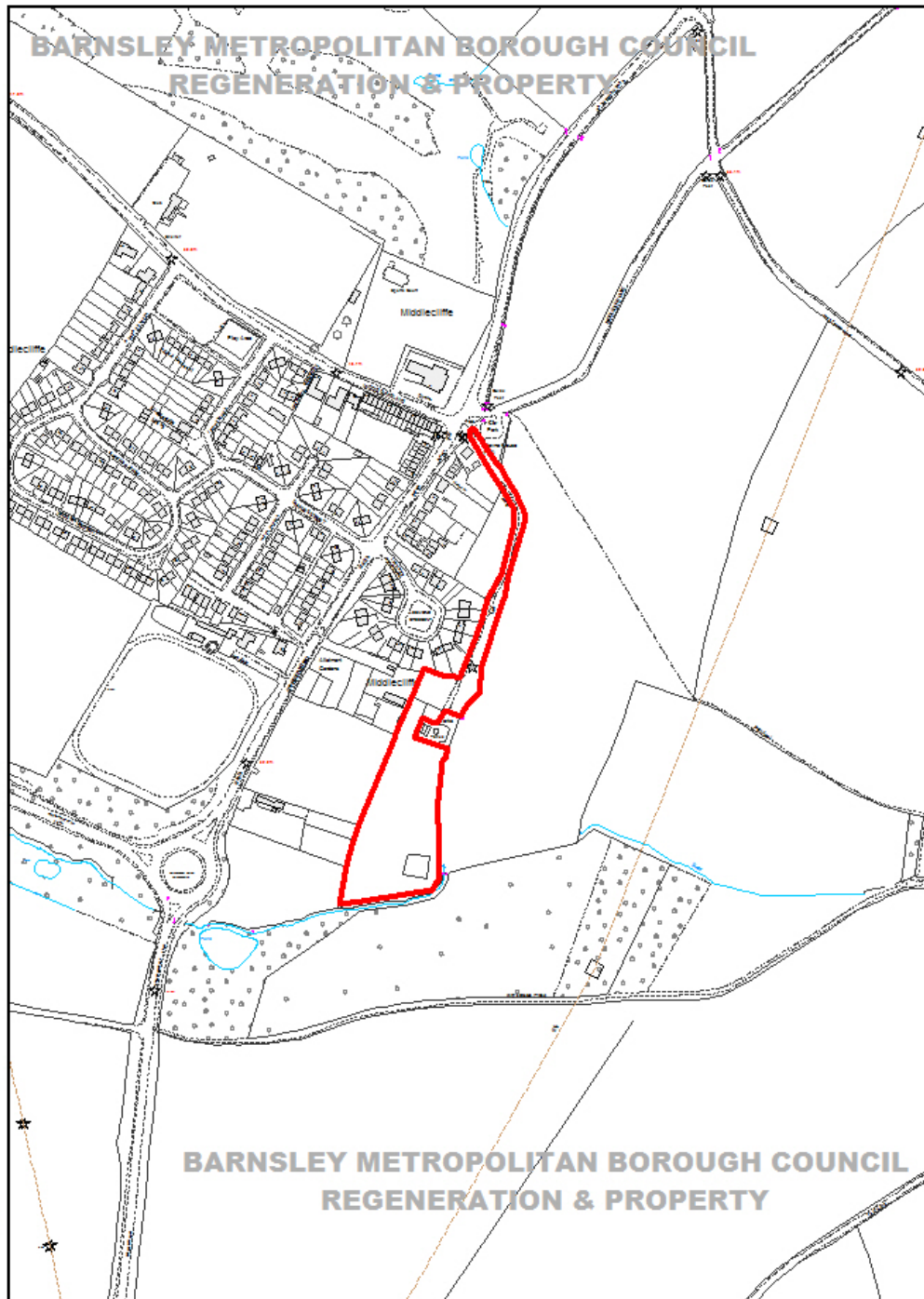
**Refuse** for the following reasons:

1. The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt. Furthermore, the proposed development would harm an important view/vista of the village of Middlecliff.  
Due regard has been given to the National Policy for Traveller Sites, which reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the insufficiently detailed very special circumstances case put forward. Accordingly the proposal is contrary to the NPPF, Core Strategy Policy CSP34 Protection of the Green Belt and CSP29 Design.
2. The proposal is contrary to policy CSP18 of the adopted Core Strategy as the site, which is not within an existing urban area does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area.
3. The proposal is to access the site via an unmade track which would not be suitable for any intensification of use taking into the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. Furthermore there is also the potential for pedestrian safety to be compromised. Therefore, the proposed development is considered unacceptable on highway safety grounds and would be contrary to Core Strategy policy CSP26 New Development and Highway Improvement.
4. Due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site it is considered that the increase in noise and disturbance levels arising from the development would adversely affect the residents of the existing properties close to the site due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use. Therefore, the proposals would be contrary to Core Strategy policy CSP40 Pollution Control and Protection.
5. Insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from a contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Therefore, the proposals would be contrary to Core Strategy policies CSP39 Contaminated and Unstable Land and CSP 36 Biodiversity and Geodiversity.

PA Reference:-

2017/0008

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**BARNESLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_