

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 19 April 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

1. Declarations of Interest  
To receive any declarations of pecuniary or non-pecuniary interest.
2. Minutes (*Pages 3 - 4*)  
To receive the minutes of the meeting held on 22<sup>nd</sup> March, 2016.
3. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits  
To consider applications whereby speakers have indicated a desire to address the Regulatory Board (*if any*).
4. Town and Country Planning Act 1990 - Part III Applications (*Pages 5 - 32*)  
The Head of Planning and Building Control will submit a report on applications received for consideration.

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Gollick, Griffin, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers (Mayor), Mitchell, Morgan, Noble, Richardson, Riggs, Spence, Stowe, Unsworth and R. Wraith

Matt Gladstone, Executive Director Place  
David Shepherd, Service Director Economic Regeneration  
Paul Castle, Service Director Environment and Transport  
Joe Jenkinson, Head of Planning and Building Control  
Matthew Smith, Group Leader, Development Control  
Steve Kirkham, Planning Officer Group Leader (Inner Area)  
Jason Field, Interim Senior Lawyer (Planning)

Parish Councils

Please contact Elizabeth Barnard on (01226) 773420 or email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Monday, 11 April 2016

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<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 22 March 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Gollick, Grundy, Hampson, Higginbottom, Makinson, Richardson, Riggs, Stowe, Unsworth and R. Wraith

### In attendance at site visit

Councillors D. Birkinshaw, Grundy, Higginbottom and R. Wraith.

### 50. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest in respect of any of the items on the agenda.

### 51. Minutes

The minutes of the meeting held on 23<sup>rd</sup> February 2016 were taken as read and signed by the Chair as a correct record.

### 52. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

**Planning Application 2015/1163** – Erection of 7 bungalows at land adjacent 30 Rotherham Road, Great Houghton, Barnsley S72 0DE

**RESOLVED** that the application be granted in accordance with the officer recommendation. Members welcomed the additional 2 parking spaces provided on the amended drawing, to be referenced as the approved site plan within condition 2. Members also requested that condition 4 (Construction Method Statement) be amended to ensure that deliveries are taken outside of school opening/closing times.

**Planning Application 2015/1407** – Application for approval of reserved matters of outline planning permission 2014/0452 for 2<sup>nd</sup> phase of development of 141 dwellings (appearance, landscaping, layout and scale) at former North Gawber Colliery, Carr Green Lane, Mapplewell.

Ms Claire Kent addressed the Board and spoke in favour of the officer recommendation to grant the application.

**RESOLVED** that the application be granted in accordance with the officer recommendation and the addition of a condition removing permitted Development Rights from plots 14,20, 56 and 57 (at the request of the Coal Authority). Members also delegated authority to officers to determine any subsequent application across the North Gawber Site that do not result in significant changes.

**Planning Application 2015/1490** – Erection of 40 no. affordable residential dwellings and associated infrastructure at former Foulstone School, Nanny Marr Road, Darfield

**RESOLVED** that the application be granted in accordance with the officer recommendation subject to conditions to include signing of section 106 agreement and securing Public Open Space compensation in the sum of £90,000 together with arrangements to maintain affordable housing provision.

**53. Town and Country Planning Act 1990 - Part III Applications**

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals. It was noted that 2 appeals were received in February 2016 . No appeals were withdrawn, 1 was dismissed (2014/1442). A total of 16 appeals have been decided since 1<sup>st</sup> April 2015. 14 appeals (87.5%) have been dismissed, 2 appeals (12.5%) have been allowed.

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Chair

# Item 4

## Report Précis

Report of the Head of Planning and Building Control to the Planning Regulatory Board

Date: 19/04/2016

### Subject

Applications under Town and Country Planning Legislation.

### Purpose of Report

This report presents for decision planning, listed building, advertisement, Council development applications and also proposals for works to or felling of trees covered by a Preservation Order and miscellaneous items.

### Access for the Disabled Implications

Where there are any such implications they will be referred to within the individual report.

### Financial Implications

None

### Crime and Disorder Implications

Where there are any such implications they will be referred to within the individual reports.

### Human Rights Act

The Council has considered the general implications of the Human Rights Act in this agenda report.

### Representations

Where representations are received in respect of an application, a summary of those representations is provided in the application report which reflects the key points that have been expressed regarding the proposal.

Members are reminded that they have access to all documentation relating to the application, including the full text of any representations and any correspondence which has occurred between the Council and the applicant or any agent of the applicant.

### Recommendation(s)

That the applications be determined in accordance with the recommendations set out in the main report which is attached. Full report attached for public and press copy (unless Confidential item).

### Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at the Civic Hall, Eldon Street, Barnsley, S70 2JL.

## INDEX

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**2015/1198 Approval**

**Page 7**

Erection of 61 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers

Land off Barnburgh Lane, Goldthorpe, Rotherham, S63 9NT

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**2013/0373 Approval**

**Page 23**

Removal of condition 1 and Variation of Condition 3 of application 2007/0905 - Extension to Planning Permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective).

The Stables, Pleasant View Street, Barnsley, S71 1QW

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**Ref 2015/1198**

**Applicant:** Gleeson Developments Ltd

**Description:** Erection of 61 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers

**Site Address:** Land off Barnburgh Lane, Goldthorpe, Rotherham

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3 representations (2 from local residents and 1 from Barnburgh View Neighbourhood Watch). No comments have been received from local Ward Councillors.

### **Site Description**

The site is a field which extends to the south of the on-going development of 145 houses by Gleeson Homes at Barnburgh Lane in Goldthorpe (permission ref 2011/1562). This development once completed shall essentially represent an extension of the existing built up area in the south east of Goldthorpe beyond the previous houses on Barnburgh Lane and Lindale Gardens.

The site is relatively level and measures approximately 1.93ha in size. There are few features within the land other than trees and hedgerows which are located around the perimeter. A public footpath crosses the site along a diagonal alignment from the south western boundary to Engine Lane on the east. The site also contains a pumping station on the northern boundary, this was built to serve the first phase of the housing development.

The site adjoins open fields to the south, east and west overlooking views of the Dearne Valley. The land is remote from existing dwellings other than the parts of the existing estate that have been completed. Approximately 40% of the houses have been constructed to date.

### **Proposed Development**

The application proposes a development of 61 houses. Taken with the initial phase of development approved under the previous consent, the cumulative total of new dwellings would stand at 206.

The houses would be two storeys in height and would be either detached or paired in semis which would be of a similar form and layout to the existing estate. Overall the plans include 11no two bed, 41no three bed and 9no four bedroom properties. Approximately half the properties would be constructed with garages.

The access would comprise of a loop road that would connect with the estate road of the existing development located across the northern boundary. This road has been constructed with a new 'T' junction with Barnburgh Lane. In addition new 2m wide footpaths have been constructed on the site frontage of the site.

### **History**

The only previous application in the field forming the application site was for the pumping station constructed to serve the development:-

2012/0446 - Erection of drainage pumping station, access track and vehicular turning area. Granted planning permission with conditions 30/05/2012

The following applications were made on the existing site located to the north:-

2011/1562 - Erection of 145 no dwellings, provision of public open space and associated works and infrastructure. Granted planning permission with conditions and a S106 Agreement relating to the provision of on site and off site public open space and on site affordable housing 04/04/2012.

2012/0935 - Removal of condition 32 of planning consent 2011/1562 – Requirement to provide 1 year travel master passes to the first occupants of each household. Granted planning permission with conditions 13/11/2012.

2013/0953 - Removal of conditions 2 (travel plan), 5 (affordable housing) and 6 (public open space) of planning approval 2012/0935 and replacement with Section 106 Agreement to cover Travel Plan, Affordable Housing and Public Open Space. Approved with new S106 Agreement 28/05/2014.

### **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 produced a Local Plan consultation, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

### Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP9 'The Number of New Homes to be Built'  
CSP10 'The Distribution of New Homes'  
CSP14 'Housing Mix and Efficient Use of Land'  
CSP15 'Affordable Housing'  
CSP17 'Housing Regeneration Areas'  
CDP19 'Protecting Existing Employment Land'  
CSP25 'New Development and Sustainable Travel'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP35 'Green Space'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'  
CSP42 'Infrastructure and Planning Obligations'

### Saved UDP Policies

UDP notation: Safeguarded Land



## SPD's

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments

## Planning Advice Note's

- 30 -Sustainable Location of Housing Sites
- 33- Financial Contributions to School Places

## Other

South Yorkshire Residential Design Guide

## Emerging Development Sites and Places DPD

Proposed allocation: Housing Proposal

## 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.

## **Consultations**

Affordable Housing Officer – Request that 15% of the overall number of dwellings are provided as affordable housing in accordance with CSP15, or that a commuted sum equivalent to that value is paid to the Council to spent on the provision of affordable housing off the site.

Biodiversity Officer – No objections to the development subject to recommended conditions securing biodiversity mitigation/enhancement.

Coal Authority – Concerns were initially raised that the site investigations have failed to identify the precise location of a former mine entry within the site. Additional information has been issued and sent to the Coal Authority, a response was awaited at the time of writing the report.

Contaminated Land Officer – No objections as the intrusive site investigation has not encountered any elevated levels of contamination.

Drainage – No objections subject to the recommended conditions.

Education – No objections have been received.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to a condition requiring the submission of a construction method statement and imposing standard working hours.

PROW – Advise that the application would be built over an existing public right of way. As such a separate application would be required for a closure or diversion.

Tree Officer – No objections subject to conditions.

South Yorkshire Police ALO – Raised comments in relation to boundary treatments and overall landscaping.

SYMAS – The site is located in a Coal Mining Referral Area and is at risk of shallow coal workings. No objections subject to recommendations of site investigation report.

Yorkshire Water – No objections subject to conditions.

## **Representations**

The application was publicised by site and press notices, in addition 72 households were consulted directly in writing.

A total of 3 representations have been received (2 from local residents and 1 from Barnburgh View Neighbourhood Watch) the issues raised are summarised as follows:

- Loss of land having biodiversity value (land, trees, wildflowers and hedgerows hosting species including Great Crested Newts, Lapwings, Cuckoo's, sparrows, bats). Related concerns are raised that the ecological report has not been carried out over a sufficient duration.
- Visual amenity – Concerns that the existing development is a blot on the landscape and that the appearance of the houses is out of keeping with the area.
- Harm to living conditions, health and quality of life via loss of privacy to home and garden from overlooking.
- Concerns expressed that a new link footpath from the site to the Dearne ALC is unnecessary, it would undermine privacy and lead to nuisance.
- Priority should be given to the development of existing vacant sites within Goldthorpe (Doncaster Road and Main Street) above that of the proposal.
- Increased noise and air pollution via increased traffic emissions.
- Highway safety – Concerns that speeding vehicles on Barnburgh Lane is a major problem at the present time and that traffic calming measures such as speed bumps, a speed camera, etc. should be installed prior to the development. This view is supported by Barnburgh Lane Neighbourhood Watch who have written in specifically to petition the Council to reduce speed limits further along Barnburgh Lane.
- Concerns are also raised about the design of Barnburgh Lane and lack of street lighting which do not provide the appearance of a 30mph road.
- Internet connection – It is stated that broadband speed is slow and that the area was due to be served by the 'South Yorkshire Digital Region' programme which has now been cancelled. Concerns are raised that the addition of 61 houses shall make speeds even slower. It is stated that existing infrastructure should be upgraded to support fibre connections before the new houses are developed.

## Assessment

### Principle of development

The proposal represents an extension to the applicant's current housing development at Barnburgh Lane. This comprises of the development of a vacant field which is identified as 'Safeguarded Land' on the UDP proposals map, the provisional designation in the Draft local Plan is as a Housing Proposal.

The development of UDP Safeguarded Land sites has been considered at previous Planning Board meetings. Members will recall that the purpose of the designation is not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may be required to meet longer term development needs, without the need to alter existing Green Belt boundaries at the end of the UDP plan period. Following the publication of the NPPF the policy is now considered to be out of date, the framework seeks to grant permission for proposals unless:-

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

The development would deliver benefits in that it would contribute towards housing growth targets being met in the Goldthorpe Principal Town which is a priority to accommodate housing growth (CSP8, 9 and 10). The development would achieve regeneration benefits aimed for by CSP17 'Housing Regeneration Areas' which is applicable in Goldthorpe.

The development would also contribute towards addressing the current deficiency in the 5 year housing land supply and reduce pressure on the need to find land elsewhere in order to meet the identified targets. All of these points are significant considerations in favour. However, the other implications of the development are assessed below:-

### The proposed development – housing policy considerations and design/visual amenity

The relevant local planning policies for assessing the plans are the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'. In addition it is necessary to consider the effect of the development on the visual amenity of the adjacent Green Belt.

The first aim of CSP14 'Housing Mix and Efficient Use of Land' is to ensure that housing developments achieve a mixture of house size, type and tenure. The fundamental aim of this policy is considered to be satisfied given that the plans contain a mixture of 2, 3 and 4 bedroom accommodation that would appeal to a variety of needs.

Policy CSP14 also aims to use land efficiently, it therefore aims to achieve a minimum density of 40dph. However this is difficult to achieve on the site which is not all developable because of a former mine shaft, the need to divert the public footpath and the need for the development to include a landscaping buffer to protect the visual amenity of the Green Belt. Also the current market conditions do not lend themselves to constructing apartments. The proposed density equates to 32 dwellings per hectare which is considered to represent an appropriate balance when also taking into account the design standards on separation distances and garden sizes in the SPD. Not requiring full adherence to this aspect of the policy would also mitigate some of the concerns raised by local residents concerning traffic levels associated within the development.

The proposals represent the development of a greenfield site, this would therefore not contribute to the policy CSP14's target of building between 55% and 60% of new dwellings on brownfield land. However, there is insufficient brownfield land available to deliver the new homes target in the Core Strategy. In addition the Council is currently unable to demonstrate a deliverable 5 year housing land supply. These considerations would therefore significantly outweigh this point.

There are few issues with the elevations, which are for the same type of modern but conventional two storey housing as the land to the north. In total 12 different house types are proposed, this provides overall variety and interest to the development preventing it from appearing monotonous.

Land located across the southern and eastern boundaries is allocated as Green Belt. To address this the plans include a 10m wide landscaping buffer on these boundaries, this would also include the retention and gapping up of the existing hedgerows. This is considered adequate to protect the visual impact of the development on these boundaries and would achieve a soft boundary in keeping with the adjacent open countryside. A thinner buffer is proposed on the western boundary, i.e. the retention and trimming of the existing hedgerow. However the adjoining land in this direction is not in the Green Belt and is proposed to be allocated for development within the emerging Local Plan. This boundary is not considered to be as sensitive given that there is a reasonable chance that it will be developed.

Future tree planting is indicated on the plans. The exact details and specifications would be agreed by condition following consultation with the Tree and Biodiversity Officers. The aim would be to secure an appropriate level of Native species.

In summary the plans are assessed to be generally acceptable in relation to housing planning policy and design/visual amenity considerations taking into account a range of policies including CSP14 'Housing Mix and Efficient Use of Land', the Designing Residential Development SPD and CSP29 'Design'. However conditions should be imposed to ensure that the planting specifications for the landscaping buffer and within the development are acceptable.

### Residential Amenity

With the exception of the dwellings under construction on the land to the north, the site is detached from existing houses within the area meaning that there are no overlooking or overshadowing issues to consider.

Within the site the layout has been designed to achieve appropriate separation distances between houses, private rear gardens are also generally designed to meet the standards in the Designing Residential Development SPD. This is with a small number of exceptions on plots turning corners (plots 152, 164 and 196). In such cases it would be appropriate to remove permitted development rights.

Levels for the plots have not been fully detailed, this would be conditioned with details needing to be approved prior to the commencement of development. The usual construction method statement would need to be put in place to mitigate the effects of noise and dust during the construction phase.

## Highway Safety

The application has been accompanied by a Transport Statement which has assessed the effects of the development on the local highway network. The report confirms that the spine road approved to serve the existing development was designed to accommodate the associated traffic and pedestrian flows arising from further development, this also applies to the junction between the site and Barnburgh Lane. Internally within the scheme the road layout and the number of parking spaces has been designed to comply with the relevant standards.

The report identifies that the development would generate approximately 41 additional two way traffic movements in the morning peak and 49 additional movements in the evening peak. This is in addition to the 102 (AM Peak) movements and 123 (PM Peak) associated with applicants adjacent site. Highways support these conclusions and do not identify any operational or capacity issues.

The local neighbourhood watch group have raised concerns about excessive vehicle speeding on Barnburgh Lane. The road is subject to 30MPH speed limit, in addition vehicle activated warning signs are also in place. The accident data has been analysed and does not support the case for additional measures such as speed cameras, bumps and additional street lighting to be provided.

The sustainable travel implications of the development have also been considered. The site can be criticised because of the walking distance to the nearest shops and services. However, the site is not devoid of sustainable travel credentials and it is noted that there are public footpath connections within the area that link to nearby primary and secondary schools, shops and public open space. Barnburgh Lane is also served by a bus route (the number 224) which provides half hourly services to the other Dearne Towns, Mexborough and Doncaster during the day (Monday to Friday) and an hourly service in the evening/weekends. Further afield the bus services 218 and 226 can be accessed from the B6098 located approximately 900m from the centre of the site, whereby more regular services can be used to access into Barnsley and Rotherham. In addition to the above the train station in Goldthorpe provides rail services connection to Leeds, Sheffield, Wakefield, Rotherham and Meadowhall.

The application is accompanied by a Travel Plan which identifies the following targets:-

- A reduction in the total number of cars accessing the site during peak hours by 10%
- No more than 50% of peak hour two-way trips single occupancy car journeys
- 14% of peak hour journeys to be by public transport
- 4% of peak hour journeys to be by cycle
- 18% of peak hour journeys to be by foot

Achieving these targets would ease some of the sustainable travel concerns associated with the development as per the aims of CSP 25 'New Development and Highway Safety' in this respect. The travel plan would be overseen by a co-ordinator who would work with the residents to deliver the targets and a regime for monitoring. To ensure this takes place it is recommended that this would need to form part of any S106 Agreement associated with the application.

Overall there are no objections to the development in highways or sustainable travel terms having regard to policies CSP25 and CSP26.

## Other S106 considerations – education, public open space and affordable housing

Education – A new primary school is under construction in Goldthorpe which is being built with sufficient capacity to accommodate the amount of housing growth envisaged by the Local Plan. Consequently no objections have been received from Education on capacity grounds.

Open space provision –New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. The existing phase 1 development would include a LEAP standard play area. Taking this into account the greenspace needs assessment has indicated that provision would best be met via a commuted sum for enhancement of existing off site facilities. Using the formula in the SPD the requirement would be for a sum of £104,593.25. This would require a S106 Agreement to be entered into.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. A viability appraisal has been submitted asserting that it is not possible to secure any affordable housing, on account of the costs associated with developing the land, mining legacy issues and the modest revenues that would be generated by the ‘Gleeson Model’ (which is to sell houses at a low cost on the open market). This appraisal is based on current market conditions, and due to the number of dwellings that are still to be built out as part of the existing development it may be some time before houses are built and occupied on this phase of the site. In these circumstances it would be prudent to require a new viability test at a time near to the occupation of the 1<sup>st</sup> dwelling whereby the site can be appropriately tested against the market conditions at the time. This approach was agreed on the adjacent development which requires the viability to be retested upon occupation of the 70<sup>th</sup> dwelling (the trigger has yet to be met), it is proposed to adopt similar approach with the mechanism being set out in a S106 Agreement.

## Other considerations

### Making efficient use of land

The adjoining land to the immediate west of the site is also proposed as a Housing allocation within the emerging Local Plan. Provision of a potential access to this land was included in the plans already approved under the applicant initial phase of development. As such, the proposals being considered would not prejudice the delivery of the wider (potential) housing allocation.

### The existing public right of way

The site is crossed by a public footpath. There is however, already an existing alternative route around the site which would indicate that its loss would not be significant. Nevertheless a separate application would need to be made to close or divert the footpath before any changes could be formalised.

### Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is in flood risk 1 where the probability of fluvial flooding is classed as less than 1%. As such there is no requirement for the development to be subject to the sequential test or the exception test. In addition the site is classed to be at low risk of surface water flooding (less than 1% also). This means that the site complies with national policy and the requirements CSP4, with there being no flood risk constraints that would prohibit housing development.

Notwithstanding the above, the management of surface water runoff and its influence on flooding downstream is an important consideration. The FRA calculates that the development would increase surface water runoff volumes by approximately 112%. However this would be attenuated by restricting the peak run off rate to that of a greenfield run off rate (6.93 l/s), this would be achieved through the provision of on-site storage. These details are acceptable in principle, but have not been included as part of any detailed drainage design. This can be addressed by way of a condition details of which would need to be agreed the relevant drainage authorities.

### Ground Conditions

The site is located in a Coal Mining Referral Area with a shallow workings and a former mine entry recorded within the boundary. The submitted ground investigation report concludes that remedial works shall be required to make the site suitable for housing development, land instability and potential fugitive gases are identified as risks.

Shallow coal workings shall require drilling and backfilling with grout, this would apply across the development area including housing plots, roads and pavements. In addition suitably engineered foundations and precautions for the migration of fugitive gases would also need to be employed. SYMAS are satisfied that the risks to the development have been appropriately assessed and do not object to the proposals subject to a condition being in place requiring the mitigation measures to be carried out as part of the development. Confirmation is currently awaited from the Coal Authority that they are satisfied that the mitigation proposals for the former mine entry are acceptable.

### Ecology

The application is supported by an ecological survey which concludes that the site mainly consists of improved/poor semi-improved grassland of low intrinsic ecological value. A pond lies to the south of the site and a single Crested Newt was found on the site during the survey period for the previous application. An additional survey has been undertaken which has found no evidence of the newts either within the site, or in the pond. Notwithstanding the results of the survey, it is recommended that the protective fencing around the existing site is maintained during the construction period as a precaution.

Other biodiversity issues relate to the existing hedgerows which are suitable for bird nesting. The development would result in the loss of a hedgerow on the northern boundary it is proposed to carry out management of the hedgerows on the other boundaries. This would need to be carried out outside of bird nesting season or be preceded by a survey. The planting up of gaps in the hedgerow and the proposed 10m wide landscaping buffers on the eastern and southern boundaries would represent enhancements. Overall the Biodiversity Officer is content with the survey that has been undertaken, subject to recommended enhancements being secured the proposals complies with the requirements of policy CSP36.

### Broadband speed

This is not currently a planning matter. However the issue has been raised with the Council's Broadband Programme Manager to see if anything can be done to improve broadband speed within the area.

## Conclusion

In summary, the proposed housing development would be built upon designated Safeguarded Land. The proposal would therefore not comply with the relevant land use policy in the UDP. However, the relevant policies are classed to be out of date by the NPPF, based on the age of the UDP and the Councils (current) lack of a 5 year housing land supply. In such circumstances 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

The development would deliver social and economic benefits associated with the construction and provision of houses which would contribute towards the current deficiency in the 5 year housing supply and the target for the overall number of houses aimed to be built in the Borough the Goldthorpe Principal Town during the Core Strategy plan period. In addition no impacts have been identified that would be significant and adverse enough to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- The site is located in the Goldthorpe Principal Town and is therefore in a priority location for growth which is expected to yield 3000 dwellings over the plan period to contribute towards the overall aim of delivering 21500 new dwellings before 2026 in accordance with the adopted Core Strategy.
- The development would contribute towards delivering some of the regeneration aims of policy CSP17 'Housing Regeneration Areas' which is applicable in Goldthorpe.
- The plans are assessed to be acceptable in relation to housing planning policy and design/visual and residential amenity considerations having regards to the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'.
- The proposal is judged acceptable on highway safety grounds subject to the mitigation taking into account policies CSP25, CSP26 and CSP40.
- The proposals are considered to satisfy the relevant Core Strategy policies covering other material considerations including flood risk, biodiversity, land stability, trees and pollution control issues.

A potential concern is that the development would not deliver any affordable housing. However, the applicant has agreed to viability being re-tested prior to the commencement of development to reevaluate whether or not an affordable contribution would be achievable. Aside from this issue, it is recommended to the Board that the application is granted planning permission, subject to the completion of a section 106 agreement and the provisions of the recommended conditions.

## Recommendation

**Grant planning permission subject to completion of S106 Agreement (Public Open Space, Viability re-testing to see if an affordable contribution is viable to pay prior to the commencement of development on the first houses to be built and to legally secure the implementation of the measures in the Travel Plan).**

- 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 plans and specifications as approved unless required by any other conditions in this permission:-

Site location plan

Gleeson Homes plan 453/2-D 'Planning Layout'

Gleeson Homes plan 201/1F '201 dwelling type'

Gleeson Homes plan 13/201-8 rev C elevations (Rural 13)

Gleeson Homes plan 202/1F '202 dwelling type'

Gleeson Homes plan 13/202-9 rev C 'Type 202 elevations (Rural 13)

Gleeson Homes plan 301/1G '301 dwelling type'

Gleeson Homes 13/301 - 8 rev D type 301 elevations (Rural 13)

Gleeson Homes plan 13/302 - 9 rev C 'type 302 elevations'

Gleeson Homes plan 302/1G '302 dwelling type'

Gleeson Homes plan 13/303-9 rev C 'type 303 elevations (Rural 13)

Gleeson Homes plan 303/1E '303 dwelling type'

Gleeson Homes plan 13/304-10 rev C type 304 elevations (Rural 13)

Gleeson Homes plan 304/1E '304 dwelling type'

Gleeson Homes plan 13/307-10 rev D type 307 elevations (Rural 13)

Gleeson Homes plan 307/1A '307 dwelling type'

Gleeson Homes plan 13/309-10 rev C type 309 elevations (Rural 13)

Gleeson Homes plan 309/1E '309 dwelling type'

Gleeson Homes plan 13/310-10 rev C type 310 elevations (Rural 13)

Gleeson Homes plan 310/1D '310 dwelling type'

Gleeson Homes plan 13/311-8 rev A type 311 elevations (Rural 13)

Gleeson Homes plan 311/1A '311 dwelling type'

Gleeson Homes plan 13/401-9 rev C rev A type 401 elevations (Rural 13)

Gleeson Homes plan 401/1G '401 dwelling type'

Gleeson Homes plan 13/404-9 rev B rev A type 404 elevations (Rural 13)

Gleeson Homes plan 404/1F '404 dwelling type'

Gleeson Homes plan 13/405-9 rev C rev A type 405 elevations (Rural 13)

Gleeson Homes plan 405/1D '405 dwelling type'

Gleeson Homes plan SD701 'detached single garage'

Gleeson Homes plan SD702 'twin garage'

Edward Architectural Services drawing SD103 'Post and Wire Fence'

Design and Access statement (incl. 'Maximising Security Through Design')

Ecology report

Flood risk assessment

Desktop Archaeological Survey

Tree Survey

Site investigation

Transport assessment

Travel plan

Viability assessment  
Drainage statement  
Materials Schedule

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 6 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

7 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

8 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.**

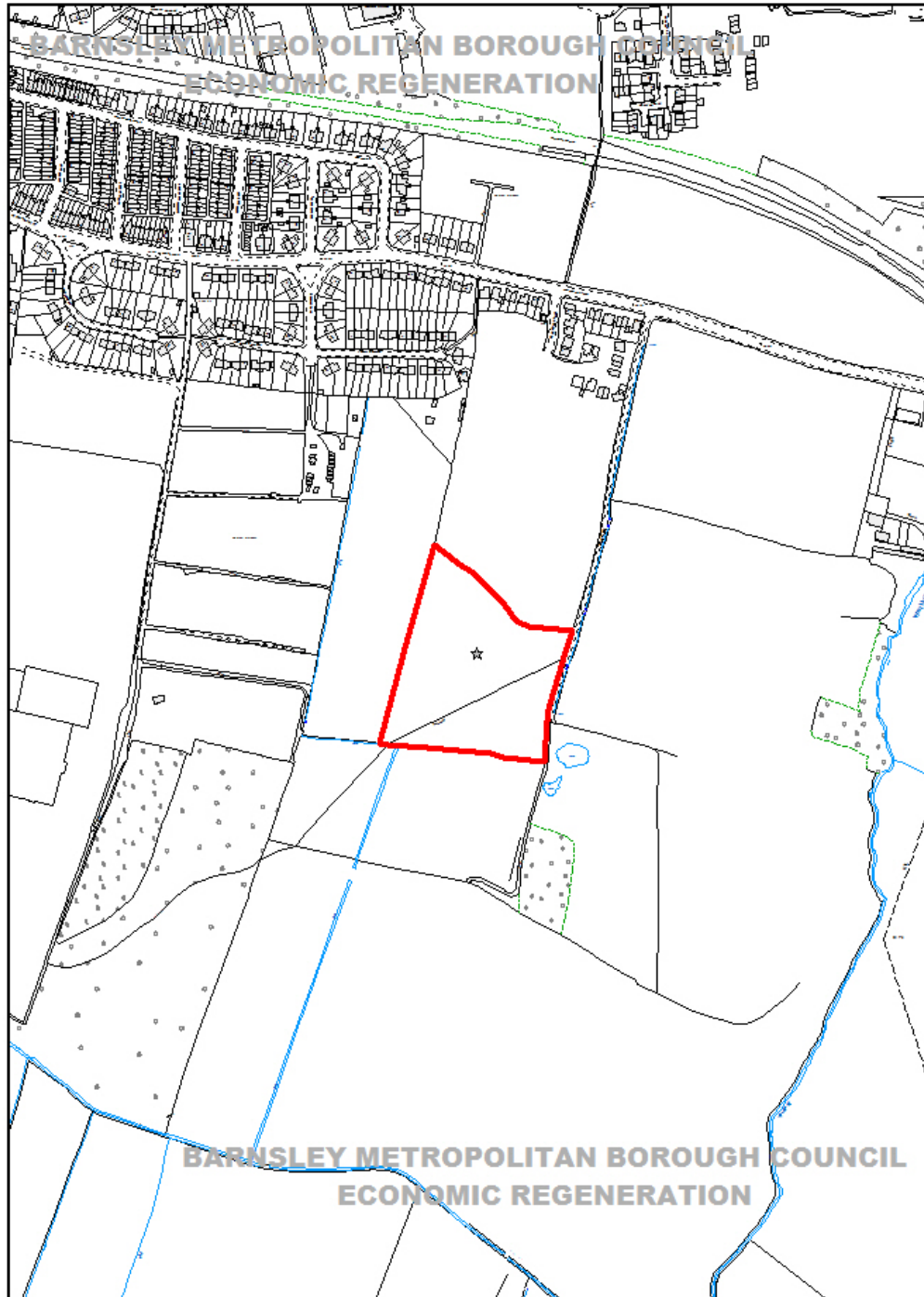
9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the 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 dwellings.

**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**

- 10 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 others of similar size and species.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
  - Tree protection plan
  - Arboricultural method statement
- Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**
- 12 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place 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: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**
- 13 The boundary treatment indicated on plan ref 453/2-C 'planning layout' shall be completed before the individual dwellings are occupied.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**

- 14 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 15 The developer shall undertake the ground stabilisation works as detailed in Eastwood and Partners Geo-Environmental Report ref 34041-020 to ensure the mining legacy issues are remediated. The works shall be carried out in compliance with CIRIA publication 32 'Construction over Abandoned Mine Workings' where applicable and will include (but not limited to) the drilling and grouting of development plots, roads and pavements prior to construction. Suitably engineered foundations and precautions for the migration of fugitive gases shall also be employed.  
**Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.**
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 152, 164 and 196 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, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.**
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.  
**Reason: To prevent damage to the existing culverted watercourse in the interests of policy CSP4 Flood Risk.**

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**BARNSLEY MBC - Economic Regeneration**



Scale 1: -----

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**2013/0373**

**Applicant:** Mr Alan Hanrahan

**Description:** Removal of condition 1 and Variation of Condition 3 of application 2007/0905 - Extension to Planning Permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective).

**Site address:** The Stables, Pleasant View Street, Barnsley, S71 1QW

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### **One request to speak from the Applicant**

#### **Site Location & Description**

The site is located at the rear of 40-54 Smithies Lane covering approximately 580sqm. The site is flat and has been largely hard surfaced. A timber clad amenity building is located to the West of the site with 2no. touring caravans (1no. to each side of the amenity block) adjacent. Access is taken from Pleasant View Street which joins Smithies Lane at a point immediately east of No. 54 Smithies Lane. The site boundaries are defined by boundary treatments and associated soft landscaping. To the north, east and west of the site is open Green Belt land, which slopes from west to east. The land across the northern boundary is also within the ownership of the applicant, it comprises of grassed paddock used for animal grazing.

#### **Planning History**

B/81/1590/BA - Erection of private garage granted in December 1981.

B/84/1444/BA - Erection of dwelling (outline) refused in January 1985.

B/97/0586/BA - Erection of two detached dwellings (outline) refused in June 1997.

B/01/0964/BA - Erection of stable block with store room granted in November 2001.

B/05/0837/BA - Erection of bungalow (outline) refused in June 2005.

B/05/1379/BA - Erection of one block of two stables and wash room granted in September 2005.

2007/0905 – Siting of a static residential caravan and use of stable block as an amenity building (retrospective) – approved for a temporary period of 5 years.

#### **Proposed Development**

The applicant now seeks permission for a change from 1no. of static caravan to 2no. touring caravans (retrospective) and the permanent use of the site i.e. they are applying to remove condition 1 and vary condition 3 of application 2007/0905.

#### **Family Circumstances**

The site is owned by Alan and Eileen Hanrahan and is home to their 5 children:-

Gerry Hanrahan

Michael Hanrahan

Alan Hanrahan (Junior)

Annalise Hanrahan

Esta-Rose Hanrahan

## 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, saved Unitary Development Plan policies and the Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

### Core Strategy

#### CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

#### CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

CSP29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context.

South Yorkshire Gypsy and Traveller accommodation Needs Assessment – The updated figures published as recently as January 2012 identify an immediate shortfall of 28 pitches within Barnsley; this pitch requirement will rise to 37 by 2017.



## Other material considerations

South Yorkshire Residential Design Guide - 2011

### 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.

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

### Planning Policy for Traveller Sites (PPTS)

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

#### Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

#### Policy H: Determining planning applications for traveller sites

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

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- 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
- that they should determine applications for sites from any travellers and not just those with local connections

### Ministerial Statement 31st August 2015 – Green Belt Protection and intentional unauthorised development.

Intentional unauthorised development should be treated as a material consideration to provide stronger protection for the Green Belt. The Government is concerned about the harm, that is caused where the development of land has been undertaken in advance of obtaining planning permission.

## **Consultations**

Drainage – No objections

Regulatory Services: - No objections

Yorkshire Water – No objections

Ward Councillors – one Councillor has no objections and another Councillor has no objections to further temporary permission but object to permanent.

## **Representations**

The application has been advertised as a departure, a site notice was erected and a press notice published. As a result, 4no. of objections have been received, two of which are the same letter but with different signatures and one of the letters is anonymous. The main points of concern are;

- Inappropriate development in the Green Belt
- Doesn't comply with CSP 18 'Sites for Gypsies, Travellers and Travelling Showpeople'
- Need can be met elsewhere
- Site access is not suitable
- No evidence provided that drainage system is appropriate
- Poor amenity for future residents

## **Assessment**

The occupation of the site is technically unauthorised with the the previous temporary consent having expired. With regard to the Ministerial Statement on Green Belt Protection, the fact that applicant has been trying to obtain a lawful consent, is considered a material consideration. Limited weight is therefore attached to the statement in the applicant circumstances.

The site previously benefited from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is within urban Barnsley and therefore has good access to relevant services and amenities. It is not in an area of high flood risk or affected by any known contamination, adequate vehicular and pedestrian access from the highway is also established. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

All parties acknowledge that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

In this case the applicant has put forward the following points in an attempt to demonstrate that, cumulatively, they represent very special circumstances capable of outweighing the harm associated to the Green Belt by inappropriateness:

- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant and his family
- Continuing uncertainty for the applicant with a temporary permission
- No other suitable site for the family to go.

As such, there are four main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy 3 and the PPTS.
- Whether there are other considerations which favour the proposal including the general need for gypsy sites and future provision, the accommodation needs of the present occupiers and their personal circumstances.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

### *Openness and visual amenity*

The site lies within the Barnsley Urban Community Area and shares a boundary with a row of terraced dwellings which are located immediately to the South. The site previously gained permanent planning permission for the erection of 1 block of 2no. stables and associated wash room under application 2005/1379, this now used as the applicants amenity building. As such, that building would likely remain whatever the outcome of this application and cannot be considered to impact on the openness of the Green Belt under this application.

The only additions to the site to be considered are the 2no. touring caravans, which would be located either side of the amenity building. This is a change from the previous temporary permission which consisted of a single static caravan adjacent to the utility building. The touring caravans are located adjacent to the Western boundary and have a close relationship with the amenity building between them. Views of them from the highway are limited given the position of the neighbouring properties and the associated land levels which provide very effective screening. There are views from the Green Belt land beyond the site but the caravans would be generally viewed against the amenity building and the terraced row. Therefore, the retention of the caravans would not result in a significant loss of openness or be significantly different to the previously approved single static caravan.

It is acknowledged that in comparison to the previous temporary consent the Northern boundary of the site has been extended. This has included the erection of a retaining wall to address the change in level of the land across this boundary, the top of the wall is level with the sites ground level, and it is topped by railing which allows for open views to the north across the adjacent paddock. These works have not significantly affected the openness of the Green Belt, it should also be noted that boundary treatments and areas of hardstanding often do not require planning permission, and, could therefore be accommodated even if a different use existed with similar impact.

In summary, it is considered that the caravans and outbuildings on the appeal site sit comfortably within this urban fringe setting and there is little adverse impact on visual amenity.

### *Planning policies*

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The appeal site satisfies the criteria with the exception of the requirement that in terms of their broad location sites should be located primarily within urban areas. However, in practice there are no gypsy sites in Barnsley within the urban area. The policy is not prescriptive, there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not in the open countryside, it has a close relationship to existing properties in Smithies Lane and is largely screened from view. As such there it not considered to conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. It is not considered that any additional harm arises from the effect of the proposal on gypsy policies wither within the Core Strategy or in the PPTS.

### *General need*

The South Yorkshire Gypsy and Traveller Accommodation Needs Assessment (2011) identified that 46% (64 households) of the current population of Gypsy and Travellers in Barnsley, were residing in caravans and trailers and 54% (76 households) in bricks and mortar housing. The 2014 Caravan Count identified, of the 64 households that live in caravans and trailers, 8 were on unauthorised encampments.

The estimated five year need from 2014 to 2019 is 47 pitches. These figures have taken into account the Smithies remodel which created an additional 2 pitches (28-30), the permission for 10 pitches at Burntwood Cottages/Victoria Gardens which was won on appeal and the permission for a single pitch at the Michaels Estate in Grimethorpe. These figures do not include more recent Board approvals to allow the 3no. permanent at Warren Walk (application ref 2015/0557) and 3no. pitches at Whitegate Stables, Brierley (ref 2015/0779).

As such, it is acknowledged that there remains a very significant existing shortfall in gypsy site provision at present.

### *Future provision*

The consultation draft of the Local Plan Policies Map shows three sites to accommodate the unmet need of 35 pitches. This is considered a reasonable approach, given that there are some assumptions made between 2011-2014 to arrive at 35 pitches. The Council have commissioned consultants to undertake a local Gypsy and Traveller Accommodation in order to inform the next version of the Local Plan, in order to assess if these assumptions are borne out.

Despite the potential provision above, the documents are still at an early stage in their preparation and, as such, carry little weight. Furthermore, the policies do not cover issues such as ownership, scope to provide essential services and ground stability. Therefore, some of the sites, or full allocation of pitches on the sites, may not come forward to meet the need, with the exception of the site subject to this application as that has been shown to be suitable for a number of years.

In addition, a site was recently approved and constructed off Grange Lane for an emergency stopping place to help better management of, and reduce the frequency of, illegal and unauthorised encampments which are symptomatic of the current shortfall in pitch provision. Unfortunately, due to enforcement issues the site closed.

As outlined above, progress is being made regarding travellers sites; however, it has to be acknowledged that the current failure of the development plan process to bring forward sites in a timely fashion and the associated lack of available sites adds weight in favour of the proposal.

#### *Accommodation needs of the appellant*

The applicant and his sons work as roofers within the local area. They have lived on the site for in excess of 10 years and have strong a local connection, including their youngest daughter attending a local school. A permanent permission would allow the family to feel settled within the area in which they have strong ties, providing comfort and reassurance which is not provided with a temporary permission. The permission would allow the applicants to have a strong secure base but still allow the family to travel to fairs during the summer months, especially as the applicant also operates as a horse trader.

It is also part of the gypsy culture that family members travel and live together, providing social and economic mutual support to each other. The present site is of sufficient size to accommodate the immediate family. These accommodation needs and strong community ties give considerable further support to the proposal.

#### *Personal circumstances*

When temporary permission for five years was granted in 2008 it was on the understanding that an alternative site would become available through the development plan process by the end of that period. The previous temporary approval expired some 2 years ago and the family have now been living on the site for circa 10 years.

The stress to the family associated with an extended period of uncertainty together with the effect on the education of the children adds some further weight to the case for the creation of a permanent permission.

#### *Balancing harm against other considerations*

Substantial weight must be accorded to inappropriate development in the Green Belt and further significant weight to loss of openness. However the site relates well to the built form such that there is little adverse visual impact or conflict with the objectives of Core Strategy Policy CS18.

On the other side of the balance the accommodation needs of the appellant give considerable support to the proposal and the general need for gypsy sites and lack of site provision both attract further significant weight. The continuing uncertainty associated with a further temporary permission adds some additional weight.

Whilst the matter is finely balanced in this instance the harm to the Green Belt by reason of inappropriateness and loss of openness, is outweighed by these other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Since the previous temporary permission additional factors have come into play, notably the assimilation of the family into the local community and the failure of alternative sites to come forward within the temporary period.

## Other Planning Considerations

The site previously benefited from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is located within Urban Barnsley and therefore has good access to relevant services and facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity both for existing occupants in and around the site and future occupants. The scheme has received no objections from any of the consultees including Highways, Drainage and Public Rights of Way.

## Overall Conclusion

The site is relatively self contained and screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which should upset residential amenity. The access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located within Urban Barnsley and adjoins an existing residential area it is also well located in terms of accessibility to the town centre, bus routes and public facilities.

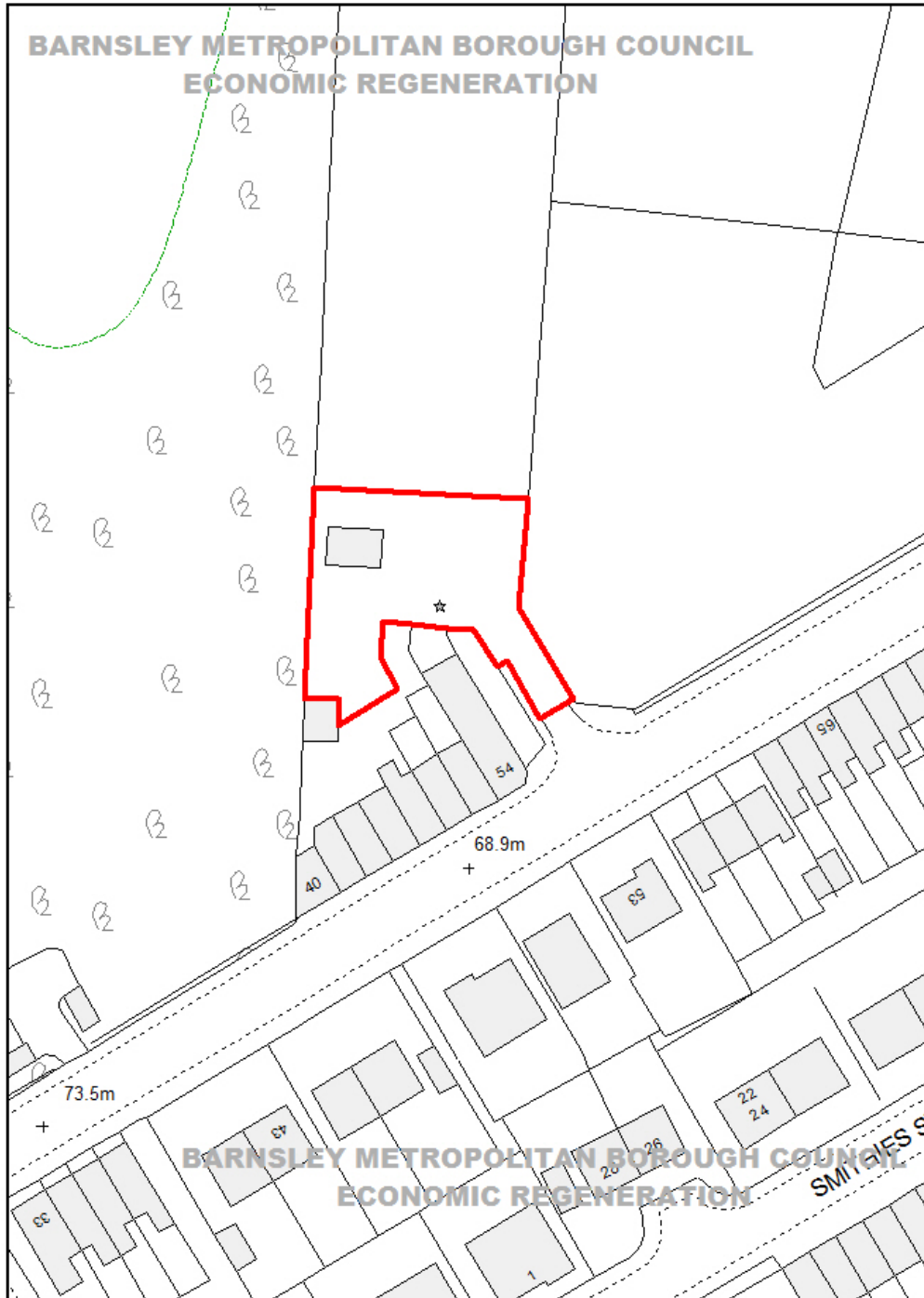
Given the above, it is concluded that the site is well integrated into the built up area and into its social structure and generally accords with Core Strategy Policy CS18. This consideration, together with the combined weight of the accommodation needs of the appellant, the serious shortfall in the provision of gypsy sites in Barnsley and the continuing uncertainty for the appellant associated with an extended temporary permission, clearly outweighs the harm to the Green Belt. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

## Recommendation

Grant subject conditions:

- 1 The site shall not be occupied by any persons other than the applicant and his family.  
**Reason: The very special circumstances used to justify the permission relate specifically to the applicant.**
- 2 No more than 2no. caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting that Act with or without modification) , shall be stationed on the land at any time.  
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with in accordance with Core Strategy Policy CSP 34 'Protection of the Green Belt.**
- 3 No commercial activities shall take place on the land, including the storage of materials.  
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with in accordance with Core Strategy Policy CSP 34 'Protection of the Green Belt', and, to safeguard residential amenity levels.**

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**BARNSELY MBC - Economic Regeneration**



Scale 1: -----

**BARNSLEY METROPOLITAN BOROUGH COUNCIL**

**PLANNING APPEALS**

**01 March 2016 to 31 March 2016**

**APPEALS RECEIVED**

1 appeal was received in March 2016:

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
2015/0583	Erection of 5 no dwellings at Land adjacent 31 Roman Road, Kexbrough, Barnsley, S75 5DE	Written representation	Delegated

**APPEALS WITHDRAWN**

No appeals were withdrawn in March 2016.

**APPEALS DECIDED**

1 appeal was decided in March 2016:

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>	<b><u>Decision</u></b>
2014/0459	Erection of an agricultural building (resubmission of application 2014/0983) at The Bungalow, Fulshaw Lane, Fulshaw Cross, Penistone, Sheffield, S36 9FD	Written representation	Delegated	Dismissed

**2015/2016 Cumulative Appeal Totals**

- 17 appeals decided since 01 April 2015
- 15 appeals (88%) dismissed since 01 April 2015
- 2 appeals (12%) allowed since 01 April 2015