

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 26 October 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in relation to any site visits or items on the agenda.

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 14th September 2021.

Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593.

3. Land at Low Valley Farm, Pitt Street, Darfield - 2021/0602 - For Approval (*Pages 7 - 20*)

Planning Appeals

4. Planning Appeals September 2021 (*Pages 21 - 24*)

Member Consultations

5. Member consultation Report September 2021 (*Pages 25 - 26*)

6. Scheme of Delegation (*Pages 27 - 42*)

7. Enforcement Update (*Pages 43 - 56*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bruff, Cain, Coates, Crisp, Danforth, M. Dyson, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, Hand-Davis, Hayward, D. Higginbottom, Leech, Lofts, Makinson, McCarthy, Mitchell, Noble, Smith, Spence, Tattersall and Wright

Matt Gladstone, Executive Director Place
Paul Castle, Service Director Environment and Transport
Kathy McArdle, Service Director Regeneration and Culture
Joe Jenkinson, Head of Planning and Building Control

Matthew Smith, Group Leader, Development Control
Andrew Burton, Group Leader (Inner Area), Development Management
Bob Power, Senior Legal Officer (Locum)

Parish Councils

Please contact Elizabeth Barnard on email governance@barnsley.gov.uk

Monday, 18 October 2021

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 14 September 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bruff, Cain, Coates, Danforth, M. Dyson, Eastwood, Frost, Gillis, Hayward, D. Higginbottom, Leech, Makinson, McCarthy, Mitchell, Smith, Spence, Tattersall and Wright

18. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest.

19. Minutes

The minutes of the meeting held on 27th July 2021 were taken as read and signed by the Chair as a correct record.

20. Land south of Lee Lane Royston, Barnsley - 2020/0330 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2020/0330 - Residential development of approximately 115 dwellings and associated works and 1 no convenience store (Outline with all matters reserved apart from means of access) at Land South of Lee Lane Royston, Barnsley

RESOLVED that the application be approved in accordance with the Officer Recommendation and subject to the completion of a S106 Agreement covering the items listed within the Officer report, the final contents of which are to be agreed by the Head of Planning in consultation with the Chairman of the Regulatory Board

21. Kexborough Hall Farm, Churchfield Lane, Kexbrough - 2020/0617 and 2020/0627 - For approval

The Head of Planning and Building Control submitted a report on Planning Applications 2020/0617 and 2020/0627 (proposed demolition of modern barns and a pair of semidetached houses and redevelopment of the site, including the conversion of existing farm buildings to create 22 dwellings (amended plans) at Kexborough Hall Farm and Town Farm, Churchfield Lane, Kexbrough, Barnsley, S75 5DU).

Dr. Stephen Birkinshaw addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be approved in accordance with the Officer Recommendation plus an additional condition to ensure that a photographic record is made of the listed building prior to works commencing on it; also subject to the completion of the relevant S106 Agreement as outlined in the Officer report.

22. Land at South View, Darfield - 2020/1284 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2020/1284 - outline application for 20 dwellings (All Matters Reserved) at Land to the south of South View, Darfield, Barnsley

RESOLVED that the application be approved in accordance with the Officer Recommendation and subject to the completion of the relevant S106 Agreement as outlined in the Officer report

23. 38 Barnsley Road, Goldthorpe - 2021/0959 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2021/0959 - Proposed demolition of existing former public house. Partial removal of existing hard landscape and retention / repair of existing tarmac car parking area. Provision of new temporary hard-standing area (asphalt road planings + sub-base) to areas where building demolished and existing hard landscape removed. Retain existing stone wall and concrete / gravel hard-standing to front of site at 38 Barnsley Road (Former Horse and Groom Public House), Goldthorpe, Rotherham, S63 9AA

RESOLVED that the application be approved in accordance with the Officer recommendation

24. Planning Appeals - July and August 2021

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2020/21.

The report indicated that 9 appeals were received in July and August 2021 and no appeals were withdrawn.

It was reported that 4 appeals were determined in July and August 2021. 13 appeals have been decided since 01 April 2021, 10 of which (77%) have been dismissed and 3 of which (23%) have been allowed.

25. Member Consultation July 2021

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for July 2021.

RESOLVED that the consultation report be noted.

26. Member Consultation August 2021

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for August 2021.

RESOLVED that the consultation report be noted.

Chair

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Item 3

2021/0602

APPLICANT: Barratts

DESCRIPTION: Reserved matters (Appearance, Landscaping, layout and Scale) application for development of 100 homes, structural planting and landscaping, an attenuation basin, children's play area and associated infrastructure in connection with outline planning permission 2019/1117 (Outline planning for up to 107 homes)

LOCATION: Land at Low Valley Farm, Pitt Street, Darfield, Barnsley, S73 9PY

Site Description

The site is circa 3.4 hectares of land which is currently greenfield. There is no existing vehicular access into site, although Pitt Street does lie along the site's southern boundary.

The site is located within a largely residential area. To the north and north east are residential properties and the wider Darfield area beyond. The site is part of a wider allocation for housing in the Barnsley Local Plan with undeveloped land (to the north eastern side) and allotments (south east of the site). Snape Hill Road lies to the east, with a row of houses between the allotments and the road.

Pitt Street bounds the south of the site. To the south west, lies Netherwood High School. A small number of commercial buildings and residential dwellings are located opposite the site on Pitt Street.

To the west of the site is a large field, associated with the Hobson Low Valley Farm. This land has been safeguarded for future housing development.

There are no recorded public rights of way across the site but there are two informal footpaths which runs through the site from north to south.

The site falls in a southerly direction from 35.26 metres Above Ordnance Datum (m AOD) along the northern boundary, to 29.21m AOD along the southern boundary. The fall of 6.05m over 245m gives a gradient of 1:41.

Planning History

2019/1117 - Outline planning application for a residential development of up to 107 dwellings including internal circulation roads, structural planting and landscaping, an attenuation basin, a children's play area and a footpath. All matters reserved except the location of the vehicular access – Approved.

Proposed Development

The application is a reserved matters scheme which includes appearance, landscaping, layout and scale. Access is as agreed at outline, with vehicular access off Pitt Street and pedestrian / cycle access to Venetian Crescent and Lombard Crescent to the north.

The site is laid out in a grid type pattern off the main access with a central greenspace which includes a LEAP and green buffer areas to the northern edge and along the western

boundary. A suds pond is also included in the adjacent field to the west of the site and next to Pitt Street.

The development is residential with a total of 100 houses proposed. The mix of units is as follows:

3 x 2 beds
70 x 3 beds
27 x 4 beds

Of these units, 10% are proposed to be affordable all offered as intermediate sale rather than rented and comprising 3 x 2 beds and 7 x 3 beds.

A total of 10 different house designs are proposed, most with hipped roofs and a smaller number having pitched and gable roof styles. Garages are either integral or attached with smaller units having off street parking only. The materials proposed are buff and red brick.

Access to the remaining allocation to the east of the site is secured as part of the layout.

Policy Context

Planning decisions 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 new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

Site Allocation: Housing Proposal and Safeguarded Land

Site HS 77:-

Land at Pitt Street, Wombwell Indicative number of dwellings 109. The development will be expected to provide appropriate access. Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary).

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 10% of new homes to be built in Wombwell

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected

H7 'Affordable Housing' seeks 10% affordable housing in this area

H8 'Housing Regeneration Areas' supports housing market regeneration programmes in lower value submarket areas including Wombwell.

T3 'New Development and Sustainable Travel'. The site is located in the Accessibility Improvement Zone

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Design of Housing Development
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

NPPE

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.

Consultations

Air Quality: EVCPs are proposed for all dwellings and detail has been provided to demonstrate that these will be mode 3, 7kw, 32amp. This is in accordance with condition 7. Other requirements include a full travel plan, cycle parking and a site layout to encourage walking, linked to existing footpaths/bridleways.

Affordable Housing Officer: It is acknowledged that the NPPF definition of affordable housing includes starter homes and discounted market sales housing, and this was carried forward into the Affordable Housing SPD (on the presumption that it would have been ratified by government shortly after publication). However, Starter Homes and DMS has not been ratified by government and regulations have not been published. Following the publication of regulations, the Council will update its Affordable Housing SPD and adopt procedures for dealing with the delivery of such products.

We can confirm that it would be acceptable in principle to deliver all 10 affordable units as intermediate tenure, however they would need to be shared ownership at this time. The S106 agreement allows first homes (or an equivalent DMS product) in lieu of shared ownership following publication of guidance from government, however, should this occur we would like to retain a couple of the units as shared ownership so we have a mix.

In terms of the proposed layout, we are pleased to see that the units are spread across the site.

Biodiversity Officer: The principle of no net loss was agreed at outline with condition 14 requiring full details of the mitigation measures proposed. These have been provided and agreed. Therefore, no objection.

Broadband: No objections subject to a condition. This was attached to the outline approval.

Coal Authority: Material Consideration only, the site is not within the defined Development High Risk Area. Please apply the standing advice only.

Contaminated Land: No comments received, condition attached to the outline requiring detailed survey and any remediation to be agreed.

Conservation Officer: No comments, other than a reminder to discharge the archaeological condition which has been submitted.

Drainage: I would confirm that in my opinion the conditions regarding drainage applied to the original application are sufficient.

EA: No comments received. Site is not in a flood risk zone as identified on the EA maps.

Education: No contribution would be required for educational places, as the position has not changed from the previous application.

Highways: No objections subject to the amended layout be conditioned. Other more detailed conditions were applied at outline. More detail is in the report below.

Pollution Control: No objections subject to conditions including a construction method statement and restricted working hours. These were included on the outline decision.

Public Rights of Way: No objections, the development includes provision for PROW through the site linking north to south. More details are included in the report below.

South Yorkshire Police: No comments received.

South Yorkshire Passenger Transport Executive: No comments received.

South Yorkshire Mining Advisory Service: According to the records the site does not lie within a Coal Authority Referral area therefore no Coal Mining Risk Assessment is required for the application. This position appears consistent with our mining, geological and historical information for this area with no such legacy issues being apparent. In consideration of the above only the Coal Authorities Standing Advice should be included in the decision notice if granted

Tree Officer: No comments received, however, a condition was attached to the outline regarding tree protection measures to be provided pre-commencement.

Ward Councillors:-

Councillor Smith has raised concerns regarding the bottle neck of traffic on Pitt Street and suggested traffic lights may be appropriate. In addition, in very heavy rain, water is seen to run from this land across the road and through the Window Company onto land at the back and flood the homes in that area of the new estate. There is also an old pit shaft on that land. However, Councillor Smith is broadly supportive of the development which has some good points, namely the cycle way through the site to Upperwood Road which safely takes pupils away from bottle neck traffic on Pitt Street and George Street. Councillor Smith knows of no flooding problems on this land but when weather is bad a spring erupts, and this is where the water comes from that floods the road and Window Company premises.

Councillor Markham has raised concerns as the road is already busy and this will make the situation worse. It is also an area that floods which is not an ideal place for more houses.

Yorkshire Water: Objected due to the positioning of proposed tree planting close to a sewer, these trees have now been removed from the landscape plans to alleviate this issue.

Representations

The application has been advertised by neighbour letters, site notices and a press advert. 10 letters of objection have been received raising the following concerns:

- There are too many accesses directly onto Pitt Street. This is a fast-moving road and so these will be dangerous.
- This road is already extremely busy, and not just at school drop-off and pick-up times, it is also a 'rat-run' used by drivers to avoid going through Darfield and onto the main by-pass road.
- The development will double the houses and cars onto Pitt Street;
- The speed bumps will hopefully assist to improve highway safety but there are a number of vehicles they have no effect on. Traffic lights would be better.
- Why is the visibility splay design for a 45mph road when it is a 30mph road?
- The speed surveys should be made public.
- All the surveys and investigations have failed to resolve the very serious dangers to the public and school children who use Pitt Street everyday.

- The road transport survey carried on Pitt street recently seriously underestimated the amount of traffic travelling from East to West and from West to East. It appears that Netherwood school must have been closed at the time of the survey and numerous covid lockdowns restricted traffic even more.
- The existing roads all already bad with lots of pot holes.
- It is stated that the internal access road will be designed for residential speeds i.e.20mph but this isn't the case.
- There has been flooding on and around this site in the past and this will be made worse by 200 new houses.
- This will make flooding in the Low Valley worse.
- The new houses are too close to existing properties on Pitt Street. This affects rights to light and privacy.
- How will the footpaths be managed to stop bikers using them – off road bikers pose a threat to safety.
- When the archaeological investigation took place, there were diggers accessing the site by Venetian Crescent and requests to stop doing this were ignored. How can you stop them doing the same when they build the houses?
- Sudds ponds are only effective if they are below the water table, this is very high in this location.
- Why are only 10% of the houses affordable?
- Loss of amenity and greenspace which is valued and well used. The recent pandemic has proven the need for open spaces.
- The proposed area is a haven for our natural flora and fauna. At a time when the world is moving towards saving the planet here in Barnsley we are preparing to rip up more and more green spaces.
- Is this development necessary with 2700 new homes already on the Dearne Valley Park Way?
- The Climate is changing and Arable / Agricultural land (Food Production) and Fish Stocks are under real threat. The destruction of land by building Houses has an impact on the Environment, and an increase regarding Carbon Footprints
- Need to consider ample space and landscaping between the existing properties and the new ones.
- Maintain the integrity and character of the Italian Estate
- There are too many houses for the site
- Loss of privacy and increased noise from the footpath access
- There are too many houses squashed into small spaces and too close to existing residents.
- Lots of residents nearby are pensioners and use the land for exercise.
- Why would the proposed estate require a play area? There used to be a very good play area in the Inkerman Fields not 300 yards from the proposed site, surely a play area could be reinstalled there.
- The original survey of the site noted that single story dwellings are the norm on the north side of the site and said the new buildings would respect this however it is not clear that this is going to happen as the homes are said now to be predominantly 2 storey which means that the privacy at the lower end of Venetian Crescent and also those on Lombard Crescent will be lost.
- The allotments have been there a long time and I am concerned that people buying houses don't understand that with allotments comes noises and smell.
- Darfield already has nowhere for children / teenagers to meet etc so bringing more in to the area what are the plans to accommodate/ provide facilities / activities etc?

Assessment

The site has outline planning permission and is part of a wider allocation in the Local Plan, as such the principle of residential development is established as acceptable. Site specific policy HS77 sets an indicative number of dwellings of 109 with the outline application setting an upper limit of 107 on the site.

The development proposed does not include the full allocation, an area of land to the north east of the site is excluded. The applicant stated at outline that this is because this part of the site is not under their control and they are unable to contact the landowner. At outline, the applicant sought to demonstrate that the proposed site would deliver against all the policy requirements for this allocation, even with this area excluded. This included allowing the proposed Sustainable Urban Drainage (SUDs) feature to be located on safeguarded land (Local Plan Policy GB6) in the field to the west with a landscape buffer and room for a footpath route.

This reserved matters application carries forward this principle, however, numbers have reduced to 100 as a result of discussions on the layout and in response to consultee comments, more detail on this is included below. The density across the site is in accordance with Local Plan Policy H6 at 41 dwellings per hectare and will still deliver within 10% of the target yield. In addition, future access into the remaining allocation is retained.

Visual Amenity

The development layout follows a grid pattern, off the main access from Pitt Street with houses fronting onto Pitt Street and the internal roads. Whilst the houses are a standardised product consistent with a national housebuilder, they include a mix of hipped and pitched roofs and varying detailing to the elevations to break up the street scene and provide some interest.

The site includes a substantial amount of greenspace with a buffer along the north and west boundaries and an internal greenspace incorporating tree planting around the edges and a play area. There is also a green buffer between the new houses and the existing properties on Pitt Street. This mitigates, in part, the impact of the development by providing publicly accessible greenspaces with routes through them and around the site edge.

The development has a lot of frontage parking and does not include street trees, as required by the NPPF (updated July 2021), however, the principle of delivering against policy HS77 was agreed at outline before the NPPF was amended. Further, there are significant trees proposed to be planted within the greenspaces around the site, which front onto existing and new streets and a number proposed in front gardens. This will soften the visual impact of the development and the frontage parking areas.

The houses on the site are all two storey, which fits in with the predominant scale of existing properties along Pitt Street. However, the residential area to the immediate north is characterised by bungalows in buff or a muted red brick colour. The buffer area along this boundary will soften the transition between the two and materials for the proposed includes a buff brick where the development connects to Venetian Crescent (via a public right of way).

Overall, the proposal includes some variation in house designs and materials and incorporates a good amount of greenspace and tree planting. Therefore, it is accepted that it is sufficiently in compliance with Local Plan Policy D1.

Residential Amenity

Whilst the site is not surrounded by residential development, there are existing houses backing onto the site to the south from Pitt Street and to the north, off Venetian and Lombard Crescent. To the south, the layout has been amended to increase the standoff distances between plots 11-13 and existing housing to just over 21m. In addition, plot 1 has been moved westwards to increase the standoff distance here to 14.5m, over the 12m minimum required by policy. The applicant has also provided a tree lined buffer strip to soften the outlook for existing residents. To the north, there is a landscape buffer along the whole of this boundary and none of the new properties back onto the existing bungalows, being orientated either side to side or fronting onto the buffer area. The standoff distances in this area are well in excess of the minimum requirements and the proposed tree planting will increase privacy.

The park and buffer strip to the north of the site are well overlooked by the proposed development, ensuring natural surveillance of these areas. Whilst the suds pond and buffer to the west will blend into the existing open land here with long distance views from Pitt Street. The onsite play space will meet a need within the area, following the removal of play equipment from recreation ground to the north east, for the benefit of existing and new residents.

Over and above the standard 1.8m fence, boundary treatments include a wall with fence at key corners and junctions as well as railings or knee-high rails to greenspaces. Along the western edge there will be a hit and miss fence and the existing hedgerow. The approach provides some visual interest whilst ensuring privacy and security is maintained.

The proposed is therefore in accordance with Local Plan Policy D1.

Highways

The access from Pitt Street was agreed at outline with a condition added requiring some traffic calming measures along Pitt Street, these have been submitted and include speed humps with signage warning drivers that they are entering a traffic calming area. Whilst this forms a discharge of condition application and not part of the reserved matters application, a number of residents and Ward Members have raised concerns about traffic and speeds, therefore, Members are advised that this mitigation has been agreed by highway officers.

The internal layout also includes speed tables, to slow cars entering the site. Whilst the preferred design approach is to design the road appropriately rather than use vertical deflection, this solution has been accepted in this case due to the relatively constrained nature of the site.

The detailed layout has also been amended in consultation with the Highway Officer and is now acceptable. There are sufficient parking spaces for all the dwellings and the road layout allows for servicing and emergency vehicle access across the site. Secure cycle parking is proposed and the electric vehicle charging points to be provided have been agreed.

There is also good connectivity across the site with pedestrian and cycle access through to the north.

The Highway Officer has confirmed no objections to the proposed in accordance with Local Plan Policies T3 and T4.

Biodiversity

A Preliminary Ecological Appraisal of the site was agreed at outline along with an Ecological Impact Assessment. The latter confirmed a 15.3% net gain on the site can be achieved through suitable mitigation which was conditioned to be provided with the reserved matters application.

The mitigation and enhancement measures proposed are:

- detailed landscaping incorporating retention of existing and planting of new native trees and hedgerow planting/reinforcement, wetland planting mix in the SUDs area and a wildflower meadow mix along the western and northern boundaries / buffer areas;
- retention and enhancement of the hedgerow running north / south along the eastern boundary (allowing for access to the remaining allocation),
- a green corridor running east / west which flows through the greenspace within the site and along to the remaining allocation,
- a breeding bird survey has been undertaken and whilst no ground nesting birds were recorded on the site, any grassland clearance will take place outside of the nesting season or an ecologist will be required to undertake a nesting bird check before commencement;
- a detailed lighting scheme minimising the impact on bats from artificial lighting during construction and operation of the site; and
- bat and bird boxes, reptile refugia and insect houses and a hedgehog highway.

These are detailed in the Ecological Management Plan and Ecological Enhancement Plan along with long term management in accordance with the requirements of Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD.

PROW

There are no recorded public rights of way running through the site, but there are 2 unrecorded but well-used routes running north to south. The applicant has been advised that unrecorded routes that have been used unchallenged by the public for 20+ years, or for a lesser period under common law, may have acquired public access rights. The layout plan proposed includes allowance for a temporary route around the site during construction and the reinstatement of an informal route through the buffer zone to the west of the site once it is operational. In addition, the internal road layout has links to an existing PROW along the northern boundary and to Venetian Crescent and Lombard Crescent. The PROW officer has requested that the pedestrian links to the north of the site should be built to adoptable standard and included within the section 38 agreement for the development. There is a strip of land between the site and the existing PROW which is outside of the applicants ownership, however, it is part of the adopted highway and as such these connections can be achieved.

The retention and improvement of these routes is a benefit of the scheme, increasing connectivity and safe walking / cycle routes to the school. This is in accordance with Local Plan Policy GS2 Greenways and Public Rights of Way and T3 Sustainable Travel.

Drainage

The site is located within Flood Zone 1 (low risk); however, it is known to the Council that the site has had issues with surface water flooding.

The proposed development shows surface water drainage via the Suds pond, located to the southwest of the site with full details secured via conditions attached to the outline. The applicant has provided some additional detail with this reserved matters application which confirms that the drainage on the site will be improved with sufficient surface water retention to accommodate the 1 in 100 year flood event plus climate change allowance. This has been reviewed by the Drainage Officer who has confirmed the approach is acceptable and will improve the current situation on the site with regards to surface water flooding.

Overall, therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations in accordance with Local Plan Policies CC3 and CC4.

Archaeology

A report has been submitted to discharge condition 4 of the outline application 2019/ 1117. A geophysical survey had identified a number of anomalies with a possible archaeological origin, and these were investigated by trial trenching on site. The trenching concluded that one anomaly represented a post-medieval field boundary, with other features being plough furrows of a similar date. Other undated features shared a similar alignment and profile and have been interpreted as part of the post-medieval agricultural landscape also. SYAS agrees with this conclusion. Based on the nature of the archaeological features, there is little more evidence to be gained from further expert investigation, so no mitigation or further fieldwork is required.

The findings of the report have been agreed by South Yorkshire Archaeological Service (SYAS) and the condition can be discharged subject to confirmation that the report has been lodged with the archives. On this basis, the condition is sufficiently progressed to allow the Reserved Matters to proceed.

S106 Agreement

A S106 agreement was signed with the outline application which ensures that access to the remaining land allocated under HS77 is secured and no ransom strip is established. In addition, the S106 includes provisions and contributions towards specific infrastructure requirements to be calculated based upon the final number of dwellings agreed at this detailed reserved matters stage. The S106 will therefore secure the following:-

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 10% affordable housing provision expected in the Wombwell area. This is provided for in the layout plan and includes 7 x 3 bed houses and 3 x 2 bed houses. It has been agreed that these will all be intermediate tenure but, until such time as First Homes is adopted formally, the properties would need to be shared ownership. Legal have confirmed that this can be dealt with under the existing S106 with no need to vary the wording.

Education – There is no requirement for an education contribution, based on the proposed number of houses and current capacity within the schools.

Greenspace – The masterplan includes provision for 15% onsite greenspace, including a play area. A contribution of £102,888.90 will be secured for offsite investment in formal greenspace in accordance with Local Plan Policy GS1.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. The site is in the Accessibility Improvement Zone therefore this contribution is required and is calculated to be £75,000.

These S106 obligations are compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

In addition to the above, the scheme also provides for suitable electric vehicle charging points to all the dwellings.

Conclusions

This is a reserved matters application, whereby the principle of the development and access was approved at outline stage.

This detailed scheme will deliver 100 homes and greenspace across the site, including a play park and biodiversity mitigation and enhancements. Access through the site is retained via a variety of pedestrian / cycle routes which will encourage safe routes to the nearby secondary school. In addition, the landscaping includes a good number of new tree planting in managed areas where they will be retained for the longer term.

Drainage across the site will be improved and a traffic calming scheme is secured for Pitt Street.

Overall, the design accords with the Local Plan and is recommended for approval.

Recommendation

Grant planning permission subject to the following conditions (those already imposed on the relevant outline planning permission will also need to be complied with):

- 1 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved:

Proposed site layout ref: 20:5429:01H

Location Plan 20 5429 00

Landscape Masterplan 3759/1 Rev D

Detailed Landscape Proposals (1 of 2) 3759/2 Rev E

Detailed Landscape Proposals (2 of 2) 3759/3 Rev E

Proposed Materials Plan ref: 20:5429;03 D

House Type 69 (hipped) - AS/OP BDW-STD-HT-3064

House Type 69 (hipped) - AS-OP-OP BDW-STD-HT-3065

House Type 67 (hipped) - AS-OP-OP BDW-STD-HT-3091

Denby (30 Degree) (hipped) - OP BDW-STD-HT-3196

Denby (30 Degree) (hipped) - AS BDW-STD-HT-3195

Denford (30 Degree) (hipped) - AS-AS-OP BDW-STD-HT-3205
Ellerton (30 Degree) (hipped) AS-AS-OP BDW-STD-HT-3222
Ellerton (30 Degree) (hipped) AS-OP BDW-STD-HT-3199
Halton (30 Degree) (hipped) AS BDW-STD-HT-3246
Halton (30 Degree) (hipped) OP BDW-STD-HT-3247
Kingsley (30 Degree) (hipped) OP BDW-STD-HT-3190
Maidstone (30 Degree) (hipped) AS-AS-OP BDW-STD-HT-3226
Maidstone (30 Degree) (hipped) AS-OP BDW-STD-HT-3184
Maidstone - Moresby (30 Degree) (gabled) AS-OP BDW-STD-HT-3235
Moresby AS BDW-STD-HT-1026
Moresby OP BDW-STD-HT-1027
Moresby - Maidstone (30 Degree) (gabled) AS-OP BDW-STD-HT-3245
Radleigh (30 Degree) (hipped) AS BDW-STD-HT-3197
Radleigh (30 Degree) (hipped) OP BDW-STD-HT-3198
Windermere (30 Degree) (hipped) AS BDW-STD-HT-3191
Windermere (30 Degree) (hipped) OP BDW-STD-HT-3192
Boundary Wall Type 1 DB-SD13-004
Boundary Wall Type 2 DB-SD13-005
Boundary Wall Type 3 DB-SD13-013
Close Boarded Fence DB-SD13-006
Steel Bow Top Fence 27.BT.015
Timber Knee Rail (Bird Mouth) 27.BT.016
Post and Rail Fence With Horse Netting B:SW-08-C30
Hit and Miss Timber Fence B;SW-08-C31
External Gate DB-SD13-014
Single Garage BDW-STD-GAR-1000
Post and Rail Fence DB-SD13-007
Double Garage BDW-STD-GAR-1001
Twin Garage BDW-STD-GAR-1002

Ecological Management Plan and Ecological Enhancement Plan (Ecus, October 2021, ref: 16962 v3.0)

Solo Smart Charger - Domestic, Fast Charging, 3.6, y, 22kW (Podpoint)

Travel Plan (March 2021, TPS)

unless required by any other conditions in this permission.

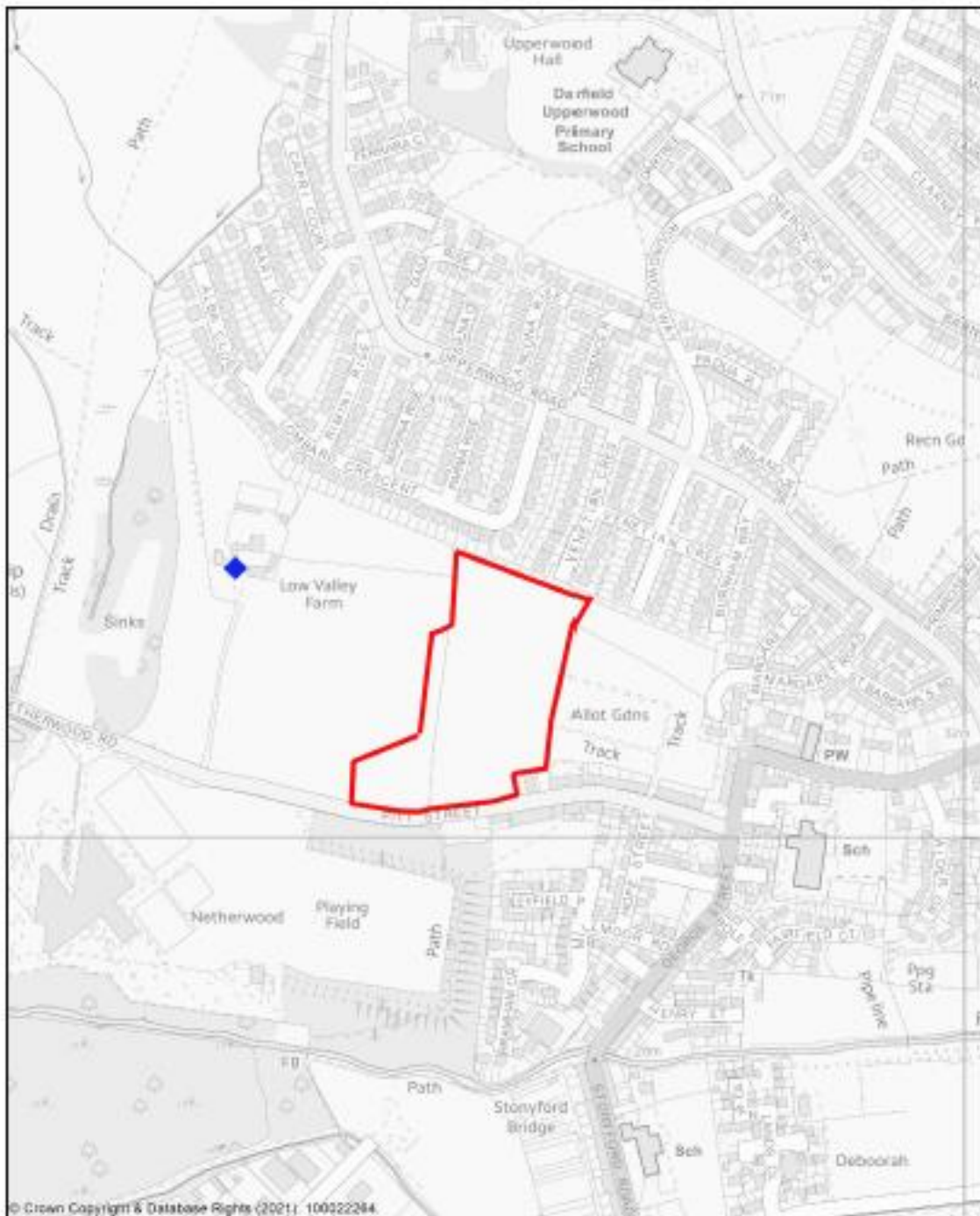
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 2 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 Prior to the commencement of development detailed lighting plans for a sensitive lighting scheme during construction and operation shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in accordance with recommendations in the Ecological Management Plan and Ecological Enhancement Plan.

Reason: To minimise disturbance to habitats and ecology in accordance with Local Plan Policy BIO1.



Item 4

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

April 2021 to March 2022

APPEALS RECEIVED

0 appeals were received in September 2021

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>

APPEALS WITHDRAWN

0 appeals were withdrawn in September 2021.

APPEALS DECIDED

4 appeals were determined in September 2021.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee / Delegated</u>
2020/0698	Outline application for detached bungalow with access and layout considered at this stage 15 Garden Cottages, Pontefract Road, Cudworth, Barnsley, S72 8AY	Dismissed 08/09/2021	Delegated
2020/1030	Erection of two storey side extension to dwelling 23 Bence Close, Darton, Barnsley, S75 5PB	Dismissed 14/09/2021	Delegated
2020/1180	Residential development of up to 2no dwellings (Outline With All Matters Reserved) Land adjacent Bank End Road, Worsbrough, Barnsley.	Dismissed 28/09/2021	Delegated
2020/1150	Erection of live/work dwelling Windmill Boarding Kennels, Royd Lane, Millhouse Green, Sheffield, S36 9NY	Dismissed 28/09/2021	Delegated

2021/2022 Cumulative Appeal Totals

17 appeals have been decided since 01 April 2021

14 appeals (82%) have been dismissed since 01 April 2021

3 appeals (18%) have been allowed since 01 April 2021

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee /</u>

				Delegated
1	2019/1340	Erection of 2 storey detached dwelling with off-street parking and ancillary works Land adjacent 4 Mount Crescent, Hoyland, Barnsley, S74 0HG	Dismissed 06/04/2021	Delegated
2	2020/1170	Erection of single storey rear extension projecting out 8m from rear of dwellinghouse, with a height to eaves of 2.4m and 4.0m overall height (Prior Notification Householder) The Stables, Hey Slack Farm, Hey Slack Lane, Whitley Common, Huddersfield, HD8 8YD	Dismissed 15/04/2021	Delegated
3	2020/0697	Erection of detached outbuilding including double garage to rear/side of dwelling 1 Hunters Cottage, Pogmoor Lane, Pogmoor, Barnsley, S75 2JS	Dismissed 26/04/2021	Delegated
4	2020/1177	Update of existing 48-sheet advertising display to a 48-sheet digital advertising display. 20B Racecommon Road, Barnsley, S70 1BH	Dismissed 29/04/2021	Delegated
5	2020/0670	Construction of overspill car park and access track. Spicer House, Spicer House Lane, Ingbirchworth, Barnsley, S36 7GG	Dismissed 17/05/2021	Delegated
6	2020/1059	Replacement of existing paper and paste advertisement with digital advertisement board Land at Grange Lane, Stairfoot, Barnsley, S71 5QQ	Allowed 08/06/2021	Delegated
7	2020/0906	Extensions to rear and to the height and length of the roof to convert existing bungalow into a chalet bungalow, with 1st floor living accommodation within the roof space, associated dormer windows and roof lights to front and rear and first floor windows to side 4 Robin Lane, Royston, Barnsley, S71 4EA	Dismissed 11/06/2021	Delegated
8	2020/0762	Formation of vehicular access including levelling of kerb 28 Bridge Street, Penistone, Sheffield, S36 6AJ	Dismissed 14/06/2021	Delegated
9	2020/0044	Change of use of land to gypsy site for the stationing of caravans for residential occupation and associated development (new access, hard standing, utility building, entrance wall and gates)- Part retrospective Land North side of Worsbrough Road, Worsbrough Village, Barnsley, S70 5LN	Appeal allowed for temporary period of 3 years and 2 x related enforcement appeals dismissed 23/06/2021	Delegated
10	2020/1306	Change of use of domestic outbuilding into beauty salon (Retrospective) 13 Cobcar Lane, Elsecar, Barnsley, S74 8JQ	Allowed 15/07/2021	Delegated
11	2020/0708	Erection of detached outbuilding (Lawful development certificate for a proposed development) Gransden House, Church Street, Royston, Barnsley, S71 4QZ	Dismissed 20/07/2021	Delegated

12	2020/1462	Erection of detached double garage to front of dwelling and associated turning area. Brocklehurst, 1 Spring Lane, Carlton, Barnsley, S71 3EX	Dismissed 27/07/2021	Delegated
13	2021/0496	Installation of freestanding illuminated 48-sheet D-Poster M C Mills And Co Ltd, Lower Castlereagh Street. Barnsley, S70 1AR	Dismissed 11/08/2021	Delegated
14	2020/0698	Outline application for detached bungalow with access and layout considered at this stage 15 Garden Cottages, Pontefract Road, Cudworth, Barnsley, S72 8AY	Dismissed 08/09/2021	Delegated
15	2020/1030	Erection of two storey side extension to dwelling 23 Bence Close, Darton, Barnsley, S75 5PB	Dismissed 14/09/2021	Delegated
16	2020/1180	Residential development of up to 2no dwellings (Outline With All Matters Reserved) Land adjacent Bank End Road, Worsbrough, Barnsley.	Dismissed 28/09/2021	Delegated
17	2020/1150	Erection of live/work dwelling Windmill Boarding Kennels, Royd Lane, Millhouse Green, Sheffield, S36 9NY	Dismissed 28/09/2021	Delegated

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Item 5

BARNSELY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE SEPTEMBER 2021 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2021/0914	<p>Installation of roof top Solar Photovoltaic panels and 3no. air source heat pumps (full planning application) Barnsley Town hall, Church Street, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2021/0919	<p>Installation of roof top Solar Photovoltaic panels and 3no. air source heat pumps (listed building consent) Barnsley Town hall, Church Street, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2021/0665	<p>Erection of 3no. freestanding sculptural pieces Land adjacent to Play Area side of Doncaster Road, Stairfoot, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2021/0745	<p>Installation of public art feature Grassed area at side of the Roundabout on the Corner of Doncaster Road and Grange Lane, Stairfoot</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.

2021/0131	<p>Variation of condition 2 (approved plans) of planning permission 2019/1192 – (Erection of new pedestrian footbridge and associated works and structures including alterations to public realm) to enable the extension of Midland Street and the provision of a turning circle for vehicles within Interchange Square</p> <p>Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate, Barnsley Town Centre</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>
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Signed:



Joe Jenkinson
Head of Planning and Building Control

Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR OF PLACE TO PLANNING & REGULATORY BOARD ON 26TH OCTOBER 2021

Public or private: Public

PROPOSED REVISIONS TO THE SCHEME OF DELEGATION RELATING TO PLANNING DECISIONS

1. PURPOSE OF REPORT

- 1.1 To update the scheme of delegation relating to planning decisions to ensure it is able to endure through an anticipated period of change arising from the government's forthcoming planning reforms, to retain some of the changes made temporarily during the pandemic and to improve efficiency in decision making.

2. RECOMMENDATIONS

- 2.1 **That the proposed delegations from Planning and Regulatory Board to specified officers/posts are amended as per the attached Terms of Reference of the full Council, Regulatory Boards and Committees and Functions Delegated to Officers.**
- 2.2 **That the report be referred to Full Council for approval.**

3. INTRODUCTION

- 3.1 The Council constitution identifies what delegated powers particular officers have in carrying out their duties. This includes delegation of decisions from Full Council to Planning and Regulatory Board (PRB) and then further delegation from PRB to a range of senior officers, including the Head of Planning and Building Control, who is the Council's Chief Planning Officer.
- 3.2 The last substantive changes to delegation of planning decisions from PRB to the then Chief Planning Officer were made in 2009. However, to ensure that decision making could continue during the pandemic, all planning matters have been temporarily delegated to the Head of Planning and Building Control.
- 3.3 For applications that would have ordinarily been determined by PRB, the temporary arrangements have required PRB members to be consulted before any decision is made. However, where applications were of such significance that it was deemed inappropriate for them to be determined using officer delegation, virtual PRB meetings were held. More recently, physical meetings have taken place but again with smaller agendas that might otherwise have

been the case given a number of decision have instead been made by the Head of Planning and Building Control following consultation with members of PRB.

- 3.4 These temporary changes have enabled PRB to focus its time on the larger, more contentious planning applications whilst enabling members to still have their say regarding smaller, less contentious applications that they have been consulted on prior to the Head of Planning and Building Control determining those. A comparison of the decisions taken during the period of extended delegation with decisions taken by PRB in the period leading up to the pandemic is included within Appendix B.
- 3.5 The temporary arrangements have been rolled forward on a roughly quarterly basis during the pandemic and are due to end on 31st October 2021. The latest decision to extend the temporary arrangements included a commitment to review of the longstanding scheme of delegation used up until the pandemic with a view to new permanent arrangements being in place before the end of this year.
- 3.6 When reviewing the section of the scheme of delegation that deals specifically with planning applications, it has also been identified that there are other areas where the scheme of delegation needs updating to ensure decisions are taken at the correct level and reflect how the various services would prefer to operate. These include:
- Transferring delegation of various planning and building control matters from the Executive Director, Core Services to the Head of Planning and Building Control in consultation with the Service Director, Legal
 - Transferring delegation of various highway matters from the Executive Director, Core Services in consultation with the Head of Highways and Engineering to the Head of Highways and Engineering (some of which are in consultation with the Service Director, Legal).
 - Transferring delegation of matters under Section 115 of the Highways Act 1980 (permission for provision etc of services, amenities, recreation and refreshment facilities on the highway) from the Executive Director, Place to the Head of Highways & Engineering
 - Requiring certain matters currently delegated to the Head of Planning and Building Control to be delegated to the Head of Planning and Building Control in consultation with the Service Director, Legal (e.g. enforcement)
- 3.7 At the same time an opportunity has also been taken to consolidate the content so that it endures over time, rather than having to be updated more frequently to reflect slight changes to relevant legislation.

4. PROPOSAL AND JUSTIFICATION

Determination of Planning Applications

- 4.1 Instead of PRB having to determine all planning applications that sit within the

following categories, it is proposed that they are permanently delegated to the Head of Planning and Building Control in consultation with PRB:

- a) Planning applications submitted on behalf of the Council for its own development
- b) Planning applications submitted by or on behalf of a Member of the authority or any officer employed in Development Management, or their respective spouse or partner
- c) Planning Applications that would involve Section 106 Agreements or Unilateral Undertakings

4.2 The recommended approach, which has been used throughout the pandemic, would ensure PRB members still have the opportunity to review officer recommendations for applications that fall within these categories. Where a member considers that any application they are consulted on should instead be determined by PRB, they will be able to request that the application is referred to the following PRB meeting. This request would then be considered by the Head of Planning and Regulatory Board and if it is agreed that the issues raised should properly be addressed by the board, the application would be included on the agenda for the following PRB meeting.

4.3 These arrangements will help to ensure that planning applications within the three identified categories can be determined in a more timely manner. In part this is because PRB agendas have to be published a week in advance of the meeting taking place and because meetings are only held every 4 weeks with occasional longer gaps. For minor applications where there is an 8-week target to make a decision, it can be challenging to achieve the target if the application has to go to PRB and the consultation period is due to close just after the papers for a PRB meeting have been published.

4.4 Determining more applications using delegated powers is also more cost effective. This is particularly important where the application is a minor development that only attracts a modest planning fee. Where an application has to go to PRB, there are significant additional costs associated with the officer time taken to present applications to board that need not be considered by the members. It also reduces the length of PRB meetings so that members of the board can devote more time to considering the larger, more contentious applications.

4.5 When assessing applications where PRB members are due to be consulted or have been consulted and have made a request for the application to be considered at the next meeting, the Head of Planning and Building Control would be expected to continue adopting a precautionary approach so that, if in doubt, an application was referred to the next PRB meeting rather than being determined by officers. This could typically apply in the following circumstances:

- Where there have been a significant number of objections from the public

- Where the applicant is a senior officer within the Planning Service
- Where the S106 agreement includes a bespoke financial contribution that has not been based on a formula contained within a Supplementary Planning Document.

4.6 The Head of Planning and Building Control would also be expected to adopt a consistent approach to requests from members, considering these solely on their merits. Thereafter, a list of the applications determined using delegated powers will continue to be published at the next available PRB meeting so that all members can view the decision alongside a summary of how any comments received from PRB members were considered.

4.7 The proposed approach therefore includes measures to ensure that the Head of Planning and Building Control is responsible in exercising increased delegated powers with transparency being paramount. At the same time, it will ensure PRB members are able to focus their time and effort on the larger, more contentious applications whilst enabling smaller, uncontentious applications to be determined quicker and at a lower cost.

4.8 As the changes identified below have been put into practice on a temporary basis since the start of the pandemic it has been possible to assess how they have impacted upon decision making by comparing published planning application statistics before and after the pandemic. This is demonstrated in the following table:

Planning Application Statistics Pre and Post Pandemic

Time Period	Decisions Delegated			Decisions Granted		
	Barnsley	All Unitary Authorities	England	Barnsley	All Unitary Authorities	England
1st Jan - 31st Dec 2019	95%	96%	95%	91%	89%	88%
1st April 2020 - 31st March 2021	95%	97%	96%	89%	89%	88%

Source: Live tables on planning application statistics:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

4.9 The table shows that across England and throughout all Unitary Authorities there was a 1% increase in applications that were delegated but that the percentage of applications that was granted remained unchanged. In Barnsley there was also an increase in applications delegated but this amounted to less than 1%. During that same period, the percentage of planning applications granted dropped by 2%. The data therefore indicates no correlation either locally or nationally between the levels of officer delegation and types of decisions being made. It also shows Barnsley lags very slightly behind other unitary authorities and England as a whole in respect of levels of officer delegation. On this basis, it is considered that carrying forward the temporary delegation arrangements for planning applications on a permanent

basis will keep Barnsley broadly in line with other unitary authorities and England as a whole and is unlikely to impact on the type of decisions that are ultimately made.

Other Changes

- 4.10 The current arrangements delegate a whole host of matters to the Executive Director, Core Services. Following a review, it is considered that delegating such a wide array of matters is not necessary and is potentially less efficient as it risks creating a bottleneck within the decision-making process. Nonetheless, it is recognised that some of the matters currently delegated to the Executive Director, Core Services do require legal involvement. Working on the principle that we should seek to delegated to the lowest tier of management possible but at the same time ensuring there is sufficient legal oversight, officers therefore consider that a range of matters can be dealt with at Head of Service level. In some cases, this is in consultation with the Service Director, Legal Services. Where this is the case, legal already has significant involvement and so the proposed arrangements will not place a greater burden on legal. In contrast, the amendments will streamline decision making so that once legal have been consulted the services can then administer the issuing of decisions/notices etc.
- 4.11 Consolidation of the scheme of delegation is proposed to make it easier to understand and to avoid having to update it every time minor changes are made to the specified legislation.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 There are two clear alternatives to the recommendations, which are:
- a. To let the temporary arrangements lapse and revert back to the previous delegation arrangements
 - b. To delegate the applications within the categories identified to the Head of Planning and Building Control without a requirement to consult with PRB.
- 5.2 It is considered that reverting back to previous delegation arrangements, which have not been substantively amended since 2009, would represent a missed opportunity to focus PRB attention solely on the larger, more contentious applications and to achieve associated efficiencies when processing the affected smaller and less contentious applications.
- 5.3 In contrast, not requiring PRB to be consulted in relation to the Council's own applications, those submitted by staff within the Planning Service and those requiring Section 106 agreements or unilateral undertakings would have risked decision being made without any real oversight by the board. Such a system would then have been open to accusations that the Council was not being sufficiently open and transparent, particularly when determining its own applications.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 No direct implications arising from this report.

7. FINANCIAL IMPLICATIONS

7.1 The amendments to the delegation arrangements will modestly reduce the costs of determining some planning applications that will no longer have to be determined by PRB. It is not possible to estimate what the saving might be though as it relates primarily to officer time.

8. EMPLOYEE IMPLICATIONS

8.1 No direct implications arising from this report.

9. LEGAL IMPLICATIONS

9.1 The recommendations apply to a relatively modest number of planning applications and as long as officers determine applications in accordance with the amended delegation arrangements, there will be no legal implications.

10. CUSTOMER AND DIGITAL IMPLICATIONS

10.1 Not relevant for this report

11. COMMUNICATIONS IMPLICATIONS

11.1 If approved, all members will be notified of the updated delegation arrangements.

12. CONSULTATIONS

12.1 Informal discussions have taken place with the Chair of Planning and Regulatory Board and officers in Legal and Governance in advance of preparing this report. There is no statutory requirement to consult on the changes.

13. EQUALITY IMPACT

13.1 Equality Impact Assessment Pre-screening has been completed determining that a full EIA is not required

14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

14.1 The recommendations relate to governance arrangements for decision making in order to ensure we are a modern, inclusive, efficient and high-performing council as per the 'Enabling Barnsley' priority in the Corporate Plan.

15. TACKLING THE IMPACT OF POVERTY

15.1 Not relevant for this report

16. TACKLING HEALTH INEQUALITIES

16.1 Not relevant for this report

17. REDUCTION OF CRIME AND DISORDER

17.1 Not relevant for this report

18. RISK MANAGEMENT ISSUES

18.1 Increasing officer delegation will always present a risk that increased powers will be used irresponsibly. However, the proposed arrangements have been used throughout the pandemic and have not provoked any such concerns. This is in part because of the transparency of the process whereby all applications determined by the Head of Planning and Building Control in consultation with PRB members are published in a report to the following PRB meeting. These arrangements would be retained should the recommendations be approved.

19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 Not relevant for this report

20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 The public and members will retain the right to request that applications are determined by PRB and the convention will be considered throughout all stages of the process.

21. CONSERVATION OF BIODIVERSITY

21.1 Not relevant for this report

22. LIST OF APPENDICES

Appendix 1: Existing Scheme of delegation

Appendix 2: Proposed Amended Scheme of Delegation

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**REPORT OF THE EXECUTIVE DIRECTOR OF PLACE
TO PLANNING & REGULATORY BOARD ON 26TH OCTOBER 2021**

APPENDIX 1: Existing Terms of Reference of the Full Council, Regulatory Boards and Committees and Functions Delegated to Officers

The existing scheme of delegation can be accessed via the following link and is contained within pages 12-21:

<https://barnsleymbc.moderngov.co.uk/documents/s84134/Part%201%20Terms%20of%20Reference%20of%20and%20Delegations%20of%20Full%20Council%20Regulatory%20Boards%20and%20Committees%20and%20.pdf>

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**REPORT OF THE EXECUTIVE DIRECTOR OF PLACE
TO PLANNING & REGULATORY BOARD ON 26TH OCTOBER 2021**

APPENDIX 2: Proposed Amended Scheme of Delegation

Planning Regulatory Board

Within the overall policy framework approved by the Council to exercise the functions of the Council (with exceptions relating to preparation of the Local Plan, supplementary planning documents, designation of conservation areas, areas of archaeological interest and nature reserves, removal of permitted development rights through Article 4 Directions and making compulsory purchase orders which are the responsibility of the Executive) in relation to:-

All matters of town and country planning regarding development and listed building control and related regulatory functions, including the making of appropriate statutory orders, public rights of way; minerals and waste disposal planning and control; building control matters; matters connected with the safety of sports grounds; supervision of all land subject to reclamation for the time being owned by the Council; and, in particular, the following are reserved for Board unless expressly delegated-

- I. Planning applications or reserved matters where any Member of the Council raises in writing any material planning consideration that the Head of Planning and Building Control, in consultation with the Chair, agrees should be determined by the Board:
- II. Planning applications that would be contrary to the provisions of the adopted Development Plan but are recommended for approval
- III. Major Planning applications (i.e. of 10 or more dwellings, more than 1,000 sq.m. of development or a site area of more than 0.5 ha) where a member of the public has submitted a material objection **and** has requested to speak at the Board **and** where the Head of Planning and Building Control, in consultation with the Chair, agrees that the application should be determined by the Board
- IV. the issue of repairs notices and making compulsory purchase orders under sections 47 & 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- V. Confirming Tree Preservation Orders where they have been opposed

Delegations to Officers from the Planning Regulatory Board

1. **Executive Director, Core Services**

- (a) The issue, replacement, amendment, suspension or revocation of a General Safety Certificate and the service of Prohibition Notices under the Safety of Sports Grounds Act 1975.

2. Head of Planning & Building Control in consultation with the Service Director, Legal

- (a) All Notices served under the Building Act 1984 but excluding those under Sections 80, 81 and 82 which are expressly delegated to the Head of Highways and Engineering.
- (b) Notices under Part II of the Mines and Quarries (Tips) Act 1969.
- (c) To determine applications for and issue of Certificates of Lawfulness under the Town and Country Planning Act 1990
- (d) To exercise the Council's powers and functions under Part 7 of the Town and Country Planning Act 1990 (enforcement), and section 330 (but excluding sections 191 to 196 relating to certificates of lawfulness of existing or proposed development or use)
- (e) To exercise the Council's powers and functions under Sections 215 to 219 (proper maintenance of land) and 224 - 225 (enforcement and removal of advertisements and posters) of the Town and Country Planning Act 1990
- (f) To undertake enforcement action in relation to sections 220 and 224 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- (g) To undertake enforcement under part 1 chapter 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of breaches of control under the said Act
- (h) To decide a complaint and serve, withdraw or enforce a High Hedge Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003
- (i) The service of Notices in relation to trees under part 8 of the Town and Country Planning Act 1990, and the making of Tree Preservation Orders and the confirming of unopposed Tree Preservation Orders.

3. Head of Planning and Building Control following consultation with Planning and Regulatory Board Members (subject to members rights in I and III of this scheme)

- a) Planning applications submitted on behalf of the Council for its own development

- b) Planning applications submitted by or on behalf of a Member of the authority or any officer employed in Development Management, or their respective spouse or partner
- c) The determination of the matters to be included in Section 106 Agreements or Unilateral Undertakings in relation to Planning Applications within the officers delegation.

4. Head of Planning and Building Control

- (a) To process and determine all applications under the Building Regulations
- (b) In consultation with the Service Director, Finance, to make recommendations to the Place (Regeneration and Culture) Cabinet Spokesperson for the variation of the standard scales of Building Regulation Fees in the Local Government Model Scheme by plus or minus 10% in appropriate cases.
- (c) To approve the numbering of properties.
- (d) To determine proposals submitted under the Hedgerow Regulations and to serve hedgerow retention notices where appropriate.
- (e) To determine applications made under the South Yorkshire Act 1980.
- (f) In consultation with Yorkshire Water the granting of consent to building over sewers.
- (g) To deal with any matters related to safety under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, including the issue and service of prohibition notices.
- (h) To advise appropriate licensing bodies in respect of applications received under various licensing legislation on matters relating to Building Regulations or other safety issues.
- (i) In consultation with the Chairperson of the Planning Regulatory Board, to determine submissions of development details in Enterprise Zones in respect of which approval is not granted under the scheme, but in accordance with the overall requirements of the planning schemes.
- (j) To determine submissions under the prior notification procedure pursuant to the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
- (k) To respond to consultations from Government and other bodies in relation to Town and Country Planning and related matters.
- (l) To respond to appeals (written representations, hearings and public

- inquiries) made under Town and Country Planning Acts and Regulations
- (m) To determine all other matters (not dealt with in this scheme) relating to Town and Country Planning (save for matters expressly dealt with in this scheme of delegation).
- 5. Head of Highways and Engineering in consultation with the Service Director, Legal**
- (a) Enforcement action under the Highways Act 1980.
- (b) The prosecution of persons who fail to pay or secure advance payment deposits under section 219 of the Highways Act 1980.
- (c) The making and advertising of Orders under section 21 of the Town Police Clauses Act 1847 or section 16A of the Road Traffic Regulation Act 1984 for the purpose of appropriate events in highways.
- (d) The temporary closure of public rights of way under the Road Traffic Regulation Act 1984.
- 6. Head of Highways and Engineering**
- (a) To administer the provisions of the New Roads and Street Works Act 1991 as respects Streets, Street Works and Undertakers.
- (b) Protection of the rights of the public to use a highway under section 130 of the Highways Act 1980.
- (c) To control the placing of builders' skips on highways under section 139 of the Highways Act 1980.
- (d) To take enforcement action considered necessary in pursuance of the Council's duty to protect the rights of the public to the use of public highways and / or public rights of way as prescribed in the Highways Act 1980.
- (e) The enforcement of legislation on obstruction to public rights of way under sections 134 and 137 of the Highways Act 1980 as amended by the Rights of Way Act 1990.
- (f) The granting of consent for licensed obstructions (e.g. gates, stiles, etc.) under the Highways Act 1980.
- (g) To accept dedications of public rights of way under section 25 of the Highways Act 1980 subject to consultation with user groups, Local Members and, where appropriate, parish councils.
- (h) To approve or refuse any proposal to divert, create or stop up a public

right of way under the Highways Act 1980 or Town and Country Planning Act 1990, following consultations with user groups, Ward Members and, where applicable, Parish Councils, except where:

- A Member of the Council requests that the proposal be considered by the Planning Regulatory Board.
 - The Head of Highways and Engineering is of the opinion that the issues raised should be considered by the Planning Regulatory Board.
- (i) To determine whether the Definitive Map and Statement should be modified following the discovery of relevant evidence.
 - (j) To enter into permissive path agreements under Section 39(1) of the Wildlife and Countryside Act 1981.
 - (k) To accept deposits made under section 31(6) of the Highways Act 1980.
 - (l) To grant consent to planting in the highway by individuals under section 142 of the Highways Act 1980.
 - (m) To control the erection of scaffolding on the highway under section 169 of the Highways Act 1980.
 - (n) To control the deposit of building materials and the making of excavations in the highway under section 171 of the Highways Act 1980.
 - (o) To control the erection of hoardings adjacent to the highway under section 172 of the Highways Act 1980.
 - (p) To regulate the placing of cables, pipes, wires etc. over highways under section 178 of the Highways Act 1980.
 - (p) To regulate the construction of cellars under highways under section 179 of the Highways Act 1980.
 - (r) To regulate the construction of openings into cellars under streets under section 180 of the Highways Act 1980.
 - (s) To grant consent to the placing of private apparatus within the highway under sections 50 of the New Roads and Street Works Act 1991.
 - (t) Notices and appeals under sections 81 and 82 of the Building Act 1984.
 - (u) Content and enforcement of notice requiring works under section 99 of the Building Act 1984.
 - (v) Appeal against notice requiring works under section 102 of the Building

Act 1984.

- (w) To determine applications for modifications to the Definitive Map and Statement of Public Rights of Way
- (x) To grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway under Section 115 of the Highways Act 1980

Item 7

Planning Enforcement Report to Planning Regulatory Board

Quarters 1 & 2 April 2021 – September 2021 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarters 1&2 of the last reporting period 2021/2022 (April 2021 – September 2021). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

Overall number of Planning Enforcement service requests Quarter 1&2:

April 2021	74	July 2021	78
May 2021	88	August 2021	86
June 2021	80	September 2021	90

Total number of requests for service Quarters 3/4 2020/21 **496**

	Cases Received	Investigated/Resolved	Under Consideration
Quarters 1&2 (21/22)	496	370	126

Introduction

The service has a triage system to assess and prioritise complaints in order of the seriousness of the harm being caused so that the resources of the service can be deployed in the most effective way. This approach has included filtering out low priority cases at an early stage to allow officers to invest time and resources resolving more difficult or complex cases. It has also enabled complaints where no breach of planning control has been identified (i.e. neighbour disputes or civil matters) to be resolved at the earliest point of contact.

Most cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other cases can take several weeks to resolve as they may require interventions by the Council and work with a variety of stakeholders including the submission of retrospective planning applications to be considered.

The service will also take swift and robust enforcement action to address breaches of planning control which are harmful and unacceptable. This can include ceasing works on site through the service of stop notices or preventing activities taking place at certain times of the day.

2021 Year End Comparison with other Local Authorities

*Year ending March 2021									
1	Position (/291)	LPA (Excluding London Boroughs)	Enforcement notices issued	Stop notices issued	Temporary stop notices issued ²	Breach of condition notices served	Planning contravention notices served	Enforcement injunctions granted by High Court or County Court ³	Enforcement injunctions refused by High Court or County Court
3	1st	North Warwickshire	70	1	1	0	9	0	0
4	2nd	Bradford	53	0	0	1	0	0	0
5	3rd	Herefordshire, County of	50	0	0	0	20	0	0
6	4th	Buckinghamshire	49	4	11	4	28	0	0
7	5th	Barnsley	35	1	8	4	23	1	0
8	6th	Wokingham	33	2	0	5	41	0	0
9	7th	Epping Forest	33	0	1	0	0	2	0
10	8th	Colchester	33	0	8	7	17	0	0
11	9th	Cornwall	27	0	0	2	233	0	0
12	10th	Cambridge	26	0	0	8	18	0	0

Barnsley Council was ranked 5th out of 291 local Authorities in terms of taking formal enforcement action. 35 Planning enforcement Notices were served in the year ending 2020/21. While Planning enforcement action is a discretionary power, the above table shows a willingness to act where appropriate and ensure that the integrity of the planning system is maintained despite limited staffing resources during this reporting period. There is an expectation from elected members and residents that breaches of planning control should be tackled and officers within the service seek to take that approach. There is some frustration with the length of time enforcement appeals can take, which on average are currently determined between 12 – 18 months from when an enforcement notice is served. These timescales are outside the control of the Council.

Summary of Case Activity

(a) Issuing of Formal Notices (displayed in order of date issued)

Case Reference & Location	Breach of Planning Control	Details of Service/Appeal
2020\ENQ\00568 Wombwell Lane, Stairfoot	<ol style="list-style-type: none"> 1. Non-compliance with the approved plans relating to Highway's design 2. Non-compliance with the approved Landscaping plans 	<p>Enforcement notice served 16th April requiring:</p> <p>Compliance with the Highways & Landscaping plans</p> <p>Effective 17th May 2021.</p> <p>Time period for compliance Two months</p> <p>No appeal submitted</p> <p>Status: Notice not complied with Case to Prosecution</p>

<p>2020-ENQ-672</p> <p>Land adjacent to Willow Bank and 'Bleachcroft' Barnsley S71 1PF</p>	<p>1. Without planning permission, the alteration of land levels and the construction of a hard surface on the Land involving the importation of rubble, waste tarmac surfacing and other material.</p>	<p>Enforcement notice served 28th May 2021 requiring:</p> <p>i) Remove the unauthorised hard surface from the Land including all imported rubble, waste, tarmac and other material associated with the construction of the hard surface from the Land; and</p> <p>ii) Restore the land to its previous condition including restoring pre-existing land levels and the laying of topsoil and seeding the same with grass seed.</p> <p>Effective 28th June 2021</p> <p>Time period for compliance, Three Months</p> <p>Status: Appeal submitted</p>
<p>2020-ENQ-00415</p> <p>Sackup Lane, Darton</p>	<p>1. Deviation from the approved plans in respect of the demolition of a dwelling, the erection of a new dwelling incorporating a retail outlet into the domicile.</p>	<p>Enforcement notice served 17th June 2021 requiring:</p> <p>Compliance with the approved plans</p> <p>Effective 18th July 2021.</p> <p>Time period for compliance Two months</p> <p>No appeal submitted</p> <p>Status: Modified scheme in the process of being submitted</p>
<p>2021-ENQ-00170</p> <p>35 Wordsworth Road</p> <p>Monk Bretton</p>	<p>1. Deviation from the approved plans in respect of the erection of a side extension.</p>	<p>Enforcement notice served 25th June 2021 requiring:</p> <p>Compliance with the approved plans</p> <p>Effective 25th July 2021.</p> <p>Time period for compliance Three months</p> <p>No appeal submitted</p>

		Status: Applicant has requested additional time; some remedial works have taken place
2020-ENQ-00544 Quarry Cottage, Green Moor	1. The material change of use of Green Belt land for the operation of a short-term holiday let business	<p>Enforcement notice served 29th June 2021 requiring:</p> <p>Cease the unauthorised change of use & return the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 18th July 2021.</p> <p>Time period for compliance Two months</p> <p>No appeal submitted</p> <p>Status: Monitoring building to establish if the use has ceased.</p>
2020-ENQ-00326 63 Church Drive, Hoylandswaine	1. The material change of use of Green Belt land for the purposes of incorporating it into the domestic curtilage.	<p>Enforcement notice served 2nd July 2021 requiring:</p> <p>Cease the unauthorised change of use & return the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 2nd August 2021.</p> <p>Time period for compliance Two months</p> <p>No appeal submitted</p> <p>Status: revised landscaping plan to be submitted, extension of time agreed to facilitate works</p>

<p>2020-ENQ-00730</p> <p>Ivy Bank, Thurgoland</p>	<p>1. The creation of a vehicular access over a classified road without planning permission.</p>	<p>Enforcement notice served 15th July 2021 requiring:</p> <p>Cease the unauthorised crossing onto a classified road & return the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 15th August 2021.</p> <p>Time period for compliance Two months</p> <p>Status: Appeal submitted</p>
<p>2021-ENQ-00271</p> <p>Caravan on Littleworth Lane Monk Bretton</p>	<p>1. The material change of use of land for the siting of caravans for the purposes of human habitation.</p>	<p>Enforcement notice served 19th July 2021 requiring:</p> <p>Cease the unauthorised change of use, removal of caravans and associated vehicles, returning the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 19th August 2021.</p> <p>Time period for compliance Two months</p> <p>Status: Appeal submitted</p>
<p>2021-ENQ-00090</p> <p>Land on the North West side of Shaw Lane Carlton</p>	<p>1. The material change of use of land for the siting of caravans for the purposes of human habitation.</p>	<p>Enforcement notice served 22nd July 2021 requiring:</p> <p>Cease the unauthorised change of use, removal of caravans and associated vehicles, returning the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 22nd August 2021.</p> <p>Time period for compliance Four months</p> <p>No appeal submitted – compliance period 22nd December 2021</p>

<p>2021-ENQ-00292</p> <p>35 Hanover Street</p> <p>Thurnscoe</p>	<p>1. Erection of a boundary wall that runs parallel to a highway in excess of 1 metre in height.</p>	<p>Enforcement notice served 28th July 2021 requiring:</p> <p>Removal of the wall and associated materials, restoring the land to its original condition prior to the breach of planning control occurring</p> <p>OR</p> <p>Reduce the height of the wall to no more than 1 metre in height</p> <p>Effective 28th August 2021.</p> <p>Time period for compliance Two months</p> <p>Status: No appeal submitted Amending development to Permitted development limitations</p>
<p>2020-ENQ-00455</p> <p>Hazelshaw Farm</p> <p>Wortley</p>	<p>1. The material change of use of land for the operation of an explosives business.</p>	<p>Enforcement notice served 18th August 2021 requiring:</p> <p>Cease the unauthorised change of use relating to the explosives business being run on site.</p> <p>Removal of all containers and site cabins related to the unauthorised activity.</p> <p>Effective 18th September 2021.</p> <p>Time period for compliance Two months</p> <p>Status: No appeal submitted – monitoring site for compliance with Notice</p>
<p>2021-ENQ-00479</p> <p>9 Spa Well Grove</p> <p>Brierley</p>	<p>1. The material change of use of land for the operation of a minibus private hire business from within a residential dwellinghouse.</p>	<p>Enforcement notice served 19th August 2021 requiring:</p> <p>Cease the unauthorised change of use</p>

		<p>Effective 20th September 2021.</p> <p>Time period for compliance One month</p> <p>Status: No appeal submitted, monitoring site for compliance</p>
<p>2019-ENQ-00363</p> <p>Cliff Lane, Brierley</p>	<p>1. The material change of use of land for the siting of caravans for the purposes of human habitation.</p>	<p>Enforcement notice served 3rd September 2021 requiring:</p> <p>Cease the unauthorised change of use.</p> <p>Removal of the unauthorised caravans and all associated vehicles from the site.</p> <p>Effective 4th October 2021.</p> <p>Time period for compliance Four months</p> <p>Status: Appeal submitted</p>
<p>2020-ENQ-00436</p> <p>6a Albert Street</p> <p>Cudworth</p>	<p>1. The material change of use of land for the operation of a horsebox fabrication business.</p>	<p>Enforcement notice served 9th September 2021 requiring:</p> <p>Cessation of the unauthorised change of use</p> <p>Effective 8th October 2021.</p> <p>Time period for compliance One month</p> <p>Status: Appeal submitted</p>
<p>2021-ENQ-00528</p> <p>Barnsley Road</p> <p>Brierley</p>	<p>1. Operational Development of Green Belt Land (importation of waste materials, aggregate, creation of a vehicular access, erection of a building, erection of a fence)</p>	<p>Enforcement notice served 28th September 2021 requiring:</p> <p>Cease the unauthorised change of use, returning the land to its original condition prior to the breach of planning control occurring.</p> <p>Effective 29th October 2021.</p>

		<p>Time period for compliance Three months</p> <p>Status: Only recently served, no appeal submitted yet</p>
<p>2021-ENQ-00589 14 Old Row Elsecar</p>	<p>1. The erection and affixing of a retractable canopy to a listed building</p>	<p>Listed Building Enforcement notice served 29th September 2021 requiring:</p> <p>Removal of the unauthorised structure.</p> <p>Effective 30th October 2021.</p> <p>Time period for compliance Two months</p> <p>Status: No appeal submitted – monitoring</p>
<p>2021-ENQ-00589 11 Old Row Elsecar</p>	<p>1. The erection and affixing of a pergola to a listed building</p>	<p>Listed Building Enforcement notice served 29th September 2021 requiring:</p> <p>Removal of the unauthorised structure.</p> <p>Effective 30th October 2021.</p> <p>Time period for compliance Two months</p> <p>Status: No appeal submitted – monitoring</p>
<p>2021-ENQ-00589 7 Old Row Elsecar</p>	<p>1. The erection and affixing of a pergola to a listed building</p>	<p>Listed Building Enforcement notice served 29th September 2021 requiring:</p> <p>Removal of the unauthorised structure.</p> <p>Effective 30th October 2021.</p> <p>Time period for compliance Two months</p>

		Status: No appeal submitted – monitoring
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
52 Gawber Road, Barnsley	Overgrown Garden	S215 Notice issued 12 th August 2021 Status: Works ongoing to comply with Notice

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 Worsbrough Wood, Worsbrough Road, Barnsley, S70	Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.	Further enforcement notices served in March 2020 in relation to the unauthorised use as site for storing a caravan for human habitation and associated development Enforcement appeal dismissed; Notice upheld. Temporary personal Planning permission granted for occupier of site for 3 years subject to condition. The Council have applied to Judicially review the decision;

		we are awaiting the outcome from the Court.
2019\ENQ\00758 30 Huddersfield Road, Barnsley	Non-compliance with enforcement notice relating to formation of unauthorised vehicular access over a classified road.	Legal case file submitted a comprehensive case to our Litigation team including witness statements and exhibits.
Land at Willow Bank/Tinkers Pond, Barnsley, S70	Unauthorised change of use of Land and operational development including the creation of a compound	Injunction granted by the court to prevent any further development which requires planning permission taking place. An enforcement notice appeal has also been made in respect of the compound. Further legal options are being explored.

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
2018\ENQ\00526 Cliffe Lane, Brierley, Barnsley, S72 9HR	Laying of Hardstanding's, walls and block paving for the formation of caravan bays. Enforcement Notice and Stop Notice issued 25 th January 2019	Start letter received 6 th May 2020 for the appeals process to begin. Appeal now at final comments stage, councils' statement of case and application for costs has been submitted. The procedure for this appeal is a Hearing with a future date to be arranged. Further contact has been made with the Planning Inspectorate after the proposed September hearing was cancelled, a further enforcement notice has been issued for the change of use and the appeals have been linked. Awaiting date to be set for the hearing.

		The enforcement notice seeks the removal of the caravan bays, fencing, hardstanding and associated development seeking reinstatement of the land.
2020\ENQ\00143 Stairfoot Steel/Metals, Wombwell Lane, Stairfoot, Barnsley, S70 3NT	Without planning permission, the material change of use of land to a scrap metal storage and processing facility (Sui Generis). Enforcement Notice issued 27 th July 2020	Start Letter Received: 22 nd September 2020 Appeal Decision Date: 1 st October 2021 Appeal Dismissed, time period for compliance 5 months The Enforcement Notice seeks the use to cease and all scrap/material removed from the site.
2020\ENQ\00293 Cat Hill Farm, Hoylandswaine, Barnsley, S36 7DG	<ol style="list-style-type: none"> 1. Without planning permission, the material change of use of the land for the purposes of stationing a storage container 2. Without planning permission; the carrying out of operational development under S55 Of the Town and Country Planning Act; namely engineering operations including excavations to alter the profile of the land and laying aggregate material. 	<p>Two enforcement notices served 19th October 2020 requiring:</p> <ol style="list-style-type: none"> 1.The removal of the container 2. Remove all unauthorised materials in their entirety, ensuring that the land is restored to its original condition before the breach of planning control took place. <p>Effective 18th November 2020.</p> <p>Time period for compliance one Month</p> <p>The container has been removed, complying with Notice No.1</p> <p>Appeal received against notice No.2. Informal Hearing took place 25th May 2021.</p> <p>Decision: Appeal Allowed</p>

<p>2020\ENQ\00202</p> <p>Land off Worsbrough Road (Wood), Worsbrough Barnsley, S70 5LN</p>	<p>Without planning permission: The material change of use of land for the siting of a caravan for human habitation, storage of horseboxes, vehicles, plant, equipment, machinery, the laying of hardstanding and erection of walls, fencing and boundary gates to facilitate the unauthorised use over a number of unauthorised vehicular crossings on woodland which is covered by Tree Preservation Orders. ('The Unauthorised Works').</p>	<p>Start Letter received for joint Planning and Enforcement Appeal: 27th October 2020</p> <p>The Enforcement Notice seeks the use to cease and removal of the items described on the Notice</p> <p>Planning Hearing took place on 5th May 2021, Decision issued 23rd June 2021</p> <p>Enforcement appeal dismissed; Notice upheld.</p> <p>Temporary personal Planning permission granted for occupier of site for 3 years subject to condition.</p> <p>The council have applied to Judicially review the decision; we are awaiting the outcome from the Court.</p>

Compliance Monitoring

Enforcement Notices served 2020/21	Enforcement Notices Complied with 2020/21
35	26

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

Timescales for Determination of Appeals

The Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for matters considered under the informal hearing and public inquiry procedure. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals. The information above shows that increasing numbers of appeals have been moving through the system with several appeal decisions now received. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress

Website and customer contact improvements

Recent improvements have been made to the council's website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables us to identify the specifics of the complaint more easily and includes the ability for customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>

Staffing

Presently only one of the two enforcement officer posts are occupied due to a resignation. A Recruitment exercise has taken place with a candidate accepting the post and due to commence employment on 1st November 2021. This will enable the service to have more capacity to respond and deal with breaches of planning control as x2 full time officers will be In post.

Conclusion

The first two quarters of 2021/22 have seen a consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service will seek to continue to work with elected members and local communities to achieve the desired outcomes. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

Please contact the service through the details provided below should you wish to make further enquires in respect of specific cases.

Email: Planningenforcement@barnsley.gov.uk

Customer Services 01226 773555

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