

**Barnsley Local Plan – Main Matter 20 – Site Ref. EC8 – Issue: -**

***Whether or not the proposed housing site allocations in Urban Barnsley, Principal Towns and the larger villages would be soundly based and whether or not the exceptional circumstances exist to justify the release of land from the Green Belt?***

**Hearing Statement – Yorkshire Land Limited - Unique Representer Number: 23082**

- 1.1 We write on behalf of our client Yorkshire Land Limited (YLL) to provide their hearing statement to Main Matter 20 of the Barnsley Local Plan Examination in Public.
- 1.2 This statement relates to BMBC's proposed allocation Site Ref. EC8 Land off Roughbirchworth Lane, Oxspring. Whilst we support the allocation of new homes to Oxspring (including the number of homes being proposed by BMBC), proposed housing allocation Site Ref. EC8 represents a truly undeliverable residential development site. We do not believe that BMBC have appropriately tested reasonable alternatives. Accordingly, this statement concludes that BMBC's proposed allocation Site Ref. EC8 should be replaced by YLL's land interest known as the Millstones, Oxspring.
- 1.3 This statement should be read in conjunction with the other hearing statements being submitted by YLL in respect of this stage of the BMBC Local Plan Examination in Public.

**EVIDENCE TO JUSTIFY THE RELEASE OF NEW HOUSING SITES IN OXSPRING**

- 2.1 In our hearing statement to Main Matter 19 we identify that there are six areas of evidence that exist to justify the need for BMBC to justify the allocation of housing allocations within the Borough's Villages.
  - a. The UDP's identification of Selected Villages.
  - b. BMBC's Economic and Housing Strategies.
  - c. The need to deliver affordable housing in the Borough's least affordable locations.
  - d. PBP's & BMBC's Village Sustainability assessments.
  - e. The need for BMBC to deliver more homes than currently proposed within the Borough as a whole and consequently within the Villages.
  - f. BMBC's assessment has been retrospectively undertaken to favour Villages which contain site opportunities located on non-Green Belt land or within an ARUP Green Belt Review "resultant parcel".
- 2.2 For brevity we will not repeat our full analysis in respect of each of the above areas of evidence here. We instead refer the Inspector to our hearing statement for Main Matter 19.
- 2.3 With regards to Oxspring, there is a further piece of evidence that needs to be considered in respect of retaining the existing level of homes that BMBC propose to deliver in the settlement. This is the Independent URS Housing Needs Report for Oxspring.
- 2.4 In 2014 a Housing Needs & Capacity Assessment was prepared on behalf of Oxspring Parish Council by consultants 'URS'. The document concludes by identifying the need to deliver between 53 and 68 new homes in the Village during the period 2008 to 2026, circa 4 homes per annum. The document identifies a need for a range of house types, including affordable housing. The figures presented in the document were generated using an assessment of the population projections at that time. As the emerging Barnsley Local Plan now seeks to identify local planning policies for the Borough up to the year 2033, seven additional years of housing

need which is unaccounted for in the URS Study. There is therefore reasonable justification for the figures identified in the URS Study to be increased accordingly to a level closer to 96 new homes.

- 2.5 In addition, the delivery of new housing allocations for Oxspring will ensure that the identified housing needs of the Village can be met. Such an approach complies with national planning policy in respect of meeting both the market and affordable housing needs required to sustain the vitality of Villages.
- 2.6 With regards to the PBP Village Sustainability Assessments, the table below identifies the conclusions for Oxspring (enclosed in Appendix A) and utilises these conclusions to identify whether a sufficient number of new homes have been distributed to each settlement.

Oxspring
<p>Due to the Village’s location and capacity for growth, it has the potential to make an important contribution to strengthening the service role of the settlement area. Particularly following the future development of the proposed employment allocation Ref. P2, and the Blackmoor Business Park should that also be allocated for employment use within the emerging Local Plan. The long-term sustainability of the Primary School will play a fundamental role in this as well. Along with any new housing developments too, for the reasons identified above.</p> <p>With this in mind, it must be remembered that the Village’s capacity for growth was specifically identified by the Inspector of the UDP, which led to the following wording being included within Paragraph 4.12 of Volume 13 (Western Rural Community Area UDP): -</p> <p><i>“Oxspring is one of the locations in the Western Community Area for additional development <b>because of its physical relationship to the Penistone Urban area</b> and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt.” (Our Emphasis)</i></p> <p><i>“If in the long term, there is a need to release further land for housing then there is the scope to accommodate additional development, provided it is consistent with Green Belt objectives...”</i></p> <p>The Village was also identified as a selected village within the Barnsley Unitary Development Plan (Adopted December 2000).</p> <p>This assessment, and the information previously submitted to BMBC in respect of Yorkshire Land Limited’s Oxspring Fields development provides clear evidence of the significant benefits that the development can deliver in respect of the vitality and viability of Oxspring and the surrounding area.</p> <p>No other proposed allocation in one of the Borough’s Villages seeks to enhance the community infrastructure of the settlement at the same level that the Oxspring Fields development can. It is unique and exemplary. As this assessment seeks to compare the sustainability of the Borough’s Villages on a holistic basis, the potential enhancements that the Oxspring Fields development can deliver should be fully taken into account in the future identification of housing land allocations within the Borough’s Villages.</p> <p>Oxspring is one of, if not the most, sustainable Villages in the West of the Borough. This assessment has demonstrated that. However, the delivery of the Oxspring Fields proposals will further enhance the Village’s sustainability. Whilst also of course meeting the Village’s housing needs as identified within the Parish Council’s Independent URS Housing Needs Report.</p>

Finally, the delivery of new affordable homes is of paramount importance to the Villages. Their delivery can only be guaranteed through the release of new housing allocations above 15 homes in size due to existing policy constraints. The more sustainable the Village, the larger the housing allocation that could be provided within it and thus the greater amount of affordable homes.

**BMBC Proposed Housing & Safeguarded Land Allocations = 298 Homes**

**PBP Proposed Housing Allocations = The Village has sufficient capacity to accommodate approximately 300 new homes from housing allocations and safeguarded land allocations. The conclusions of PBP's Village Sustainability Assessment work therefore corroborate BMBC's own conclusions in respect of the Village's capacity to grow. The differences between PBP and BMBC therefore relate solely to the selection of BMBC's proposed housing and safeguarded land allocations.**

- 2.7 When combined, the pieces of evidence stated above justify the need to replace BMBC's proposed undeliverable housing allocations (rather than lose them altogether) with truly deliverable housing allocations. Otherwise the established housing needs of the Village would simply not be met.
- 2.8 The next section of this statement provides evidence that BMBC's proposed site allocation Site Ref. EC8 should be replaced by YLL's deliverable development site known as the Millstones site, Oxspring.

**QUESTION 20.1 & 20.3 - THE DELIVERABILITY OF BMBC'S PROPOSED HOUSING ALLOCATIONS & THE TESTING OF REASONABLE ALTERNATIVE DEVELOPMENT SITES – THE JUSTIFICATION FOR THE RELEASE OF REPLACEMENT LAND ALLOCATIONS IN OXSPRING**

- 3.1 Before responding to the question in respect of reasonable alternatives, we consider it prudent to answer the Inspector's following questions in respect of the deliverability of BMBC's proposed allocation EC8 in Oxspring: -
- The proposed allocation of 22 homes at site EC8 is not soundly based or justified by evidence.
  - There are no mitigation measures that could be put in place to overcome deliverability concerns associated with the development of 22 homes at the site.
  - A development of 22 homes at the site is simply not deliverable now, or at any point in the plan period or beyond.
- 3.2 It is clear that BMBC's proposed release of site EC8 is purely on the basis of the site not being located in the Green Belt.
- 3.3 It is our view that those sites which are not currently located in the Green Belt would or should have come forward for development by now if they were truly deliverable in respect of the tests set out in Footnote 11 of Paragraph 47 of the NPPF, given BMBC's inability to demonstrate a deliverable 5-year supply of housing land for a number of years. The proposed allocation of such sites should therefore be very carefully considered.
- 3.4 Following the undertaking of a site visit and an assessment of BMBC's own evidence base, the table enclosed in Appendix B provides PBP's deliverability assessment in respect of BMBC's proposed site allocations in Oxspring.
- 3.5 Our assessment confirms that we consider Site Ref. EC8 will only be able to deliver 9 homes on account of access and arboricultural issues. These concerns have been confirmed following discussions with Duchy Homes. A developer who previously held an interest in the site.
- 3.6 Enclosed with this statement is a letter from Duchy Homes dated 2<sup>nd</sup> March 2018 (enclosed in Appendix C). The letter provides a robust analysis in respect of the deliverability of Site Ref.

EC8 and concludes that “*considering the site constraints...together with the value of the existing home, outbuildings and paddock, we consider that BMBC would be best advised (to) not rely upon this site as a formal housing allocation*”.

- 3.7 In conclusion, our own assessment of the site and the assessment of the site by a housing developer has identified that the site will not deliver the number of homes anticipated by BMBC.
- 3.8 In light of the evidence presented in Section 2 of this statement, we therefore believe that YLL’s proposed development site at Millstones, Oxspring should be identified by BMBC as a replacement site to Site Ref. EC8.
- 3.9 We provide below a summary of the deliverability of YLL’s Millstones, Oxspring site.
- 3.10 As identified in our statement to Main Matter 19, we believe that BMBC’s approach to the identification of allocations within the Borough’s Villages has resulted in a flawed assessment of reasonable alternatives.
- 3.11 Our client’s interest at Millstones, Oxspring has been submitted to BMBC for their consideration as a potential housing land allocation throughout the entire local plan process.
- 3.12 Specific, substantial, evidence of the deliverability of YLL’s Millstones, Oxspring site was submitted to BMBC on the 19<sup>th</sup> August 2016 by Peter Brett Associates. This evidence is enclosed within Appendix D of this statement. Its planning arguments in favour of the site’s allocation are summarised as follows: -
- The Millstones site has strong, well defined and defensible boundaries in the form of mature woodland and the River Don which clearly separate the land from the wider Green Belt, meaning that the land fulfils none of the Green Belt purposes;
  - Any further encroachment beyond the site into the Green Belt would not be possible due to the presence of those permanent physical boundaries and the proposed localised adjustment would create a better defined and more defensible edge to the Green Belt.
  - The Millstones site is within easy reach of a wide range of community facilities in Oxspring.
  - The emerging Local Plan provides the ideal opportunity to make a slight adjustment to the settlement boundary in order to remove the site from the Green Belt.
  - YLL’s 0.4-hectare Millstones site is contained within a much larger swathe of land assessed by Arup (‘PEN9’), which extends to approximately 640 hectares. That was despite YLL’s Millstones site being the subject of a planning application (reference 2014/0482) for just four executive houses at the time the Green Belt Review was undertaken.
  - There are serious flaws with Arup’s assessment of the site as part of the 2016 SHELAA as it: -
    - incorrectly describes the surrounding land uses and has failed to take account of the mature woodland which forms a permanent defensible boundary to the north and west;
    - erroneously refers to bad neighbour uses, which is baffling because the site does not have any bad neighbours, being surrounded by mature woodland, a river and an existing executive-style housing development;
    - incorrectly states that the site ‘*is within the village*’, whereas the site actually adjoins the current defined boundary of Oxspring and is therefore sterilised as a result;
    - is clearly unaware that the site is in single ownership, controlled and promoted solely by YLL, given its factually incorrect and very disappointing comment that no information has been provided and that the site could be in multiple ownership; and

- identifies a potential dwelling yield for the site of 14 units, based very simply on the application of the blanket density rate of 40 dwellings per hectare which Arup and the Council were now applying to sites throughout the Borough, with no apparent awareness that YLL is committed to delivering four or five executive houses at the site.
  - In January 1994, our client's landscape architect (Mark Smeeden of Smeeden Foreman) liaised with Barnsley Council's Planning and Countryside sections respectively to design a long term permanent boundary treatment which would segregate the approved housing proposal 'Millstones' from the 'Rocher Valley' to the west, in order to create a stronger defined edge to both the housing development and to the Oxspring Rocher. It is clear that the existing landscaped buffer located to the west of the site was intended by the Council to form a defined and enduring boundary to contain development in this location from the Rocher Valley, as an extension of the wooded hillside to the north of the site.
- 3.13 Further evidence corroborating the suitability of the Millstones site for development was presented to BMBC by ourselves in our letter dated 17<sup>th</sup> August 2017. The letter is enclosed in Appendix E and the planning arguments in favour of the site's allocation presented in the letter are summarised as follows: -
- The current boundary of the Green Belt runs through the land as an imaginary line rather than against a physical feature, as the rear garden fence of the existing built properties at Millstones is not the defined boundary.
  - We don't consider the rear garden fences of the Millstones site to represent an appropriate or sympathetic boundary to the Green Belt in this location.
  - The development of this small remaining part of the Millstones site would enable the delivery of the Borough's high quality, executive, family housing (a type which the Borough requires) whilst also being able to utilise and potentially enhance the site's existing defensible boundary to the west to form a long term, defensible, boundary to the Green Belt.
  - Other than the contour of the (then) recently created land mound, there were no defensible features on the ground to the west of the site which could be utilised to define the Green Belt boundary adjacent to the previously approved and now developed part of the Millstones site. A planning application had been granted for the creation of the landscaped mound (Planning Application Reference B/94/0109/PR). The design and creation of this feature was far more involved than simply forming a bund and planting trees.
  - At the time the current Green Belt boundary was established by the adoption of the UDP in December 2000, the Council simply drew a line on a plan in an attempt to reflect the extent of the planning approval B/95/0224/PR (site allocation WR2/7) which now forms the existing part of the Millstones development.
  - Due to the large scale of the UDP Inset Map (1: 10,000) and as the Council were not working to physical features on the ground to define the Green Belt boundary, the exact location in which the Green Belt boundary lies in that location cannot be categorically established. Indeed, the line on the map at a scale of 1: 10,000 could be anything from 3m to 5m in width.
  - There has been a significant and categorical change in physical features since the adoption of the UDP, with a densely wooded area now present on the western boundary of the site which could be utilised to form an enduring and defensible Green Belt boundary in this location. It is our view that the landscaped mound, which now provides an established woodland edge, would create a logical and an entirely more appropriate boundary to the Green Belt in this location.

- This densely wooded area has the same characteristics as, and merges into, the woodland containing the existing Millstones development to the north. The Council are utilising the existing woodland to the north of the Millstones as the Green Belt boundary. Surely then, in accordance with guidance presented in the NPPF, the Council should also utilise the woodland located to the west of the Millstones site to provide a long term, appropriate, defensible boundary to the Green Belt.
  - Whilst we acknowledge that the Council refer to the recent appeal case at the Millstones, Oxspring site as a reason to retain the current Green Belt boundary, it should be recognised that the appeal decision took account of the Green Belt boundary as defined by the current UDP. The appeal process could not of course be used to amend it. An amendment to the Green Belt boundary is therefore being pursued as part of the emerging Local Plan process.
  - As part of any review of Green Belt boundary at the Millstones site, as a starting point we would hope that the Council would seek to look at the site with a fresh pair of eyes and take to one side any current lines drawn on a map 17 to 20 years ago. In doing so the Council would view a site that is currently redundant, has a fully adopted access road leading to it, presently provides an inappropriate Green Belt boundary which is unmarked on the ground and not defined by a strong, enduring, physical or defensible boundary, but has strong robust physical features on its north, west and southern boundaries.
- 3.14 Finally, in Duchy Homes' letter dated 2<sup>nd</sup> March 2018 enclosed at Appendix C, they also provide commentary in respect of the deliverability of YLL's Millstones, Oxspring site as follows: -
- "The Millstones site is a flat and unencumbered parcel of land and we have in the past drawn up a scheme for five large detached properties. We consider the Millstones site is undoubtedly viable for development now as, aside from planning there are no constraints to prevent its development in the early years of the Local Plan, unlike site EC8 at Roughbirchworth Lane, which may never materialise".*
- 3.15 On account of the evidence presented within this statement, we believe there is compelling evidence to justify the release of our client's land interest at Millstones, Oxspring in place of BMBC's proposed allocation Site Ref. EC8.
- 3.16 It is also important to state here that the development of YLL's Millstones, Oxspring site offer the potential to deliver high quality, executive, family homes. In accordance with BMBC's economic and housing strategies. BMBC's current proposed site allocations EC6, EC7 & EC8 do not offer the opportunity to meet this housing requirement due to the deliverability concerns which we express within our hearing statements associated with each of these sites.
- 3.17 The planning precedent of the importance that the proposed Millstones development can play in meeting the identified housing needs of the Borough was established by a recent appeal decision at Land off Huthwaite Lane, Huthwaite (Appeal Ref: APP/R4408/W/15/3134783). The decision is enclosed in Appendix F. The following factors were identified as reasons why the Inspector allowed the appeal: -
- The development would provide high-quality detached dwellings aimed at the executive end of the housing market. Various strategies of the Council identify that housing plays a key role in stimulating and supporting economic growth.
  - The Economic Strategy acknowledges the need to deliver a step change in the quality and mix of housing available in the district. The document goes on to identify that an inadequate supply of appropriate development sites and executive housing is an issue to be addressed.



- The Housing Strategy 2014 to 2033 has as a key objective the need to increase the number of larger, 4/5-bedroom, family/higher value homes across the district.
  - The 2014 SHMA refers to the need to provide for executive dwellings to support economic growth. Executive housing is identified as having a role in responding to the need for diversification and expansion of the sub-regional economy.
  - The development would assist in achieving these objectives. Thus, the provision of dwellings of the type and size proposed would make an important, albeit small, contribution to the delivery of a wide choice of high quality homes and meeting the needs of different groups in the community.
- 3.18 Notwithstanding this appeal decision, BMBC have not sought to allocate the Millstones site or any other similar type of small development site within the Borough's Villages. Which provides clear evidence that BMBC are not listening to their own evidence.
- 3.19 Similarly, BMBC's current approach does not align to the Government's objective to ensure that a sufficient number of sites under 0.5ha in size are identified/allocated in order to enable the delivery of bespoke, unique, housing developments to support small and medium sized developers and their ability to deliver thriving rural communities. This was originally an objective of the White Paper but has now been included within Paragraph 69 of the Draft NPPF which is currently out for consultation and which identifies the need for LPA's to ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less.
- 3.20 Furthermore, enclosed in Appendix G is an article from Philip Spurr, BMBC's Service Director for Culture, Housing and Regulation, which confirms the need to work with partners to deliver higher quality homes in the Borough, importantly in the right locations to stop a "*leak*" of *up to 30 per cent of residents were looking outside the borough to meet their housing needs*.
- 3.21 Whilst YLL's previous representations to the Local Plan Examination in respect of the Millstones site focused on remedying what we consider to be a clear anomaly of the Green Belt, they now seek the site's allocation for residential development.
- 3.22 In this regard, discussions with BMBC in late 2017 identified that the site was due to be identified as a proposed housing allocation in Oxspring. Demonstrating BMBC's acceptance that the site can be considered a truly deliverable residential development site. However, disappointingly, the site's allocation did not materialise within the recently published Background Paper 8 document.
- 3.23 Notwithstanding this point, we believe that BMBC will argue that the site was not taken forward as a potential housing allocation on the basis that it is located in the Green Belt and not within an ARUP Green Belt Review "resultant parcel".
- 3.24 A site's performance against the NPPF's Green Belt roles and purposes should be only one element of the assessment of a site's *suitability* when assessed against the NPPF's deliverability tests as set out in Footnote 11 of Paragraph 47. Other matters such as whether a site is suitable in relation to the character of the settlement, flood risk, access, biodiversity and heritage impact should also be considered. As should whether a site is *available* and *achievable*.
- 3.25 Consequently, if a comprehensive assessment of the deliverability of Site Ref. EC8 had taken place then it would not have been identified as a proposed housing allocation.
- 3.26 When this issue is extrapolated across each of BMBC's proposed housing allocations within the Villages, it is clear that our clients sites located within the Green Belt and not currently within ARUP Green Belt Review "resultant parcels" are deliverable and would need to be identified as housing allocations in order to meet the Inspector's recommendation to deliver sustainable

growth in the Borough's Villages in order to safeguard and enhance their vitality in accordance with Paragraph 55 of the NPPF. A position that has been retained within Paragraph 80 of the Draft NPPF.

#### **QUESTION 20.4 - EXCEPTIONAL CIRCUMSTANCES FOR THE RELEASE OF ADDITIONAL LAND FROM THE GREEN BELT**

- 4.1 Land needs to be released from the Green Belt in order to ensure that the Borough's economic and housing strategies can be met. At present BMBC cannot demonstrate a five-year supply of deliverable housing land. The release of land from the Green Belt is therefore required immediately in order for the Borough to begin to both rectify the current pattern of housing under-delivery, ensure that housing delivery meets the required annual rate across the entire plan period and to rectify the undersupply of Employment land.
- 4.2 Currently 77% of the area of the Borough is located within the Green Belt. The Local Plan's proposals would result in the removal of 760 hectares (net) of land from the Green Belt, so that 74.6% of the Borough would be within the Green Belt.
- 4.3 As identified in YLL's response to Main Matter 17, Peter Brett Associates' re-assessment of BMBC's Objectively Assessed Housing Need (OAHN) has identified the need for BMBC to deliver at least 1,389 homes in accordance with the Inspector's previous findings. This increase would result in the need to release approximately a further **0.6%** of land from the Borough's Green Belt in order to meet the robustly evidenced OAHN.
- 4.4 Aligned to the proposed increase in new homes is the need to deliver additional housing site allocations within the Villages in order to meet the market and affordable housing needs of the Borough.
- 4.5 With regards to the re-assessed OAHN, we again argue that the number of homes to be distributed to the Borough's Villages should be at least 7% (1,847 homes). This is to ensure that the housing needs of the Borough's Villages can be fully met, whilst enabling the delivery of up to 2,500 executive/detached family homes in the Borough's strongest housing market areas.
- 4.6 It is important to stress that our proposed approach to the distribution of housing across the Borough would still seek to deliver 93% of new homes Urban Barnsley and the Principle Towns. The Local Plan identifies that the majority of new development will be focussed in Urban Barnsley and the Principal Towns in accordance with the Spatial Strategy and this would be maintained.
- 4.7 The Local Plan provides the platform in which the quantitative and qualitative housing needs of the Borough can be met over the plan period. In order to achieve the Publication Draft Local Plan's identified visions and objectives, development must be directed to areas where Developers are willing to invest. BMBC's own evidence base identifies the need for a "step change" in the location and type of housing provided in the Borough to meet BMBC's economic and housing strategies.
- 4.8 However, the Publication Draft Local Plan (PDLP) does not include any concrete catalysts that would result in developers becoming interested in the Borough's weaker market areas. Consequently, BMBC's historical patterns of under-delivery in both the number and type of homes needed will simply be repeated if the current approach of the PDLP is maintained.



# **APPENDIX A**



**BMBC VILLAGE SUSTAINABILITY ASSESSMENT – OXSPRING**

**PREPARED BY PB PLANNING LTD – 2<sup>ND</sup> NOVEMBER 2017**

This assessment of the sustainability of Oxspring has been undertaken using PB Planning’s revised assessment criteria. It has also been undertaken on the basis of a comparison of the sustainability between each of Barnsley’s Villages, given that the objective of the assessment is to provide a hierarchy of the Borough’s Villages in respect of sustainability criteria. As part of this process we have also considered the proposed development being put forward by developers within each of the Villages and the sustainability enhancements they can offer. The scoring used mirrors that previously suggested by BMBC (Low = 1; Medium = 2 & High = 3). We have taken the general approach that where the criteria/facility is within the Village it scores a “High”; where the criteria/facility is within proximity/is accessible to the Village it scores a “Medium”; and where the criteria/facility is not located within proximity/is accessible to the Village it scores a “Low”. Where Villages have a “unique” opportunity to enhance the criteria/facility then it scores an extra point (but never greater than a High).

INDICATOR	CRITERIA	SCORE	COMMENTS
<b>EXISTING SETTLEMENT CAPITAL</b>			
	Service Role of the Settlement	2	The settlement contains three existing employment areas within its boundaries and a future proposed employment allocation (Site Ref. P2). It also contains a Primary School which is populated by pupils from both the Village and the surrounding area. There is also a Village Store and Post Office.
	<b>OVERALL SCORE</b>	<b>2</b>	
<b>Transport Accessibility</b>	Potential for walking and cycling to Service Centre	3	<p>With regards to access to services, Manual for Streets published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km (1.3 miles).</p> <p>Penistone is the Village’s nearest Service Centre and adjoins Oxspring’s boundary. The town centre of Penistone is located within 1 mile of Oxspring’s boundary.</p> <p>Access is available for walkers and cyclists to Penistone directly from the Trans Pennine Trail. The Train station is just 7 minutes away from Oxspring along the Trans Pennine Trail by bicycle. Access to the Trans Pennine Trail is currently gained from Roughbirchworth Lane close to the centre of the village.</p>

			Hourly Bus Services to Penistone Town Centre are available from Oxspring, with a journey time of 5 minutes using either Bus Service 21 or 23.
	Existing public transport accessibility to employment areas and Service Centres	3	<p>The nearest Railway Station is located in Penistone. From here direct services are available to Huddersfield, Barnsley, Meadowhall and Sheffield. Access is available for walkers and cyclists directly from the Trans Pennine Trail. The station is just 7 minutes away from Oxspring along the Trans Pennine Trail by bicycle. Access to the Trans Pennine Trail is currently gained from Roughbirchworth Lane close to the centre of the village.</p> <p>There are several bus stops situated throughout the village providing frequent services to Penistone, Barnsley and Sheffield (via the Northern General Hospital) and other surrounding villages. Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes. Bus numbers 21, 408, 409 and 422 also provide daily services from Oxspring to Penistone Grammar School Advanced Learning Centre and return.</p> <p>Oxspring contains three existing employment areas within its boundaries and a future proposed employment allocation (Site Ref. P2). All of these employment areas are located within walking and cycling distance of the residents of the Village.</p>
	Access to the strategic road network	2	<p>Junction 37 of the M1 Motorway at Dodworth is located just 10 minutes away by car from the village of Oxspring.</p> <p>Oxspring is located within 0.5 miles of the A629 Halifax/Sheffield Road which provides connections to the A628/Manchester to Barnsley Road within 2 miles of the Village.</p> <p>Oxspring is served by the B6462 'Sheffield Road' which leads to Penistone in the West. The B6462 connects to the A628 'Manchester Road' in Penistone and the A629 in the East, which ultimately lead to Manchester and Sheffield respectively. The A629 also leads to Huddersfield in the North West.</p> <p>The A629 also provides access to the A616 'Stocksbridge bypass' which leads to the Fox Valley Retail, Food and Leisure Complex in Deepcar, just 4 miles away from Oxspring. Further details in Respect of the Fox Valley complex are set out in the enclosed note.</p> <p>The Oxspring Parish Website confirms within the section 'Travel &amp; Transport' that Oxspring is well connected with good links to both public transport and the</p>

			national road network, with the M1 being only 10 minutes' drive away, and that for those going westward, then the start of the Woodhead pass (A628) is again only 10 minutes away.
	<b>OVERALL SCORE</b>	<b>8</b>	
<b>Shopping</b>	Access to Retail Centre Hierarchy	3	<p>The boundary of the Village's nearest Service Village adjoins Oxspring's boundary and the town centre of Penistone is located within 1 mile of Oxspring's boundary.</p> <p>Access is available for walkers and cyclists to Penistone (the nearest Retail Centre) directly from the Trans Pennine Trail. The station is just 7 minutes away from Oxspring along the Trans Pennine Trail by bicycle. Access to the Trans Pennine Trail is currently gained from Roughbitchworth Lane close to the centre of the village.</p> <p>Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes.</p>
	Access to Supermarket	2	<p>The nearest supermarket is in Penistone and is located within 1 mile of Oxspring's boundary. Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes.</p> <p>Oxpring Post Office is located on the main Sheffield Road, close to the centre of the village. This also incorporates a small convenience store.</p> <p>Penney's Petrol Station and Car Wash, Service Centre, MOT Station and Convenience Store are located just 150 metres to the west of the village boundary off of the B6462 'Sheffield Road'.</p>
	<b>OVERALL SCORE</b>	<b>5</b>	
<b>Leisure</b>	Access to Outdoor Recreation	3	<p>Oxpring has its own recreation ground. This area is predominantly used for ball games and is the home ground for Oxspring United Football Club. The village fete is also hosted annually from this Recreation Ground. Our client, Yorkshire Land Limited's, proposed development at Oxspring Fields would seek to significantly enhance this facility, with the provision of a sports pavilion/community building.</p> <p>The Village Green, located off Roughbitchworth Lane, has a large and well-equipped children's play area with a variety of apparatus available.</p>

			<p>Bower Dell is a green space within the village reserved for recreation and as a picnic area. The village Duck Race is currently held here annually. Oxspring Parish Council is currently in the process of purchasing trim trail apparatus to be erected in this area.</p> <p>The Council operates three allotment sites in the Parish, these being at Clays Green, Roughbirchworth Lane and West Crescent. There is a waiting list in operation for these allotments as they are very popular.</p> <p>The Trans Pennine Trail traverses Oxspring which provides a high quality asset for walking and cycling and equestrian users. The Trans Pennine Trail also forms part of the National Cycle Network.</p> <p>The Anthills is a further area of Green Space, incorporating the Allotments at West Crescent, It provides a natural landscape and a footpath to the Trans Pennine Trail.</p>
	Access to Leisure Centre	2	The nearest leisure centre is in Penistone and is located within 1.5 miles (cycling distance) of Oxspring's boundary. The Leisure Centre offers a wide array of facilities for the general public to hire including: - Synthetic Turf Pitch; Tennis Courts; Sports Hall; Gym/Dance Studio; & Fitness suite with Technogym Wellness System. Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes.
	Access to other leisure opportunities (including pubs etc)	3	<p>Waggon &amp; Horses Public House and Restaurant is situated within the Historical Centre and Heart of the village. The adjoining Barn which forms part of the Premises is available for meetings, parties and gatherings. There is also the Travellers Inn Public House and Restaurant, which is located at the top of Bower Hill road adjacent the A629.</p> <p>St Aidan's Church and Village Hall hold services on the first and third Sunday's of each month. The church also doubles as the village hall, which is utilised by Oxspring Parish Council and by many of the local Groups and clubs listed in the enclosed note (e.g. Girl Guides, Brownies, Pilates, Oxspring Friends and Pop-in club etc).</p>
	<b>OVERALL SCORE</b>	<b>8</b>	
<b>Education &amp; Health</b>	Access to a Primary School	3	Oxspring Primary school is rated Good via Ofsted. It is located at the junction of Sheffield Road and Roughbirchworth Lane. The school is populated by pupils

			from both the Village and the surrounding area. Recent evidence suggests that there will be pupil spaces available in the near future.
	Access to a Secondary School	2	<p>Penistone Grammar School Advanced Learning Centre is located within 1.5 miles (cycling distance) of Oxspring's boundary.</p> <p>Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes. Bus numbers 21, 408, 409 and 422 also provide daily services from Oxspring to Penistone Grammar School.</p> <p>Recent evidence suggests that there will be pupil spaces available in the near future.</p>
	Access to Health Facilities	2	<p>There are a number of health facilities located within Penistone. The nearest to Oxspring is the Penistone Clinic which is located within 1 mile of Oxspring's boundary. A further Health Centre is located within 1.3 miles at Thurgoland, which is just 5 minutes away by bus.</p> <p>Thurgoland Doctor's Surgery and Medical Centre is operated by the Penistone Group Practice and incorporates an onsite pharmacy. Appointments can be made to see the GP, Nurse and Health Care Assistants at this facility. In addition to General Practice appointments, Several Clinics are available including Asthma Clinic, Child Health and Development, Learning Disability Health Check, Long-Acting Reversible Contraception, Gynaecology and orthopaedics (Hip &amp; Knee).</p>
	<b>OVERALL SCORE</b>	<b>7</b>	
<b>Employment</b>	Potential for walking/cycling to Employment Opportunities	3	<p>The Marrtree Business Park is situated on the South side of the B6462 'Sheffield Road' within the village and provides several units between 3000 and 4000 sq.ft in size. Current tenants include: Quest Taekwondo, Tec Electrical Motors, Huttenes-Albertus (UK), Rush (UK) and Valmech Welding Services.</p> <p>The Wintwire Business Park is situated within the River Don Valley on the north-western edge of Oxspring on the site of the Oxspring Wire Mill operated by D R. Baling Wire. There are currently ten units at the site with tenants including a car service garage, roofing contractor, lighting engineer, plant hire company and an Information Technology company.</p> <p>The Horseshoe Haulage and Distribution Company depot and Argo Feeds Country Store and Pet Food Warehouse is located to the west of the village off of the B6462 'Sheffield Road'. Argo opens between 08:00 and 17:30 Monday to</p>



			<p>Friday and 08:00 and 12:00 on Saturday, offering a vast and ever-increasing range of country clothing and pet hardware.</p> <p>A number of further existing employment opportunities exist within the Springvale area of Penistone. The Springvale area borders the western boundary of Oxspring, and provides a significant employment area with an array of local businesses including: construction, motor vehicle, storage, and engineering companies.</p>
	Potential for Public Transport to Employment Opportunities	3	In addition to the Marrtree, Wintwire and Argo Feeds employment areas listed above, additional employment opportunities are located within Penistone. As also identified above, Penistone is located within walking/cycling distance of Oxspring and there is a frequent bus service with a journey time of 5 minutes.
	Access to Employment Opportunities within the Settlement Area	3	In addition to the Marrtree, Wintwire and Argo Feeds employment areas listed above, additional employment opportunities are located within Penistone. As also identified above, Penistone is located within walking/cycling distance of Oxspring and there is a frequent bus service with a journey time of 5 minutes.
	<b>OVERALL SCORE</b>	<b>9</b>	
<b>PLANNED IMPROVEMENTS</b>			
<b>Programmed Transport Improvements</b>	Identified public transport improvements	2	<p>It is our view that none are currently needed in order to retain the sustainability of the Village. However, as funding is usually distributed to strategic road/rail facilities in the first instance then Oxspring is well placed to benefit from any improvements.</p> <p>This would especially be the case should our client, Yorkshire Land Limited's, Oxspring Fields development proposals be allocated within the Local Plan. The site would enhance the viability of the current bus routes along Sheffield Road and also provide new connections to the Trans Pennine Trail which would improve access to Penistone Train Station and in-turn increase the viability of the local rail service by providing additional passengers.</p> <p>We are also aware of proposed improvements (including a Transport Interchange including a 100 space car park) at Penistone Train Station by South Yorkshire Passenger Transport Executive which will benefit the sustainability of the Village on account of the short distance between the two.</p>
	Identified strategic road improvements	2	It is our view that none are currently needed in order to retain the sustainability of the Village. However, as funding is usually distributed to strategic road/rail facilities in the first instance then Oxspring is well placed to benefit from any improvements.

			We would say at this point that our client's (Yorkshire Land Limited's) Oxspring Fields development will remove an existing standing surface water issue on the Sheffield Road at peak rain fall periods. Surface Water currently runs off the site and "ponds" at point along Sheffield Road, creating highway safety issues. The development of the Oxspring Fields site in the manner proposed would provide a positive drainage system within the site, including surface water retention basins, thus removing surface water from Sheffield Road at peak rainfall periods.
<b>Employment</b>	Potential to increase access to employment through Local Plan allocations	3	The only proposed new employment allocation in the Penistone area is due to be located within Oxspring (Site Ref. P2).
	Potential to increase access to employment through proposed Local Plan allocations that are being promoted by developers/landowners	3	Our client, Yorkshire Land Limited, are promoting the development of a previously developed site, currently a redundant MoD fuel depot, known as Blackmoor Business Park for employment use through the emerging Local Plan. The site is sustainably located between Oxspring & Thurgoland. It is accessible by cycling and bus to these two Villages, as well as Penistone. Aside from Employment Allocation P2, It is the only other employment allocation being proposed in the Penistone area. An area which is currently due to only receive 1% of the Local Plan's proposed employment allocations. The site's allocation would provide a catalyst to deliver a high quality rural business park and the provision of much needed additional employment opportunities in the Western Rural area of the Borough.
<b>OVERALL SCORE</b>		<b>10</b>	
<b>PHYSICAL CAPITAL TO DEVELOPMENT</b>			
<b>Environment</b>	Capacity for growth in terms of biodiversity value	2	Whilst there are areas of the Village where growth would be restricted due to biodiversity value, the area immediately adjacent to the south-east of the Village is of low ecological value. Development could be provided within this area without having an adverse impact on existing areas of biodiversity value in the Village.
	Capacity for growth in terms of flood risk	2	Whilst there are areas of the Village where growth would be restricted due to flood risk issues (adjacent to the River Don for example), the area immediately adjacent to the south-east of the Village is located within Flood Risk Zone 1. We are also aware of potential drainage complications associated with any development to the south west of the Village in the immediate area of Safeguarded Land site SAF18.
	Capacity for growth in terms of landscape capital	2	Due to the presence of undulating topography and a lack of defensible boundaries, the undeveloped areas located to the north, west and south of the Village would have an impact on the areas of landscape value which surround the

			Village. However, land adjacent to the south-east of the Village is relatively flat and is bound by strong defensible boundaries in the form of the Trans Pennine Trail, Sheffield Road, the River Don, the redundant MoD fuel depot and the Yorkshire Water Waste Water Treatment Works beyond. There is therefore capacity for growth in terms of landscape capital to the south-east of the Village.
	Capacity for growth in terms of Built Heritage Assets	2	The Village's existing Built Heritage Assets are confined to the central area of the settlement. Sensitive and sympathetic development proposals located adjacent to the Village's existing settlement boundary would not have an adverse impact on the Built Heritage Assets of the Village.
	<b>OVERALL SCORE</b>	<b>8</b>	
<b>DIGITAL INFRASTRUCTURE</b>			
	Potential access to 4G mobile network	3	4G coverage is available in the Village. The delivery of additional homes to the Village will of course incentivise mobile phone companies to seek to roll out their network coverage to the Village. (EE Network Checker indicates that 4G is available: <a href="https://ee.co.uk/why-ee/mobile-coverage#theCoverageContainer">https://ee.co.uk/why-ee/mobile-coverage#theCoverageContainer</a> )
	Potential access to Superfast Broadband	2	Much of Oxspring now benefits from high speed fibre optic broadband and work is underway by Openreach to install the remaining fibre cabinets and cables to complete full fibre optic connectivity throughout the village.
	<b>OVERALL SCORE</b>	<b>5</b>	
<b>POTENTIAL BENEFITS OF GROWTH</b>			
<b>Building Settlement Infrastructure</b>	Potential to contribute towards viability of improved public transport services	3	<p>Whilst the Village benefits from hourly bus service, the delivery of new homes will of course incentivise bus operators to increase services or the frequency of services should new housing developments be proposed in the Village. This would especially be the case should the Blackmoor Business Park be allocated for employment use in the emerging Local Plan.</p> <p>In addition, as BMBC are aware, Yorkshire Land Limited are offering as part of their Oxspring Fields proposals, in combination with their scheme at Wellhouse Lane, Penistone (draft housing allocation Ref. H82), to facilitate the delivery of a <i>Strategic Public Transport Interchange</i> at Penistone Train Station. A scheme which would also include a 100-space car park, a pedestrian bridge crossing, a tourist information centre, café and toilets.</p> <p>The provision of these facilities will generate major economic benefits to the area. They will deliver enhanced facilities for communities, local businesses and promote tourism in this area of the Borough. The facility will deliver a great sustainable benefit to Penistone and its environs, which include Oxspring, leading to a much-improved Public Transport service, reducing congestion on the local</p>

			road network and ultimately addressing significant barriers to the future growth of the area.
Potential for contributing towards the viability of health provision	3		Yorkshire Land Limited's Oxspring Fields proposals include the potential to vastly enhance the existing Parish recreation ground through the delivery of new sports facilities and a Community Building/sports pavilion to be funded by the development. It is envisaged that the new Community Building will provide facilities for a drop-in Doctor's Surgery, thus providing health provision with the Village.
Potential for contributing towards the viability of primary school provision	3		<p>The delivery of new homes in the Village will help to sustain the Village's Primary School through the provision of new pupils from the immediate locality. Both safeguarding the school's future and also improving the sustainability of the Village through reducing traffic movements from pupils who currently attend the school from outside of the area. Recent evidence suggests that there will be pupil spaces available in the near future.</p> <p>Yorkshire Land Limited's Oxspring Field proposals will also provide new pedestrian/cycle access points (including disabled access) to the Trans Pennine Trail adjacent the proposed Tourism Hub to further enhance the accessibility of the proposed new community facilities to local residents.</p>
Potential for contributing towards the viability of secondary school provision	2		<p>The delivery of new homes in the Village will help sustain Penistone Grammar School through the provision of new pupils from the locality.</p> <p>Penistone Grammar School Advanced Learning Centre is located within 1.5 miles (cycling distance) of Oxspring's boundary. Hourly Bus Services to Penistone are available from Oxspring, with a journey time of 5 minutes. Bus numbers 21, 408, 409 and 422 also provide daily services from Oxspring to Penistone Grammar School.</p> <p>Recent evidence suggests that there will be pupil spaces available in the near future.</p>
Potential for contributing towards the vitality and viability of the retail centre	3		The delivery of new homes within the Village will help to sustain existing retail facilities within the Village and Penistone. The expenditure from new residents in the area will equate to circa £25k per annum per household. The larger the proposed development the larger the expenditure and new job creation in the area's retail sector. Without the delivery of new homes within Villages, existing facilities may be lost due to loss of customers and footfall due to declining populations.

			<p>In addition, Yorkshire Land Limited's Oxspring Fields development will also deliver a new Tourism Hub, located within a new country park. The new tourism facility adjoining the Trans Pennine Trail intends to make Oxspring a "green hub" of pedestrian, equestrian and cycle journeys along its routes. Such facilities to be provided will include new and increased accessibility to the Trans Pennine Trail (including dedicated disabled access), the provision of a cycle hire shop, a café, small craft workshops/business units, St John's first aid station, Horse Tie-up points, drinkers and shelter and additional car parking facilities to the south-eastern corner of the country park. All of which will aid and enhance the tourism offer of the Village. Such measures are attainable and YLL wish to work with the local community towards their delivery.</p>
	<p>Potential to contribute towards strengthening the service role of the settlement</p>	<p>3</p>	<p>Due to the Village's location and capacity for growth, it has the potential to make an important contribution to strengthening the service role of the settlement area. Particularly following the future development of the proposed employment allocation Ref. P2, and the Blackmoor Business Park should that also be allocated for employment use within the emerging Local Plan. The long-term sustainability of the Primary School will play a fundamental role in this as well. Along with any new housing developments too, for the reasons identified above.</p> <p>With this in mind, it must be remembered that the Village's capacity for growth was specifically identified by the Inspector of the UDP, which led to the following wording being included within Paragraph 4.12 of Volume 13 (Western Rural Community Area UDP): -</p> <p><i>"Oxpring is one of the locations in the Western Community Area for additional development <b>because of its physical relationship to the Penistone Urban area</b> and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt." (Our Emphasis)</i></p> <p><i>"If in the long term, there is a need to release further land for housing then there is the scope to accommodate additional development, provided it is consistent with Green Belt objectives..."</i></p> <p>The Village was also identified as a selected village within the Barnsley Unitary Development Plan (Adopted December 2000). Paragraph 2.16 at page 7 of the Volume 13 Western Rural Community Area UDP identifies the role of Selected Villages: -</p>

			<p><i>“These selected villages are where the majority of housing developments in the Community Area will be located; mainly on sites exceeding 0.4 hectare. Generally, these are the larger villages which have the range of services and facilities considered sufficient to accommodate a modest level of housing development and where it is not considered that the level of development proposed would adversely affect their character. They are excluded from the Green Belt.”</i></p>
	Potential to increase vitality/viability of the settlement through proposed Local Plan allocations that are being promoted by developers/landowners	3	<p>This assessment, and the information previously submitted to BMBC in respect of Yorkshire Land Limited’s Oxspring Fields development provides clear evidence of the significant benefits that the development can deliver in respect of the vitality and viability of Oxspring and the surrounding area.</p> <p>No other proposed allocation in one of the Borough’s Villages seeks to enhance the community infrastructure of the settlement at the same level that the Oxspring Fields development can. It is unique and exemplary. As this assessment seeks to compare the sustainability of the Borough’s Villages on a holistic basis, the potential enhancements that the Oxspring Fields development can deliver should be fully taken into account in the future identification of housing land allocations within the Borough’s Villages.</p> <p>Oxspring is one of, if the not the most, sustainable Villages in the West of the Borough. This assessment has demonstrated that. However, the delivery of the Oxspring Fields proposals will further enhance the Village’s sustainability. Whilst also of course meeting the Village’s housing needs as identified within the Parish Council’s Independent URS Housing Needs Report.</p> <p>Finally, the delivery of new affordable homes is of paramount importance to the Villages. Their delivery can only be guaranteed through the release of new housing allocations above 15 homes in size due to existing policy constraints. The more sustainable the Village, the larger the housing allocation that could be provided within it and thus the greater amount of affordable homes.</p>
	<b>OVERALL SCORE</b>	<b>20</b>	
<b>TOTAL OVERALL SCORE</b>		<b>82</b>	



# **APPENDIX B**

**BMBC Allocations Deliverability Assessment - Oxspring**

Oxspring						
Site Reference	Site Address	Indicative Number of Dwellings	BMBC Deliverability Comments	PBP Deliverability Comments	PBP Conclusion	PBP Yield in Plan Period
EC6	Sheffield Road, Oxspring	60	<p><b>Barnsley UDP – Green Belt</b></p> <p><b>2013 SHLAA – N/A</b></p> <p><b>2016 SHEELA – Site Ref. 932 – 277 homes (along with Site Ref. EC7 - Years 5-10)</b>                      Some new access infrastructure required                      Extensive new drainage infrastructure required                      Site within area likely to contain geological constraints of mining cavities                      Physical limitations are a minor constraint                      No information on availability, but thought likely to be in private and/or multiple ownership                      Achievable in next 10 years</p> <p><b>BMBC 2018 Site Assessments: -</b>                      Site within 100m of listed building                      Extensive new access infrastructure required                      Extensive new drainage infrastructure required                      Agent proposed site, willingness of owner unconfirmed                      High landscape sensitivity                      Low landscape capacity for growth</p> <p><b>Planning History -</b> No recent relevant planning applications</p>	<ul style="list-style-type: none"> <li>• Site has an undulating topography, which creates development constraints in respect of levels.</li> <li>• Access constraints.</li> <li>• Drainage constraints.</li> <li>• Landscape sensitivity constraints.</li> <li>• Heritage constraints.</li> <li>• Ecological constraints.</li> <li>• Flood Risk constraints.</li> <li>• Site has been assessed for development by four developers and each have confirmed that they do not consider the site to be deliverable.</li> </ul>	<p>No evidence has been presented by BMBC that the constraints identified by them and PBP are resolvable. There are no mitigation measures that could be put in place to overcome deliverability concerns associated with the development of the site. Development at the site is simply not deliverable now, or at any point in the plan period or beyond.</p>	0 Dwellings
EC7	Sheffield Road, Oxspring	86	<p><b>Barnsley UDP – Green Belt</b></p> <p><b>2013 SHLAA – N/A</b></p> <p><b>2016 SHEELA – Site Ref. 932 – 277 homes (along with Site Ref. EC7 - Years 5-10)</b>                      Some new access infrastructure required                      Extensive new drainage infrastructure required                      Site within area likely to contain geological constraints of mining cavities                      Physical limitations are a minor constraint                      No information on availability, but thought likely to be in private and/or multiple ownership                      Achievable in next 10 years</p> <p><b>BMBC 2018 Site Assessments: - N/A</b></p> <p><b>Planning History –</b> No recent relevant planning applications</p>	<ul style="list-style-type: none"> <li>• Site has an undulating topography, which creates development constraints in respect of levels.</li> <li>• Drainage constraints.</li> <li>• Landscape sensitivity constraints.</li> <li>• Heritage constraints.</li> <li>• Ecological constraints.</li> <li>• Flood Risk constraints.</li> <li>• The landowners have made it clear that the site is simply not available for development and that they have no intention of making the land available for development.</li> </ul>	<p>No evidence has been presented by BMBC that the constraints identified by them and PBP are resolvable. There are no mitigation measures that could be put in place to overcome deliverability concerns associated with the development of the site. Development at the site is simply not deliverable now, or at any point in the plan period or beyond.</p>	0 Dwellings
EC8	Roughbirchworth Lane, Oxspring	22	<p><b>Barnsley UDP – Urban Fabric &amp; Safeguarded Land</b></p> <p><b>2013 SHLAA Ref. 276 – Category 2 - 102 Homes at 25dph (Part of wider safeguarded land site)</b>                      Site faces some suitability constraints                      Site performs well against availability criteria                      Site performs well against achievability criteria                      Some constraints identified by Highways Authority                      Minor drainage constraints identified</p>	<ul style="list-style-type: none"> <li>• Concerns associated with the significant number of trees located within the site.</li> <li>• Access constraints.</li> <li>• Viability issues associated with need to purchase existing substantial house &amp; grounds before the development can take place.</li> </ul>	<p>No evidence has been presented by BMBC that the constraints identified by them and PBP are resolvable. Site could potentially deliver a maximum of 9 homes at the site. However, until further evidence is presented we</p>	0 Dwellings

			<p>Site has bad neighbours with potential for mitigation</p> <p><b>2016 SHELAA – Site Ref. 341 - 173 Homes (along with site area to the west – doesn't include Urban Fabric area of site) – Years 0-5</b> Some new access infrastructure required Some new drainage infrastructure required No information on availability, but thought likely to be in private and/or multiple ownership</p> <p><b>BMBC 2018 Site Assessments: -</b> Owner unknown or complex multiple ownership High landscape sensitivity Low landscape capacity for growth</p> <p><b>Planning History –</b> Application Ref. 2018/0028 - Residential development of 25 dwellings and access (Outline with All Matters Reserved apart from access).</p>		<p>consider the site to be undeliverable.</p>	
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# **APPENDIX C**



02 March 2018

FAO: Paul Butler  
PB Planning  
PO Box 827  
YORK  
YO31 6EE

Dear Paul

Re: Barnsley Local Plan – Site Reference EC8 Land off Roughbirchworth Lane, Oxspring

Barnsley Metropolitan Borough Council's (BMBC) consultation draft 2014 policies map (enclosed) identifies that in excess of half of what is now proposed as site EC8 is contained within the Urban Fabric of Oxspring, where development is permitted in accordance with Policy GD1.

We also enclose the BMBC's proposals map for site EC8, which we have amended to show the Greenfield land which is included within the site allocation EC8 but currently forms part of the Safeguarded Land allocation SAF18, shaded pink. The remaining part of the site is that which is contained within the Urban Fabric of Oxspring.

We were offered the part of this site which is contained within the Urban Fabric of the village last year, prior to its allocation by BMBC.

Having visited the site on two separate occasions with the landowner, we are concerned with the large mature trees and rooting systems which cover approximately one third of the site which lead from the frontage with Roughbirchworth Lane. At the time of our site visits, these mature trees were also supporting an active rookery.

Development of the site will also require the demolition of the existing home and stone outbuildings and taking this into consideration with standoff distances which will be required from the mature trees and their rooting systems to meet building and warranty regulations, we felt that the site would be best suited to a development of circa four detached homes served from a private driveway, as opposed to an adopted road.

Due to other site constraints we identified, the limited area which would be available for development combined with the value of the existing property, we considered that the site was not viable to our company.

As identified above, BMBC are now proposing to include part of the safeguarded land which forms a Greenfield paddock to the existing property and adjoins it to the North West, alongside the Trans Pennine Trail. Development of this land as part of a comprehensive scheme including the land contained within Urban Fabric will require an adopted road leading from Roughbirchworth Lane. However, the requirement for a turning area large enough to meet the requirements to serve refuse and emergency vehicles will reduce the development capacity of the paddock to around 5 detached homes at maximum. In order to achieve these dwellings, the adopted roadway would have to be

situated along the boundary of the site to allow development off one side. The site is not wide enough to achieve dwellings with gardens on both sides of the road.

It is our opinion that the overall site could technically deliver a maximum of circa 9 detached homes. However, considering the site constraints identified above together with the value of the existing home, outbuildings and paddock, we consider that BMBC would be best advised not rely upon this site as a formal housing allocation.

It may or may not be brought forward as a windfall site in the future.

In comparison to this site at Roughbirchworth Lane, we have previously viewed a site in the ownership of your client, Yorkshire Land Limited, at Millstones, Oxspring.

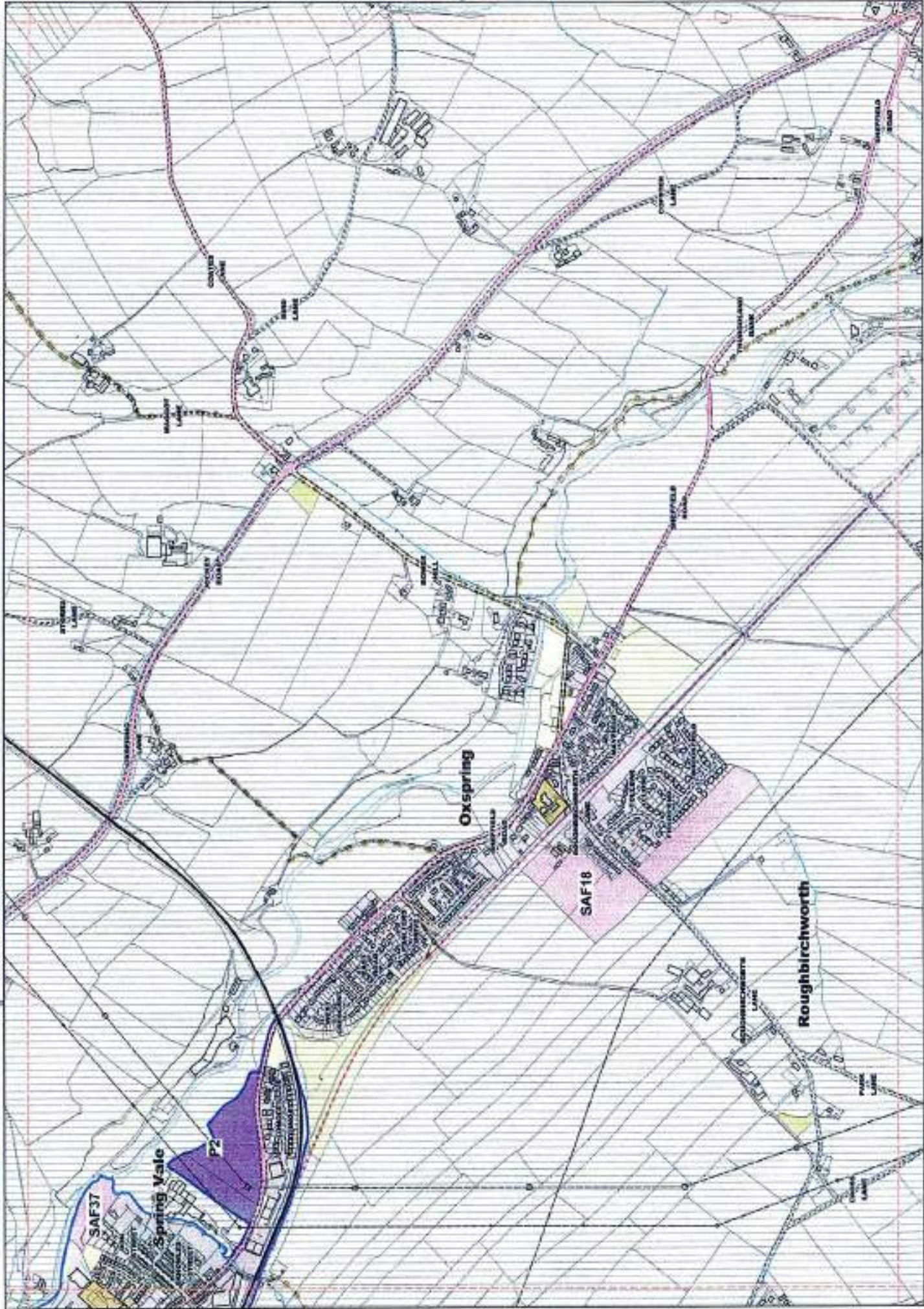
The Millstones site is a flat and unencumbered parcel of land and we have in the past drawn up a scheme for five large detached properties. We consider the Millstones site is undoubtedly viable for development now as, aside from planning there are no constraints to prevent its development in the early years of the Local plan, unlike site EC8 at Roughbirchworth Lane, which may never materialise.

Yours sincerely

David Hoyland  
Group Head of Design

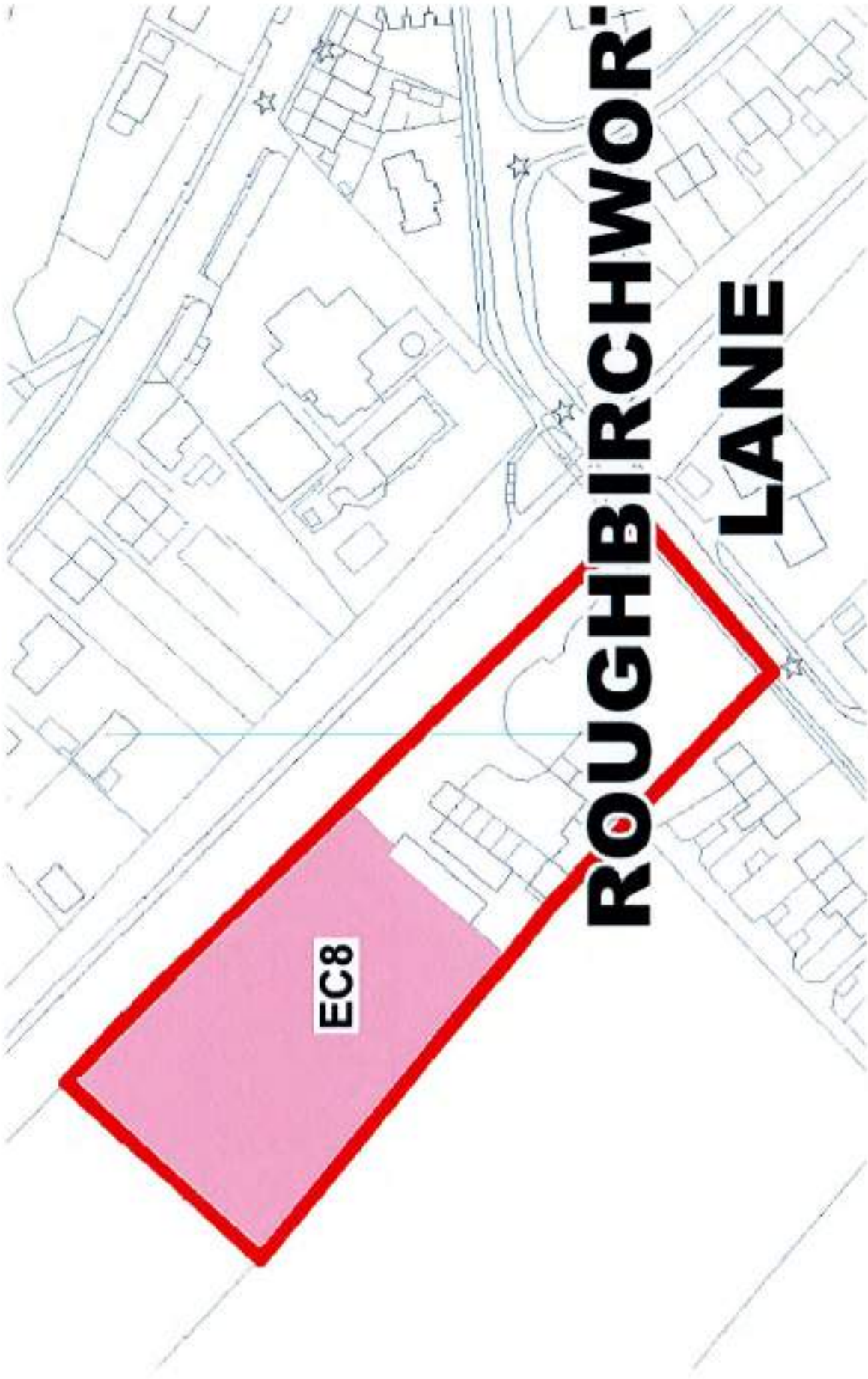
Encs: BMBC Local Plan Consultation Draft 2014 Proposals Map – Page 51  
BMBC Site EC8 Proposals Map amended by Duchy Homes





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**EC8**

# **ROUGHBIRCHWOR LANE**

# **APPENDIX D**



Your ref:

Our ref: 38948

19 August 2016

Planning Policy Team  
Economic Regeneration  
Barnsley BMBC  
PO Box 634  
Barnsley  
S70 9GG

**Peter Brett Associates LLP**  
61 Oxford Street  
Manchester  
M1 6EQ  
T:  
F:  
E: manchester@peterbrett.com

Sent via email: [localplanconsultation@barnsley.gov.uk](mailto:localplanconsultation@barnsley.gov.uk)

Dear Sirs,

**Barnsley Local Plan Publication Draft 2016 on behalf of Yorkshire Land Limited  
(Representor ID 23082)**

This representation to the Barnsley Local Plan Publication Draft 2016 is submitted by Peter Brett Associates ('PBA') on behalf of Yorkshire Land Limited ('YLL'). We have separately made representations in relation to various sites controlled and promoted by YLL, but this submission specifically relates to YLL's Millstones site in Oxspring and, in particular, to the treatment of this site in the Council's Green Belt Review.

At the outset we note that we have made representations to numerous Green Belt Reviews across the country and our submissions are invariably given the attention that they warrant. We completely accept that it is impractical for each and every parcel of land to be assessed on an individual basis in Green Belt Reviews, but when we bring smaller Green Belt parcels to an LPA's attention they are normally subjected to an individual assessment by the Council's consultants.

In this case, however, it is very clear that our submissions regarding the treatment of YLL's Millstones site in the Barnsley Green Belt Review have been ignored. On several occasions we specifically requested that YLL's Millstones site be assessed separately but it is clear that, to date, the Council's consultants (Arup) have not been asked to do so. We briefly summarise the sequence of events as follows:

- The Barnsley Green Belt Review, undertaken by Arup and dated August 2014, became available to the public in November 2014.
- We reviewed the Green Belt Review documents and were alarmed to find that YLL's 0.4 hectare Millstones site is contained within a much larger swathe of land assessed by Arup ('PEN9'), which extends to approximately 640 hectares. That was despite YLL's Millstones site being the subject of a then current planning application (reference 2014/0482) for just four executive houses.

\\mcr-pmfs-001\projects\38000 to 38999\38948 Barnsley Local Plan Consultation 2016\4505 Green Belt Rep\Barnsley LP Publication Draft - YLL Representation re Green Belt 19 08 16 v2.docx

**Registered Office:** Caversham Bridge House, Waterman Place, Reading, Berkshire, RG1 8DN. UK. T: +44 (0)118 950 0761 F: +44 (0)118 959 7498  
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- In our representation to the Barnsley Local Plan Consultation Draft 2014, which we submitted before the deadline on 9 January 2015, we made clear our disappointment that YLL's 0.4 hectare site had not been individually assessed by Arup in the Green Belt Review, and was therefore unfairly tarred by Arup's comments regarding the much wider 'PEN9' swathe of land.
- In our submission of January 2015 we explained why the Millstones site is clearly not fulfilling any Green Belt purpose and why the site's release will not materially affect the extensive area of Green Belt to the north of the site.
- We drew attention to the permanent, defensible boundaries which demarcate YLL's Millstones site, namely mature woodland and the River Don.
- We urged the Council to make Arup aware of our concerns as a matter of urgency.
- The Council confirmed this in its letter to us dated 18 February 2015:

*'Arup were not commissioned to carry out the localised review and therefore were not provided with details of current application sites such as the particular site reference 2014/0482, within the larger parcels assessed as part of the Green Belt Review...'*
- In our response, we again urged the Council to instruct Arup to undertake an individual assessment of YLL's much smaller Millstones site.
- Despite our repeated requests, however, it is abundantly clear from the Strategic Housing and Economic Land Availability Assessment ('SHELAA'), which was undertaken by Arup and published by the Council on 7 July 2016, that Arup has either not taken account of our submissions regarding YLL's Millstones site, or has not been made aware of them by the Council.
- Indeed we strongly suspect that Arup has never even visited YLL's site, in connection with either the Green Belt Review or the SHELAA. We say this because, as we make clear in our separate submissions to the current consultation, Arup:
  - incorrectly describes the surrounding land uses and has failed to take account of the mature woodland which forms a permanent defensible boundary to the north and west;
  - erroneously refers to bad neighbour uses, which is baffling because the site does not have any bad neighbours, being surrounded by mature woodland, a river and an existing executive-style housing development;
  - incorrectly states that the site *'is within the village'*, whereas the site actually adjoins the current defined boundary of Oxspring and is therefore sterilised as a result;
  - is clearly unaware that the site is in single ownership, controlled and promoted solely by YLL, given its factually incorrect and very disappointing comment that no information has been provided and that the site could be in multiple ownership; and
  - identifies a potential dwelling yield for the site of 14 units, based very simply on the application of the blanket density rate of 40 dwellings per hectare which Arup and the Council are now applying to sites throughout the Borough, with no apparent awareness that YLL is committed to delivering four executive houses at the site.



In January 1994, our client's landscape architect (Mark Smeeden of Smeeden Foreman) liaised with Barnsley Council's Planning and Countryside sections respectively to design a long term permanent boundary treatment which would segregate the approved housing proposal 'Millstones' from the 'Rocher Valley' to the west, in order to create a stronger defined edge to both the housing development and to the Oxspring Rocher. Planning permission for the landscape mound was subsequently granted in 1994. This information has previously been brought to the Councils attention in a substantial submission by Spawforths dated 22 April 2014 which is included at Appendix I of the enclosed submission. Paragraphs 3.4 and 3.5 and Appendices 2 and 5 of the Spawforths report are particularly pertinent. Indeed, Appendix 5 is a letter written by Smeeden Foreman on 9 July 1999 and provides a more detailed background and reasoning for the approved landscaped tree mound, Mr Smeeden records in this letter that:

*"I first visited the site in September 1993 to discuss our involvement in the Bower Hill housing scheme (Planning Reference B/92/1594/PR) and to undertake an initial landscape assessment. I walked the whole area including what is now the housing site and along the rest of the valley known as Oxspring Rocher. The principle impression was that there were strong and obvious boundaries to the area formed by Bower Hill Road to the east, by the steep wooded banks rising to the north and to the south by the tree lined river. There was no physical demarcation forming a western boundary between the housing area and the rest of the valley"*

Mr Smeeden then goes on to record:

*"In March 1994 there was a Planning Committee Report 'B/94/0109/PR Creation of a Landscape Mound by regarding works and subsequent restoration'. This report explains to the committee the works proposed and the several benefits that would accrue were it to be approved. The report included the following which I have extracted; 'the application proposes the creation of a landscaped mound to be located to the west of the proposed residential development site to act as a landscaped buffer zone between the proposed housing and the riverside park' 'the contours of the mound have been devised with the Councils Countryside Section to create an extension of the wooded hillside, located to the north of the site' 'the proposal provides for the efficient disposal of the surplus material from the proposed housing site to create a carefully designed buffer zone to segregate the proposed public and private aspects of this locality.' An officer recommendation for a grant of permission was made and permission was received on 17 March 1994."*

It is clear from the above that the landscaped buffer was intended by the Council to form a defined and enduring boundary to contain development in this location as an extension of the wooded hillside to the north of the site. As can be seen from the photographic evidence which is provided in Appendix 2 of the Spawforths submission dated 22 April 2014, it is unambiguous this feature is now established in the landscape and is entirely fulfilling the purposes intended. Indeed, the feature is now recognised as woodland on the Councils Digital Policies Map which is enclosed as Appendix D of our representation to the Barnsley Local Plan Publication Version, dated August 2016.

In summary, we have repeatedly asked the Council to instruct Arup to undertake an individual assessment of YLL's 0.4 hectare site, but it is clear that our requests have fallen on deaf ears. YLL's Millstones site is therefore unfairly tarred by Arup's comments in relation to a huge area of land which is some 1,600 times larger. We cannot think of an example from anywhere around the



country where our submissions have been ignored so blatantly, which makes a mockery of the Council's consultation process.

We trust the Council will take these comments into consideration in its future work on the Barnsley Local Plan, and we intend to draw our serious concerns to the Inspector's attention in person at the forthcoming examination hearing sessions.

Yours sincerely

**BERNARD GREEP**  
**Equity Director**

For and on behalf of  
**PETER BRETT ASSOCIATES LLP**

Enc: Submission in Relation to Land at Millstones, Oxspring

cc: Mr Steven Green, Managing Director, YLL





**Yorkshire Land Limited**

**Barnsley Local Plan Publication Draft 2016  
Submission in Relation to Land at Millstones,  
Oxspring**

**Peter Brett Associates**

August 2016

## Document Control Sheet

Project Name: **Barnsley Local Plan Publication Draft 2016**  
 Report Title: **Submission in Relation to Land at Millstones, Oxspring**  
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	Name	Position	Signature	Date
<b>Prepared by:</b>	Bernard Greep	Equity Director	BG	August 2016
<b>Reviewed by:</b>	Bernard Greep	Equity Director	BG	August 2016
<b>Approved by:</b>	Bernard Greep	Equity Director	BG	August 2016
<b>For and on behalf of Peter Brett Associates LLP</b>				

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# 1 INTRODUCTION

- 1.1 This representation to the Barnsley Local Plan Publication Draft 2016 is submitted by Peter Brett Associates ('PBA') on behalf of Yorkshire Land Limited ('YLL'). Our representation relates to our client's site at Millstones in Oxspring, which YLL would like to develop for four executive-style family houses.
- 1.2 Our representation follows on from our submission to the Barnsley Local Plan Consultation Draft 2014, which we submitted before the deadline on 9 January 2015. We received an 'Automated Acknowledgement' email from the Council the same day confirming that our submission had been received. The Council's email contained the following statement:
- 'Thank you for the comments you sent us recently about the Consultation Draft Local Plan.*
- The comments received as a result of these consultations will be carefully considered and taken into account. We intend to make available a summary of all the comments received as soon as is practically possible and we will publish them on our website.'*
- 1.3 We and our client have scoured the Council's website but we can find no record of our comprehensive submission of 9 January 2015. This is extremely frustrating given the significant costs involved (both in terms of time and professional fees), particularly given that local authorities have a statutory duty to take all representations into account in preparing their Local Plans.
- 1.4 Whilst the absence of our earlier representation from the Council's website might be an administrative oversight, we are alarmed to note that the Council has still not made the very slight localised adjustment to the settlement boundary of Oxspring that is clearly needed. Our earlier submission provided a considerable amount of detailed information to explain why the localised adjustment is required.
- 1.5 It is possible that the Council might upload our representation of January 2015 to its website prior to the examination hearings. However, to ensure that our earlier representation is available to the Inspector, we reproduce it in full as Appendix A to this current submission.
- 1.6 Accordingly, we do not repeat the content of our earlier submission in full here but for the Inspector's ease of reference the main points that we made in January 2015 can be summarised as follows:
- We provided comprehensive evidence demonstrating that:
    - the Millstones site has strong, well defined and defensible boundaries in the form of mature woodland<sup>1</sup> and the River Don) which clearly separate the land

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<sup>1</sup> The woodland on the western boundary of the site was delivered at the Council's request in order to provide a physical demarcation between the existing executive housing development at Millstones and the Rocher Valley; please see pages 5 and 6 of our January 2015 submission for full details.

from the wider Green Belt, meaning that the land fulfils none of the Green Belt purposes (for ease of reference, Appendix D to this current submission contains a plan sourced from Barnsley Council's digital Policies Map which shows that the site is surrounded on all sides, and Appendix E contains a series of photographs which show the same);

- any further encroachment beyond the site into the Green Belt would not be possible due to the presence of those permanent physical boundaries; and
- the localised adjustment would create a better defined and more defensible edge to the Green Belt.
- We explained that the Millstones site is within easy reach of a wide range of community facilities in Oxspring.
- We emphasised that the emerging Local Plan provides the ideal opportunity to make a slight adjustment to the settlement boundary in order to remove the site from the Green Belt.
- We also drew attention to the statement in paragraph 3.26 that '*further minor changes have been made to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries*', given that this process had clearly not been undertaken thoroughly.

1.7 As well as our comments regarding the required boundary in Oxspring, we also raised a number of important concerns regarding other aspects of the draft Local Plan. Again we do not repeat those comments in full here but the key points that we raised are summarised below:

- We noted that the need for low density dwellings in the top bracket of the housing market has been publicly recognised by the Council, in key corporate documents including the Economic Strategy, which places a firm emphasis on the delivery of larger high-value family houses at lower densities in appropriate parts of the Borough.
- However, whereas the Council's draft 'Development Sites and Places' consultation document of July 2012 gave considerable weight to the delivery of the Economic Strategy, the draft Local Plan does not.
- We provided a detailed review of the Council's Housing Strategy and the Strategic Housing Market Assessment, which highlight a particular shortfall of larger and higher value housing in the western part of the Borough.
- We provided our view that the vision put forward in the draft Local Plan, of '*Working together for a brighter future, a better Barnsley*', does not get remotely close to reflecting the ambitious growth agenda espoused in the Council's various corporate publications.
- We drew attention to paragraph 47 of the NPPF which requires Local Plans to meet the full objectively assessed needs for market and affordable housing.
- Allied to the above, we expressed concern in relation to the final sentence of paragraph 12.1 of the Consultation Draft Local Plan, which confirmed that the Council has adopted a 'policy on' approach rather than assessing the objective

needs first and then making proper provision to meet those identified needs. The Inspector will be very familiar with the various Local Plans which have been delayed or abandoned where LPAs have taken a similar approach to Barnsley and so we do not rehearse those cases here, but we may highlight them at the examination hearings.

- We highlighted other flaws including the Council's reliance on unrealistic gross-to-net ratios and a blanket density rate of 40 dwellings per hectare ('dph') rather than a differential approach to housing densities, the effect of which is that the draft Local Plan unrealistically exaggerates the dwelling yields.
- We noted the Local Plan's failure to advocate the provision of executive housing, thereby ignoring the overwhelming Council commissioned evidence which identifies a compelling need for this type of housing.
- We drew attention to the unambitious and unquantified statement in paragraph 12.45 on page 94 of the Consultation Draft Local Plan that '*some new low density, large dwellings*' will be needed.
- We also highlighted important shortcomings with the Barnsley Green Belt Review, and we noted that the 0.4 hectare Millstones site is within a much larger parcel of land assessed by Arup ('PEN9') extending to approximately 640 hectares, and was not individually assessed by Arup in the Green Belt Review.

1.8 Accordingly, we expressed concern that the Local Plan, unless amended, predominantly seeks to deliver housing at densities of around 40 dph. In addition to being higher than the current industry average even for mainstream housing of around 35-36 dph, the Council's approach will not meet all identified needs in full as required by the NPPF. As we explained in paragraph 3.29 of our January 2015 submission, the draft Local Plan does not satisfy the soundness tests outlined in paragraph 182 of the NPPF.

1.9 Having reviewed the Local Plan Publication Draft 2016, we consider that the shortcomings in the Consultation Draft have not been rectified and so we continue to have serious misgivings regarding the soundness of the Plan. In Section 2 we highlight some of those concerns, although our comments are intentionally brief because most of our concerns are covered at length in our submission of January 2015.



## 2 LOCAL PLAN CONSULTATION DRAFT 2016

### Vision and Objectives

- 2.1 The vision (page 5) remains unaltered from the Consultation version of the Local Plan. We therefore continue to have concerns regarding the Local Plan's alarming lack of ambition.
- 2.2 The fifth bullet beneath paragraph 2.3 states that the Local Plan will enable the provision of 'housing for all'. For the reasons that we outlined in Section 1 and which are set out in much greater detail in our representation of January 2015, however, it is clear that the Local Plan is only catering for mainstream housing, rather than meeting all identified needs in full including the identified need for larger detached, executive type homes.

### Green Belt Review

- 2.3 Paragraph 3.25 repeats the statement from the Consultation Draft Local Plan that 'further minor changes have been made to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries.'
- 2.4 We have checked the Policies Map, however, and the Council has still not made the small-scale change to the settlement boundary of Oxspring that is required. We recognise that our client's site at Millstones is borderline in terms of whether it should be allocated for residential use, being approximately 0.4 hectares in size which is the Local Plan's minimum threshold for allocating land. Nevertheless, there is no reason why the localised adjustment to the settlement boundary should not be made.
- 2.5 In Appendix F we provide two photographs which show the flimsy nature of the garden fence to the rear of the existing housing development at Millstones which to those persons unaware of the actual circumstances, would appear to form the existing Green Belt boundary<sup>2</sup>. The fence had blown down during gales. It is inconceivable that anybody could reasonably conclude that the fence line to the rear of the existing Millstones development represents a more logical permanent Green Belt boundary than the now long-established woodland to the west, which we reiterate was implemented at the Council's request specifically to create a buffer between development to the east and open land to the west. It is notable that Arup did not cite 'fences' or 'fence lines' as a potential durable/permanent feature in its Green Belt Review report, whereas it did regard woodland as a 'Durable/Likely to be Permanent Feature'. For ease of reference, in Appendix G we reproduce pages 17 - 18 of Arup's Green Belt Review report which specifies Arup's approach to 'boundary

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<sup>2</sup> In actual fact the boundary is incorrectly drawn on the Council's Proposals Map – rather than coinciding with the fence, it is drawn three metres to the west. We have drawn this mapping error to the Council's attention on several occasions previously and a diagram which can be found at Appendix 13 to Appendix I of this representation illustrates clearly the precise position and circumstances regarding the Green Belt Boundary in this location.

- definition', based on NPPF paragraph 85 and the advice therein regarding the durability of different kinds of boundaries.
- 2.6 It is inconceivable that the fence line to the rear of the existing Millstones development could be regarded as a more logical permanent Green Belt boundary than the long-established dense woodland to the west, which we reiterate was implemented at the Council's request specifically to create a buffer between development to the east and open land to the west through the disposal of surplus material from the Millstones development<sup>3</sup>.
- 2.7 In Appendix H we reproduce an email from Peter Taylor (the then Interim Head of Planning at Barnsley Council), dated 7 November 2014, in which he states:
- 'I accept that your clients [sic] site could be perceived as an anomaly' and 'I accept the site in question could be argued to have stronger boundaries.'*
- 2.8 Arup did not individually assess YLL's Millstones site as part of the Green Belt Review, and instead assessed it as part of a much more extensive area of land (reference 'PEN9') covering approximately 640 hectares. As we have emphasised previously, we believe that Arup should have been asked to assess YLL's Millstones site independently of the much wider swathe of Green Belt land (PEN9) given that it was the subject of a (then current) planning application. We believe that Arup would inevitably have concluded that the much smaller, well-contained Millstones site does not fulfil any of the Green Belt purposes.
- 2.9 Furthermore, as we have highlighted previously, the adopted Core Strategy already provides the mechanism for the Council to make minor changes to the Green Belt:
- 'A localised review will take place and will include minor changes to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries.'*
- [Page 28 of the Core Strategy, reiterated on page 140]
- 2.10 We therefore respectfully urge the Local Plan Inspector to visit our client's site during the course of his/her site visits. The Local Plan process is the appropriate time to amend settlement boundaries but to date the Council has not taken this opportunity in relation to Millstones, albeit without any good reason and despite YLL having made comprehensive submissions demonstrating why the small-scale boundary change is warranted.
- 2.11 If the requested small-scale revision to the settlement boundary of Oxspring is not effected through the Local Plan process – which will require the Inspector's endorsement – our client's site will be sterilised for the foreseeable future.

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<sup>3</sup> Our representation of January 2015 referred extensively to Section 6 of the Planning Support Statement prepared by Spawforths (dated April 2014) which sets out in great detail the background/context of this site in relation to the Green Belt boundary and the woodland which forms the western boundary of YLL's site. For ease of reference we reproduce Spawforths' report and the various supporting Appendices within Appendix I to this current representation.

## Barnsley's Housing Strategy

- 2.12 Page 18 of the Publication Draft Local Plan contains a very brief three-paragraph summary of the Council's Housing Strategy 2014-2033, which fails to capture many of the key messages from the document. Section 3 of our representation dated January 2015 contains a more comprehensive review of the Housing Strategy, which we do not repeat in full here given that our earlier submission is reproduced in full at Appendix A. However, we do consider it important to highlight the following:
- The first bullet under paragraph 4.15 states that Objective 1 is to '*Support new housing development*'. Objective 1 of the Housing Strategy actually reads: '*Support housing development which creates a thriving and vibrant economy.*' The latter part of that objective is critically important because the provision of genuinely executive-type housing is intrinsically linked to the Council's stated ambition of achieving a step-change in the Borough's economic fortunes. The full objective is quoted at the bottom of the second column/top of the third column of an article from the Barnsley Chronicle dated 24 June 2016, which we reproduce as Appendix B to this current submission and cover in more detail in Section 3 below.
  - The 'key ambitions' under Objective 1 include '*build c.24,000 new homes i.e. 1,300 per year*'. The housing target specified in the Local Plan is, however, 20,330 dwellings (as specified in paragraph 2.3), or 20,900 dwellings (as specified by Policy H1).
  - Similarly, the 'key ambition' under Objective 2 of the Housing Strategy for '*c.2,500 larger family/higher value homes*' is absent from the Local Plan.
- 2.13 We therefore remain very concerned that the ambitious growth strategy espoused in the Council's Housing Strategy is not carried through into the Local Plan.

## Chapter 9 – Housing

- 2.14 Our representation of January 2015 set out our concerns regarding the Housing Chapter of the Local Plan in some detail. We continue to have the same concerns because the Housing Chapter in the latest version of the draft Local Plan is essentially unaltered apart from the specific figures in the table relating to Policy H2.
- 2.15 One of the 'policy solutions' on page 69 is 'ensuring the mix, type and density of housing is appropriate.' Such a vague statement is woefully inadequate. Paragraph 47 of the NPPF requires Local Plans to meet needs in full, and so the Local Plan should make provision to meet in full the specific types of housing for which its own evidence base identifies a need. The Local Plan plainly fails to meet this fundamental requirement.
- 2.16 Paragraph 9.5 confirms that the Council intends to persist with the blanket density rate of 40 dph. We have already outlined our related concerns, which in the interests of brevity we do not repeat here.

### 3 OTHER MATTERS

#### YLL's Planning Application Ref. 2014/0482

- 3.1 Our client's planning application for four executive houses at its Millstones site in Oxspring was refused by way of an Appeal Decision dated 1 September 2015<sup>4</sup>. Crucially, however, the application was refused because of its location within land that is presently part of the Green Belt, and so the Inspector reached the conclusion that the proposed development would automatically reduce the openness of the Green Belt.
- 3.2 It is axiomatic that the provision of housing within land that is presently open will reduce the site's openness. It is therefore perhaps not surprising that, in advance of the settlement boundary of Oxspring being amended to take in YLL's site, the Inspector reached the conclusion that one of the Green Belt purposes would be compromised.
- 3.3 The Inspector did not, however, conclude that the site performs an important Green Belt role, nor did she refuse the application on the basis that it would undermine the purposes of the Green Belt.
- 3.4 We also confirm that no statutory consultees – including the Biodiversity Officer and the Tree Officer at Barnsley Council – objected to our client's planning application for residential development. Accordingly, there are no technical impediments to the proposed residential use of the site.
- 3.5 Against the background outlined above we again respectfully urge the Local Plan Inspector to visit our client's site during the course of his/her site visits.

#### Strategic Housing and Employment Land Availability Assessment 2016

- 3.6 Arup has recently completed the Strategic Housing and Employment Land Availability Assessment Update 2016 ('SHELAA'), which was published on 7 July 2016. We have reviewed Arup's comments regarding our client's Millstones site (site reference 595 in the SHELAA) and we note the following incorrect information:
  - Under the heading 'Drainage Infrastructure Constraints', Arup states '*Some new drainage infrastructure required.*' For the avoidance of doubt, all technical matters including drainage and flood risk were resolved to the satisfaction of the Council and all statutory consultees as part of application ref. 2014/0482, and the only new infrastructure required is that which is normally associated with a small-scale residential scheme. A foul water manhole is located on site, to which drainage connections can be made.

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<sup>4</sup> LPA ref. 2014/0482; PINS Appeal ref. PP/R4408/W/15/3005950.

- Under the heading 'Surrounding Land Uses', Arup states '*Site has bad neighbours with potential for mitigation.*' The site does not have any bad neighbours, however.
- Arup also identifies a potential dwelling yield for the site of 14 units. As noted above, however, YLL would like to develop four executive houses at the site in keeping with the existing executive housing development at Millstones adjoining the site, which is substantially fewer than the 14 houses suggested by Arup.

3.7 Our concerns regarding the SHELAA are set out in more detail in a separate submission which we have also made on behalf of YLL.

## Officer Comments Confirming the Need for High-Value Executive Properties

3.8 The Penistone edition of the Barnsley Chronicle dated 24 June 2016 contained an article entitled 'More quality homes needed for town's growing population.' Mr Phillip Spurr, Service Director Culture, Housing and Regeneration at Barnsley Council, is quoted extensively in the article. We particularly wish to highlight the following extract from the article:

*'Mr Spurr said the right homes were needed in the right location, as there was a demand for large family homes and high-value executive properties. He said there was also evidence up to 30 per cent of residents were looking outside the borough to meet their housing needs, a 'leak' that must be stopped.'*

3.9 For ease of reference the article is reproduced in full as Appendix B to our report.

3.10 In addition, the Report of the Executive Director, Development, Environment and Culture (reference CAB.4.7.2012/8), dated July 2012 sets out "*the need for low density dwellings in the top bracket of the housing market*" The report confirms that the Council wants to ensure that the Borough is a place where high and middle income people choose to live and can afford. In particular, Paragraph 3.7 states:

*"therefore the importance of facilitating the provision of sites to ensure we achieve a mix of types and sizes is recognised, particularly at the top end of the market to ensure the Borough can accommodate requirements across the full spectrum of workers in a business or employment, including professional, senior managerial and executive officers. Provision of dwellings to attract such workers to live in the Borough will support and implement the economic strategy and will help to diversify the make-up of Barnsley" (our emphasis).*

3.11 We do not claim that our client's site will make a significant numerical contribution towards the Borough's housing target. Nevertheless, the provision of four executive-type houses at the top end of the market will make an important contribution to the Council's stated objective of providing larger and higher-value homes, thereby providing a more balanced housing market and helping to attract new and retain existing higher earners to Barnsley.

## Agent Evidence of Need for Executive Housing

- 3.12 In Appendix C we reproduce a letter (dated 18 August 2015) from Richard Crossfield, a highly qualified and experienced Director of the local estate agency Fine & Country, regarding the lack of new high-value housing within the Borough of Barnsley. Mr Crossfield's letter sets out that:
- no new-build residential properties with an asking price of £500,000 and above were marketed within a five-mile radius of postcode district S70 in Barnsley between 1 January 2012 and 17 August 2015;
  - the corresponding number of properties in the same price bracket (£500,000 plus) marketed in the neighbouring areas of Huddersfield, Wakefield, Sheffield and Leeds over the same period were 65, 18, 80 and 86, respectively;
  - Barnsley (particularly the western part of the Borough) therefore has a serious lack of new-build property within the £500,000-plus price bracket, and the most prestigious housing scheme currently under construction in Barnsley Borough will not cater for those seeking homes above £530,000;
  - Mr Crossfield confirmed that there is a definite demand for new-build properties at the higher end of the market; and
  - Mr Crossfield stated that he finds the aforementioned lack of supply particularly concerning and that, in his professional opinion, it is detrimental to the achievement of the Council's economic objectives.
- 3.13 Paragraph 2.2 of the Spawforths Planning Support Statement dated 22 April 2014, which is attached at Appendix I of this representation, produces the findings of market research which indicates that the four low density, high value executive homes proposed by our client would range in price from £625,000 to £675,000. Therefore, despite the limited scale of the proposals, it is clear that the development will provide an important contribution towards the current lack of new build properties priced in excess of £530,000, helping to satisfy the Council's identified need for low density dwellings in the top bracket of the housing market.





**APPENDIX A PBA'S REPRESENTATION DATED  
JANUARY 2015 IN RELATION TO THE  
LOCAL PLAN CONSULTATION  
DRAFT 2014**



**Yorkshire Land Limited**

**Barnsley Local Plan - Consultation Draft 2014  
Submission in Relation to Land at Millstones,  
Oxspring**

**Peter Brett Associates**

January 2015

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	Name	Position	Signature	Date
<b>Prepared by:</b>	Michael Gilbert/Bernard Greep	Associate/LLP Director	BG	09.01.15
<b>Reviewed by:</b>	BG	LLP Director	BG	09.01.15
<b>Approved by:</b>	BG	LLP Director	BG	09.01.15
<b>For and on behalf of Peter Brett Associates LLP</b>				

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# 1 INTRODUCTION

- 1.1 Peter Brett Associates ('PBA') was commissioned by Barnsley Council in April 2013 to undertake the Barnsley Housing Study. The main role of the study was to provide recommendations on the delivery of a broad mix of housing in locations attractive to the market, the findings from which could then be used to inform the allocation of appropriate sites in the emerging Local Plan. We provided our final outputs to the Council in the form of three reports dated January 2014, namely Study 1: Strategic Housing Land Availability Assessment; Study 2: Site Identification Study; and Study 3: Advice on Local Plan Strategy and Policies.
- 1.2 Following the completion of the Barnsley Housing Study, various landowners and development companies have asked us to promote sites on their behalf. We are always at pains to ensure that we only accept instructions where to do so would not represent a conflict with our earlier advice. For that reason we have chosen not to promote various sites in Barnsley that we are not comfortable with.
- 1.3 In May 2014, we were approached by Yorkshire Land Limited ('YLL') and were asked to provide an unbiased, professional opinion of the credentials of various sites within its control, all of which are within the western half of the Borough<sup>1</sup>. Having reviewed the documents commissioned by YLL, followed by visits to the sites in July 2014, we formed the view that the case being put forward for the sites' release fully accords with the findings of the Barnsley Housing Study. On that basis we felt comfortable with supporting YLL's case for the release of those four sites, and we have been liaising with the Council in recent months.
- 1.4 We have more recently been asked by YLL to make submissions regarding another site within its control, at Roughbirchworth Lane in Oxspring. The current planning situation regarding these five sites is as follows:
- **Wellhouse Lane/Halifax Road (Penistone)** – this land is identified as two separate housing allocations in the Local Plan Consultation Draft 2014 (site references H81 and H82). We support the allocation of this land and so we do not make detailed comments regarding the site(s).
  - **Oxspring Fields (Oxspring)** – this site is not identified as a housing allocation in the draft Local Plan. Walton & Co is making a submission on YLL's behalf in relation to the Oxspring Fields site and so we do not provide detailed comments. However, given the clear under-allocation of housing land in the draft Local Plan, we maintain that the Oxspring Fields site represents an excellent candidate for market and affordable housing given its extremely sustainable location.
  - **Millstones (Oxspring)** – this site is the subject of a current planning application (reference 2014/0482). The Council has not yet taken the opportunity to make a localised adjustment to the Green Belt anomaly in this location, and so we are

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<sup>1</sup> The sites are at Wellhouse Lane (Penistone), Oxspring Fields (Oxspring), Millstones (Oxspring) and Huthwaite Lane (Huthwaite).



making this submission to the Local Plan consultation process specifically in relation to the Millstones site.

- **Huthwaite Lane (Huthwaite)** – this site is also the subject of a current planning application (reference 2014/1240). For the reasons outlined in the planning application submission, however, there is no need to allocate this particular site in the Local Plan because it is an infill site within a defined village, which is expressly identified as acceptable by paragraph 89 of the NPPF. Accordingly, we do not make a submission to the Local Plan consultation process in relation to YLL’s Huthwaite Lane site as the proposal for four dwellings on this infill site in a defined village is acceptable in policy terms, which was agreed by Peter Taylor (Interim Head of Planning) at a meeting with PBA and YLL on 26 September 2014.
- **Roughbirchworth Lane (Oxspring)** – the Planning Regulatory Board resolved to approve YLL’s planning application for three executive dwellings (reference 2014/0684) at its meeting on 16 December 2014.

1.5 PBA has now also been instructed by YLL to submit a representation to the Barnsley Local Plan consultation process in respect of a further site within its control, at Hunningley Lane in Worsbrough Dale, which is not identified for housing in the latest draft version of the Local Plan.

1.6 We are therefore making two submissions to the consultation process, which relate to YLL’s sites at Hunningley Lane and at Millstones in Oxspring. The Millstones site – which we assessed in the SHLAA (site reference 595) – is covered in this report and the Hunningley Lane site is addressed in a separate submission.

## 2 YLL'S SITE AT MILLSTONES – OVERVIEW

### Location and Physical Characteristics

- 2.1 YLL's site at Millstones in Oxspring covers 0.4 hectares (gross) of rough grassland in Oxspring on the western side of the Borough. The site's locational and physical characteristics, and the surrounding land uses, are described in detail in the suite of documents that have been commissioned by YLL and previously submitted to the Council as part of the planning application.
- 2.2 In summary, the northern and western boundaries of the site are lined by dense mature deciduous woodland, and there is an existing area of residential development adjacent to the eastern site boundary. The River Don forms the southern boundary of the site, with further woodland beyond. We can therefore confirm that the site has strong, well defined and defensible boundaries which clearly separate the land from the wider Green Belt. This is shown in greater detail within the Landscape Statement produced by Smeeden Foreman and dated May 2014, which was submitted with the planning application.
- 2.3 The plans in the Landscape Statement demonstrate that the proposed area of housing only extends a modest distance beyond the existing residential area at Millstones, and that any further encroachment into the Green Belt beyond would not be possible due to the presence of the mature woodland to the north and west, which would form strong, permanent physical boundaries. This is perhaps best demonstrated on the plans on pages 6 and 7 of the Landscape Statement, reproduced below for ease of reference.

**Figure 2.1 Excerpt from pages 6 and 7 of the Landscape Statement**



- 2.4 For the reasons detailed in the Landscape Statement, Smeeden Foreman's professional opinion is that development at the Millstones site would not have a significant impact upon local landscape character. Moreover, in Smeeden Foreman's assessment, the proposed development would create a better defined and more defensible edge to the Green Belt, as opposed to the present situation whereby the Millstones site is a clear anomaly which serves none of the five purposes of including

land in the Green Belt. This is confirmed on page 7 of the submitted Landscape Statement, which provides Smeeden Foreman's assessment of the Millstones site against the five purposes of the Green Belt as defined under paragraph 80 of the NPPF. We agree with Smeeden Foreman but for completeness we provide our own assessment of YLL's site against each of the five Green Belt purposes in Section 4 of our report.

## Proposed Scheme

- 2.5 The current planning application is for four large detached dwellings, immediately adjacent to the western edge of the existing housing at Millstones which was allocated for housing under Policy WR2/7 of the UDP (December 2000). The proposed development would represent a very modest expansion and to all intents and purposes it amounts to an infill scheme on a small, well-screened area of land between existing built development as well as mature trees and the River Don, all of which will form an enduring defensible boundary. The scheme details are contained in the planning application submission and so we do not reproduce this here.
- 2.6 The Millstones site was assessed in the Barnsley Housing Study, and was given the Unique Identifier reference 595. The Council initially supplied information which indicated that part of the site is within Flood Zone 3a, but during the course of the study the Council made us aware that the landowner had submitted information which demonstrated that the built footprint of its proposed scheme would be outside of Flood Zone 3. Accordingly, the site performed well against the suitability, availability and achievability criteria, and it achieved an overall Category 1 rating.
- 2.7 There were only two criteria against which the site did not achieve a maximum score. The first related to access, but having visited the site again, we can confirm that the site does have an existing vehicular access point (currently unadopted) which has gates across it to prevent unauthorised access by fly-tippers and so on. A vehicular access into the site could easily be formed by extending Millstones, and this was noted in the SHLAA database that we provided to the Council at the end of the Housing Study. The second criterion related to the site's location outside of a defined settlement boundary, although this was not one of the 'particularly important' criteria as specified in the Technical Note which was published as Appendix D in Volume B of our SHLAA outputs and so the site was still capable of achieving an overall Category 1 rating.
- 2.8 The SHLAA site assessment form is enclosed at Appendix A for ease of reference. Please note that the date is shown as 4 August 2014 but this is simply the date that the PDF was generated, and the site information has not been altered since we completed the SHLAA. The site is a clear anomaly in terms of the Green Belt boundary as it is serving no Green Belt function. The proposed scheme effectively presents an infill between existing housing and mature defensible natural boundaries, and it is within easy reach of a range of community facilities in Oxspring including a primary school, children's play facilities and other recreation space, allotments, bus stops with links to the Trans Pennine Trail, a church, a Post Office and general store, and public houses.

## Green Belt Anomaly

2.9 Section 6 of the Planning Support Statement prepared by Spawforths and dated April 2014 sets out in great detail the background/context of this site in relation to the Green Belt Boundary anomaly and the localised review carried out on the wooded Hillside which forms the Northern Boundary of both this application site and the existing Millstones development. That document has been submitted to the Council as part of YLL's current planning application but for ease of reference we summarise the key points below:

- The boundary of the planning application site is the heavily landscaped tree mound, which was delivered, at the Council's request, to provide a physical demarcation between the Millstones development and the Rocher Valley. We have visited the site on various occasions and wholeheartedly agree with Spawforths' assessment that the mature trees represent a well-established, logical boundary in terms that reflect the wider topographical setting of the settlement.
- The majority of the application site is presently identified as Green Belt in the Barnsley UDP and in the Proposals Map for Oxspring. However, the vehicular access to the site and a three metre wide strip of land to the immediate west of the rear garden boundaries with neighbouring properties on Millstones is excluded from the Green Belt and forms part of the UDP housing allocation site WR2/7. These areas of land are wholly within the urban fabric of Oxspring and are unaffected by Green Belt designation. The current Green Belt boundary remains unmarked and is therefore unrecognisable on the ground. It is just an arbitrary Line on the UDP plan, which is clearly illustrated in Appendices 2 and 13 to Spawforths' submission.
- This anomaly arose when the Millstones residential development (LPA ref. B/92/1594/PR) granted outline planning permission in December 1993 was subsequently followed by the detailed planning permission granted in March 1994 for the creation of the landscaped tree mound (LPA ref. B/94/0109/PR). At that time the whole of this part of Oxspring was washed over by Green Belt, the UDP review was in process and, at that stage, the Council made several attempts to set the new Green Belt boundary to align with the western boundary of the approved residential permission (LPA ref. B/92/1594/PR).
- The Council specifically requested the landscaped tree mound (LPA ref. B/94/0109/PR) be designed and created to form an extension of the wooded hillside to the north, to contain the residential development and provide a logical and enduring boundary in accordance with national planning policy as expressed, at that time, in PPG2.
- Thus, the existing Green Belt boundary remains unmarked and unidentified on the ground, which is an anomaly that should have already been corrected by the Council in October 2005 when it published Background Paper 7. Map Ref GBA.55 of that document identified the amendment to the application site's northern boundary as a Green Belt addition.

- The Council's Background Paper 7 also confirmed that there had already been several minor changes proposed to the Green Belt boundary to provide more defensible boundaries. The Council really should have given detailed consideration to the extent of the Green Belt in this location at that time. The Millstones development's northern and western boundaries would then have been strong, readily recognisable, logical and enduring, comprising:
    - Bower Hill Road forming the eastern Green Belt boundary
    - The wooded hillside forming the northern Green Belt boundary
    - The established landscaped tree mound forming the western Green Belt boundary
  - The Council allocated the wooded hillside to the north of the Millstones development as part of the UDP housing proposal WR2/7, but it should instead have remained in the Green Belt as it clearly represents a strong defined physical boundary. Spawforths explained that this error has now been recognised by the Council but that, crucially, the Council has failed to amend the western boundary to coincide with the landscaped tree mound purposefully designed in conjunction with the Council's own Planning and Landscape officers solely to fulfil this specific function and define a logical, more defensible, enduring and permanent Green Belt boundary.
- 2.10 In summary, YLL's site being is clear Green Belt anomaly and the existing Green Belt boundary is not correctly marked on the Council's maps/plans. The Council partially rectified the Green Belt boundary in this location through the UDP by redefining it to coincide with the steep-sided line of mature trees along the northern side of Millstones, but the other anomalies and mapping errors have never been addressed.
- 2.11 The emerging Local Plan, and YLL's current planning application, provides the ideal opportunity to rectify these mapping errors and anomalies by making a very slight localised adjustment to the Green Belt boundary.



## 3 ADOPTED AND EMERGING POLICY CONTEXT

3.1 In this section of our report we summarise the key policy and evidence base documents which provide clear support for the very slight amendment to the Green Belt boundary at Millstones, and the approval of the current planning application for four large executive style dwellings at the site. We also provide some specific observations and comments on the consultation draft Local Plan insofar as it relates to our clients land.

### Core Strategy (September 2011)

3.2 The adopted Core Strategy makes clear that there would be no full scale review of the Green Belt during the plan period, but that a localised review will take place. Paragraph 6.5 on page 28 of the adopted Core Strategy includes the following statement, which is reiterated on page 140:

*'A localised review will take place and will include minor changes to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries. Changes will be shown on the Proposal Maps that will accompany the Development Sites and Places DPD.'*

3.3 The adopted Core Strategy provides the mechanism for the Council to make minor changes to the Green Belt to address all anomalies. The planning support statement submitted with the current application covers this point in detail, in particular pages 18 to 26, which clarify how this anomaly has arisen. In summary, these trees were specifically requested by, and designed in conjunction with, the Council's Planning and Countryside department to create an extension of the wooded hillside located to the north of the site and become a recognisable and enduring Green Belt boundary. We believe that the site at Millstones is clearly an anomaly in terms of the Green Belt boundary and that now is an appropriate time to remove our client's site from the Green Belt by making a small adjustment via the mechanism that is expressly advocated in the Core Strategy, and/or by approving YLL's current planning application.

3.4 The Council has a statutory obligation to implement the adopted development plan which sets out a clear imperative to undertake a localised review of the Green Belt to address anomalies, such as that at the Millstones site. Therefore, we would again request that this recognised anomaly at the Millstones site is corrected to the effect that the amended Green Belt boundary aligns with the established tree line to the north and west of the site.

3.5 Furthermore, Oxspring is a defined village in the table under paragraph 7.4 on page 32 of the Core Strategy Section 7 'Settlement Hierarchy'. Later, at paragraph 7.86 on page 47 of the Core Strategy it is confirmed that Policy CSP 10 provides for the delivery of 1,000 homes in the villages over the plan period. The principle of some residential development in Oxspring is therefore accepted in the Core Strategy,

although we acknowledge that at present the Millstones site falls outside the settlement boundary. Notwithstanding this, the land closely relates to the existing urban area and forms the logical continuation and rounding off of the existing Millstones development.

- 3.6 We also wish to point out that in the report to Cabinet ref. CAB.4.7.2012/8, officers advised members (paragraph 3.5) that Core Strategy Policy CSP 14 'Housing Mix and Efficient Use of Land' has the flexibility to allow low density executive housing where needed. In paragraph 3.6, officers confirmed that CSP 14 expects proposals to include a broad mix of house size, type and tenure in order to create mixed and balanced communities. The need for low density dwellings in the top bracket of the housing market has therefore been publicly recognised by the Council. Furthermore, as we have explained in previous submissions, the adoption of the Economic Strategy introduced a corporate aspiration to deliver 1,200 low-density, high-value dwellings and this objective has been repeatedly reiterated. We return to this later in our report.

## **Development Sites and Places – Consultation Draft (July 2012)**

- 3.7 The Development Sites and Places (DSAP) DPD was published for consultation in July 2012, and was intended to identify sites to deliver Barnsley's spatial strategy and economic priorities. Paragraph 1.2 noted that *'It is important that the DPD delivers the priorities and aspirations set out in the Economic Strategy'*. As we explain elsewhere in this report, the Economic Strategy places a firm emphasis on the delivery of larger executive family houses at lower densities in appropriate parts of the Borough. The Millstones site is exactly the type of location this form of development should be directed towards.
- 3.8 In particular, we wish to draw the Council's attention to the section entitled 'Larger and Low Density, High Value Housing in the Green Belt'. For ease of reference, paragraphs 8.43 to 8.45 on pages 85 and 86 are reproduced in full below:

*'8.43 In addition to the sites shown on the Proposals Maps we will consider the potential of Green Belt sites for allocations for larger, low density housing. Green Belt sites will be assessed for their potential and suitability for low density dwellings. The Green Belt sites that we know about and will consider are made up from the Strategic Housing Land Availability Assessment and Council owned sites such as redundant schools. In addition to these, please let us know if you have a Green Belt site that may be suitable for low density housing. We will consider sites that are put forward.'*

*8.44 The Green Belt sites that will be considered most favourably for low density housing are likely to have the following characteristics:*

- *Their development would enable the borough to achieve the ambitions of the Economic Strategy in respect of delivering a broader housing mix*



- *Their development would not harm the functions of Green Belt particularly in respect of checking unrestricted sprawl and preventing settlements merging into each other*
- *Development of the site would result in a defensible Green Belt boundary*
- *The site has a good relationship with a settlement, has access to facilities and is sustainable, edge of settlement is likely to be preferred*
- *The development represents infilling or the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within Green Belt than the existing development*
- *Will contribute to the viability of a settlement.*

*8.45 Landowners will have to demonstrate that the site put forward is viable for low density housing. Where a proposal for high quality, high value well designed, individual or low density dwellings is proposed in Green Belt, the need for that type of property may be considered as a very special circumstance. Regard will be had to the type and design of the dwellings, and the need for that particular type, for example single storey bungalows. Each site will be considered on its own merits.'*

3.9 We can confirm that our client's proposed scheme at the Millstone site:

- will provide larger, low-density, high-value family housing;
- will help to diversify the Borough's housing mix;
- will not harm any of the functions of the Green Belt, for the reasons outlined elsewhere in this report;
- will be contained by existing, strong, permanent Green Belt boundaries;
- will have a good relationship with Oxspring, which is identified as a 'Village' in the Settlement Hierarchy that is defined on page 32 of the Core Strategy;
- is edge of settlement with good access to a range of nearby community facilities in Oxspring;
- is an infill scheme between existing built development and mature trees and the River Don; and
- will contribute to the viability of Oxspring by increasing the amount of expenditure available to spend locally by residents of the proposed executive housing.

3.10 We acknowledge that the DSAP document is not being taken forward and that the Council is now including its land allocations within the new Local Plan. Nevertheless it is noteworthy that the DSAP gave considerable weight to the delivery of the Economic Strategy, whereas clearly the draft Local Plan does not give sufficient weight to the Economic Strategy. We consider that the emphasis on the delivery of larger and low density high value housing remains important as this stems from the Council's own evidence base, and the new Local Plan must have regard to this otherwise it cannot be found sound.

## Local Plan Consultation Draft (November 2014)

### Vision and Objectives

3.11 The following vision is put forward on page 4 of the draft Local Plan:

*'Working together for a brighter future, a better Barnsley.'*

3.12 In our view this 'vision' does not adequately reflect ambitious growth agenda outlined in other corporate publications including the Economic Strategy and the Housing Strategy, which we discuss later in this section of our report.

### Approach

3.13 In the SHLAA, we advised that the 5,000 to 5,500 dwellings that would need to come forward on land that is presently designated as Green Belt would require about 240 to 310 hectares of land. That estimate was based on realistic gross-to-net ratios and density assumptions. However, paragraph 3.25 of the Local Plan Consultation Draft states *'It is proposed to take out of the Green Belt around 190 hectares of land for housing...'*

3.14 We suspect that the reason the Council is proposing to release less land from the Green Belt than we suggested in the SHLAA is due to the assumptions regarding densities and gross-to-net ratios that have now been used. We elaborate on this below.

3.15 Paragraph 3.26 states that *'further minor changes have been made to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries'*. We would strongly question whether this process has been thoroughly undertaken given that the Council has omitted to revise the Green Belt boundary at the Millstones site, which is precisely the type of clear anomaly that should be addressed.

### Spatial Strategy

3.16 Paragraph 5.4 of the draft Local Plan encourages development in villages where it *'meets local needs and supports vitality, the local village economy and viability of the local community'*. The Millstones site will deliver four high quality executive style family homes that will certainly support the vitality and viability of Oxspring. However, the draft Local Plan has not allocated any sites in villages. In our view this is irrelevant, since the site is a clear Green Belt anomaly and this should still be rectified regardless of whether or not the Council intends to allocate land in and around the villages.

### Housing Chapter

3.17 Chapter 12 of the draft Local Plan is of key relevance as it sets out the Council's strategy for meeting its identified dwelling targets. We have a number of serious concerns, however, which we highlight below.

3.18 The dwelling target identified in Policy H1 the draft Local Plan for the plan period 2014 to 2033 is 20,330 dwellings, which is at the lower end of the range identified in

the Housing Strategy. We will scrutinise the underlying assumptions in due course, but we emphasise here that paragraph 47 of the NPPF requires Local Plans to meet the full objectively assessed needs for market and affordable housing. We urge the Council to ensure that the Local Plan includes a dwelling target that will address identified needs in full.

- 3.19 Following on from the above, we are concerned by the final sentence of paragraph 12.1 of the draft Local Plan. We reiterate that the correct approach is to establish the correct objectively assessed need figure and then identify sufficient sites to achieve that target. This could require the release of additional land from the Green Belt, in which case the first preference should be sites in sustainable locations that are not fulfilling any Green Belt purpose, such as YLL's Millstones site.
- 3.20 Paragraph 12.5 of the draft Local Plan states that an indicative density of 40 dwellings per hectare ('dph') has been applied to the proposed housing allocation sites, and draft Policy H7 states that '*a density of about 40 dwellings per hectare will be expected.*' Whilst some sites will be developed at that sort of density, some sites will be developed at significantly lower densities. Indeed, if the Council's corporate objectives of diversifying the Borough's housing mix (the 'step change' referred to in numerous Council publications) and increasing the supply of high-quality executive housing are to be achieved, lower-density housing will be needed.
- 3.21 Given the Council's aspirations for a step change in the quality of housing across the Borough, and reflecting conversations with local agents, developers and other actors in the local property market, we applied a range of densities in the SHLAA, as follows:

**Table 3.1 Density Rates Used in the Barnsley SHLAA**

Site Location Characteristics	Density (dwellings per hectare net)
Identified as appropriate for mainstream housing	35
Identified as appropriate for executive housing	25
Identified as appropriate for high-end executive housing	15

- 3.22 Paragraph 12.5 of the draft Local Plan also states that on sites over 10 hectares, the Council has assumed a gross-to-net ratio of 75 per cent. This is significantly higher than the 60 per cent we applied in the SHLAA for sites over 10 hectares, which reflects published national guidance, our experience around the country and our discussions with housebuilders. In the SHLAA, we applied a gross-to-net ratio of 75 per cent for sites with a gross area of between 2 and 10 hectares.
- 3.23 The Council's use of an average density of 40 dph and a gross-to-net ratio of 75 per cent on the largest sites has the effect of unrealistically exaggerating the dwelling yields.
- 3.24 We note in passing that draft Policy H7 refers to a need for '*a broad mix of house size, type and tenure.*' We agree that this is needed but we are disappointed that the draft Local Plan does not advocate the provision of executive housing. YLL's Millstones site will deliver very high-quality, large housing at the top end of the

property market, and there is also a well-documented need for high-quality, low-density executive housing schemes in order to help achieve the Council's corporate objectives.

- 3.25 The draft Local Plan states that lower densities will be supported where there is '*robust supporting evidence*' (paragraph 12.28), and paragraph 12.43 states that '*some new low density, large dwellings*' will be needed. However, we firmly believe that the clear need for a significant proportion of executive housing at lower densities – which underpinned the Barnsley Housing Study and the Development Sites and Places ('DSAP') Consultation Draft 2012 – should be built into the Local Plan as a policy requirement. The DSAP specifically identified a range of sites for low-density housing, reflecting the Economic Strategy, the Housing Strategy and other high-level Council documents which refer to a need for between 1,200 and 2,500 executive homes, in addition to mainstream housing. This provision is missing from the draft Local Plan, but without any apparent justification.
- 3.26 As presently drafted, the Local Plan will predominantly deliver mainstream housing at densities of around 40 dph. This approach may be fine for some sites, but it will not meet all identified needs in full as required by the NPPF.
- 3.27 We also believe that there is a serious over-concentration of housing in the eastern half of the Borough and that the market will not deliver sufficient housing in that area at the rates needed to achieve the identified targets/needs. Figure 3 on page 89 of the draft Local Plan shows that some 18,723 dwellings are earmarked for the area to the east of the M1 (92 per cent of the total), with only 1,471 dwellings directed to the area to the west. The number of dwellings directed to Hoyland has increased dramatically from the Core Strategy. Policy CSP 10 in the Core Strategy made provision for 1,800 dwellings in Hoyland (8 per cent of the total) whereas the draft Local Plan Policy H2 has increased the figure to 3,141 dwellings (15 per cent of the total).
- 3.28 We wish to draw attention to the 'Interim Views' of Inspector Stephen J Pratt which were published on 6 November 2014 in relation to the emerging Cheshire East Local Plan. Inspector Pratt's Interim Views report is reproduced in full at Appendix B for ease of reference. Much of the Interim Views report is relevant to Barnsley but we particularly wish to highlight Inspector Pratt's findings that:
- there is a serious mismatch between the economic strategy and the housing strategy (paragraph 4), which could be a strategy for economic failure (paragraph 33);
  - further work is needed to justify the spatial distribution of development (paragraph 4);
  - there is a disparity with other economic strategies and initiatives (paragraph 35);
  - there is a need to significantly boost housing supply and it is desirable to meet the shortfall as soon as practicable, by increasing housing provision in the early years of the plan period in order to significantly boost the level of housing provision, as per the guidance in para 47 of the NPPF, particularly where there

- has been persistent under-performance in housing provision in the past (paragraph 59);
- to artificially restrict the supply of housing land risks a mismatch with the economic strategy and the principles of sustainable development, and could undermine the national policy of significantly boosting housing supply (paragraph 63); and
  - there are significant flaws in both the process and evidence relating to the release of land from the Green Belt (paragraph 87).
- 3.29 Reflecting Inspector Pratt's findings, the examination of the Cheshire East Local Plan has been suspended for at least six months. This very recent example highlights the need for Barnsley's Local Plan to be based on robust evidence and to reflect the economic strategies and other initiatives; to plan for a significantly boost in housing provision; and to ensure that the approach to releasing Green Belt land can withstand scrutiny at examination. However, in our assessment the current version of the draft Local Plan also does not satisfy the soundness tests outlined in paragraph 182 of the NPPF, for the reasons set out in our submission.

## Other Material Considerations

### Economic Strategy

- 3.30 In 2010 the Council commissioned an independent company, Local Economic Futures, to undertake a comprehensive assessment of the local economy in the form of Barnsley's first statutory Local Economic Assessment (LEA) of the Borough. This assessment was further supplemented by an economic analysis, undertaken by the Barnsley Development Agency (BDA). The Council's Economic Strategy was adopted in direct response to the outputs of the LEA and economic analysis which had identified a number of key economic challenges facing the Borough and thus "Growing the Economy" is now established as one of the key priorities for the Council.
- 3.31 Paragraph 5.3 of the report to the Cabinet meeting on 6 June 2012 confirms that the production of the Economic Strategy was led by the Member Economy Working Group, chaired by the Leader of the Council and support by a number of key senior officers. A subsequent report by the Executive Director, Development, Environment and Culture, reference Cab.4.7.2012/8 identified that the Local Development Framework (LDF) would play a major role in creating Economic Growth within the Borough to underpin delivery of the Council's Economic Strategy.
- 3.32 Furthermore, the updated version of the Council's Housing Strategy 2014-2033 confirms the following (inter alia):
- The delivery plan under Objective 2 seeks to increase the number of larger (4 and 5 bed) family/higher value homes, and improve the range and quality of homes available to residents.
  - A 'key ambition' under Objective 2 is to 'build c.2,500 larger family/higher value homes.'



- Page 10 highlights a particular shortfall of larger family properties and higher value housing. The same page also states that the Council will encourage the development of larger family housing.
- There is recognition on page 10 that housing growth is important to ensure a sustainable and thriving housing market which supports Barnsley's economy.
- Page 13 explains that because there is not enough land to meet housing targets by 2033, the Borough-wide need for more homes will mean making some '*hard choices about where housing should be built*'.

### Barnsley Housing Strategy 2014-2033

3.33 An officer report was taken to the meeting of the Council's Cabinet on 9 April 2014 in relation to a new draft Housing Strategy covering the period 2014 to 2033. We wish to highlight the following excerpts for ease of reference:

- Para 4.2 explained that five key objectives for housing in the Borough over the next 20 years have been identified. The first two objectives are particularly worth highlighting here, namely the drive to (i) support housing development which creates a thriving and vibrant economy; and (ii) ensure the design and delivery of new high quality, desirable and sustainable homes.
- Para 5.1 cautioned that without a clear housing strategy it is clear that the economic performance gap between Barnsley and the region is likely to widen thus placing the Borough in an even less favourable position for inward investment, housing growth and generally providing residents with lower levels of new economic opportunities.
- Para 5.2 also advised that not progressing the new Housing Strategy would limit housing growth and receipts from Council Tax, New Homes Bonus and Community Infrastructure Levy.
- Para 6.1 emphasised that one of the key priorities of the Council's Economic Strategy is to create the conditions for economic growth and greater prosperity.

3.34 Key parts of the adopted Housing Strategy 2014-2033 that we wish to highlight here are as follows:

- Page 6 outlines the five key objectives for housing referred to above. The first objective has been streamlined to read 'support new housing development' but the second objective is unaltered:
  - The delivery plan under Objective 1 states that the Council will 'work with developers to make housing developments more economically viable.'
  - The 'key ambitions' under Objective 1 include 'build c.24,000 new homes i.e. 1,300 per year'.
  - The delivery plan under Objective 2 seeks to increase the number of larger (4 and 5 bed) family/higher value homes, and improve the range and quality of homes available to residents.

- A 'key ambition' under Objective 2 is to 'build c.2,500 larger family/higher value homes.'
  - Page 10 highlights a particular shortfall of larger family properties and higher value housing and a need for 20,000 to 25,000 additional dwellings over the 2014 to 2033 period is identified. The same page also states that the Council will encourage the development of larger family housing.
  - There is recognition on page 10 that housing growth is important to ensure a sustainable and thriving housing market which supports Barnsley's economy.
  - Page 13 explains that because there is not enough land to meet housing targets by 2033, the Borough-wide need for more homes will mean making some '*hard choices about where housing should be built*'.
  - Crucially, the same page also states that in order to meet housing targets, the Council plans to review some Green Belt for housing. The same section recognises that the amount of land likely to be released will represent a small proportion of the current Green Belt land, which covers 77 per cent of all land in the Borough.
- 3.35 It is clear from the new Housing Strategy that there was no softening of the Council's ambitious growth agenda since we completed the Barnsley Housing Study. If anything, there appears to be an even more resolute determination to ensure the delivery of the Council's Economic Strategy, and that this will inevitably require the release of some Green Belt land. The Council rightly recognises in the Housing Strategy that whilst releasing land from the Green Belt is a big decision, the amount of land that will need to be released represents a small proportion of the overall area of Green Belt across the Borough.
- 3.36 We are very concerned that the ambitious growth strategy espoused in the Council's Economic Strategy and the Housing Strategy (and other publications) is not carried through into the Consultation Draft Local Plan.

## Barnsley Green Belt Review

- 3.37 Of critical importance to YLL's proposed development at Millstones is the Barnsley Green Belt Review, undertaken by Arup and dated August 2014 but which only became available to the public in November.
- 3.38 The Millstones site is within a much larger parcel of land assessed by Arup ('PEN9'), which extends to approximately 640 hectares and is shown on the excerpt from page 73 of the 'Penistone and Neighbouring Villages' report reproduced as Figure 3.1. The Millstones site has therefore not been individually assessed by Arup in the Green Belt Review, and is therefore unfairly tarred by their comments regarding the much wider 'PEN9' parcel.
- 3.39 Notwithstanding this, it is worth noting that even taken as a whole, Arup concluded that the land is only '*moderately fulfilling the purposes of the Green Belt*' and that '*the southern portion of PEN9 has a stronger functional relationship with the existing built form of Oxspring*'.

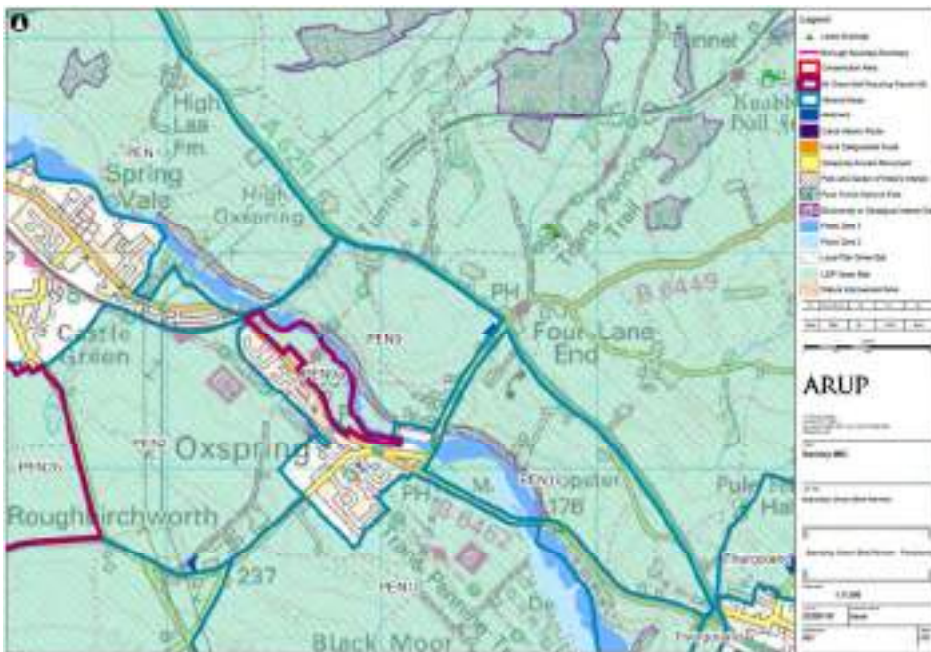


**Figure 3.1 Excerpt from Green Belt Review – ‘Figure 11.2 from Penistone and Neighbouring Villages Report’**



3.40 Arup go on to recommend that the Green Belt should be amended (see Sections 11.3 and 11.4.1 of the Green Belt Review report), as shown in the plan on page 83 and reproduced in Figure 3.2 below.

**Figure 3.2 Excerpt from Green Belt Review – ‘Figure 11.3 from Penistone and Neighbouring Villages Report’**



3.41 We believe that Arup’s recommended ‘PEN9a’ should be extended very slightly to encompass the Millstones site, which is clearly not fulfilling any Green Belt purpose.

The mature line of trees to the north would then form the northern boundary of site 'PEN9a' and there would be no impact on the Green Belt.

- 3.42 We acknowledge that it would have been impractical for Arup to assess each and every parcel of land on an individual basis in the Green Belt Review. However, given the substantial amount of information commissioned by YLL and provided to the Council as part of the current planning application – including Smeeden Foreman's aforementioned Landscape Statement – we would have expected Arup to have undertaken an assessment of YLL's site.
- 3.43 If Arup had been made aware of the current planning application and were asked to carry out that exercise, we are convinced that the findings would have been quite different to Arup's conclusions regarding the much larger 'PEN9' area, which extends well beyond the Millstones site and the clear boundary provided by the mature woodland belt which forms the northern site boundary.
- 3.44 It is perhaps not unexpected that Arup did not recommend the removal of the entire 'PEN9' area from the Green Belt, but given Arup's comments regarding the opportunity to re-define the Green Belt boundary to create a more permanent, defensible boundary which is likely to endure beyond the lifetime of the Local Plan – and the clear policy imperative in the Core Strategy to address Green Belt anomalies – Arup might well have reached a different conclusion regarding YLL's site had they undertaken an assessment of this land parcel in isolation.
- 3.45 We would therefore urge you to discuss our suggestions above with Arup as a matter of urgency. For the reasons outlined above we would hope that Arup will agree that the release of YLL's site will be acceptable as it does not fulfil any Green Belt purpose and the site's release will not materially affect the extensive area of Green Belt to the north of the site.

### Strategic Housing Market Assessment Update (November 2014)

- 3.46 The latest Strategic Housing Market Assessment (SHMA) provides firm evidence that the Council needs to deliver executive housing in order to meet its economic aspirations.
- 3.47 At the outset we wish to note that in the second bullet on page 62, arc4 acknowledges that the provision of new dwellings is needed to support economic growth. That comment is a general one and is not specifically referring to executive housing but we completely agree with arc4 that new housing and economic growth are inextricably linked.
- 3.48 Turning to the Executive Housing section on pages 81 to 83 of the SHMA Update report, we particularly wish to draw your attention to the following important advice/evidence from arc4:
- Para 6.56 – arc4 advises that the provision of executive housing in the Barnsley MB area *'will have a role in response to the need for diversification and expansion of the sub-regional economy and in contributing towards achieving wider population and economic growth objectives for the region.'*

- Para 6.59 – arc4 notes that none of the developers consulted during research for the SHMA Update are currently developing executive housing in Barnsley. This confirms that there is an urgent need for the Council to grant permission for executive housing in order to achieve its corporate objectives. We would also add that as well as being one of the very few developers currently developing this type of product in Barnsley, YLL's proposed scheme at Millstones are at the top end of the market, as opposed to the sort of housing built by the volume housebuilders which, whilst good quality, is not truly bespoke, executive housing.
  - Para 6.59 – this para also highlights a suggestion from a developer that Barnsley could take advantage of very low levels of development activity in neighbouring authorities, such as Sheffield, by developing executive housing which could pull higher income earners into Barnsley. We endorse these sentiments, which echo the same message that comes across strongly in numerous Council strategies and Cabinet reports.
  - Paras 6.61 and 6.63 – the household survey undertaken to inform the SHMA Update identified some 8,239 households within an income of at least £950 each week. Of this group of high income households, more than half (57.2 per cent) stated that they are considering moving out of the Borough – indeed, locations outside of Barnsley MB are their first location preference. Arc4 advises that the challenge *'must be to provide more large houses in the better areas of Barnsley MB to retain, and also attract, mid-upper income households.'*
  - Para 6.76 – identifies a lack of executive housing in the west of the Borough as a market weakness.
  - Para 6.142 – confirms that two of the main reasons for residents leaving the Borough is to move to a better neighbourhood or to find a larger property.
  - Para 6.143 – cautions that households intending to leave the Barnsley MB area tended to have high incomes, with 65.6 per cent having an income of at least £500 each week and 33 per cent an income in excess of £950 each week.
- 3.49 We also note that paragraph B.9 and Table B6 on page 126 of the SHMA Update report confirm that the Borough has proportionately fewer employees in professional and associated professional occupations than across Yorkshire and the Humber. All of the evidence highlighted above clearly points to a need for more executive housing in the west of the Borough in order to stem the flow of higher income households out of the Borough in search of larger properties, and also to attract higher income people into Barnsley. The level of executive housing currently being developed in the Borough falls a long way short of achieving these aims and we would respectfully ask that you take account of this recently published evidence in formulating the new Local Plan and determining YLL's application for high-quality executive housing at the Millstones site.
- 3.50 This latest evidence echoes and reinforces the same messages that have been spelt out in numerous Council strategies/reports in recent years and weighs heavily in favour of our client's application. This latest evidence reaffirms that very special circumstances clearly exist to approve YLL's application despite the site's location in

the Green Belt (albeit a site where it is agreed does not fulfil any Green Belt purposes and which is clearly a mapping anomaly).

### *Summary in Relation to Planning Policy and the Evidence Base*

- 3.51 The adopted Core Strategy makes clear that the Council will make minor changes to the Green Belt to address anomalies. However, we are concerned that the Council has failed to address the clear Green Belt anomaly at the Millstones site, without any adequate explanation.
- 3.52 The draft DSAP DPD emphasised the importance of delivering the aspirations of the Economic Strategy and set out the criteria for the consideration of Green Belt sites for larger lower density housing. However, this document has been aborted and the new Local Plan appears to back-track on the imperative set out in the Economic Strategy to develop larger executive family houses at lower densities to ensure a sustainable and thriving housing market which supports Barnsley's economy.
- 3.53 The adopted Housing Strategy and recently published SHMA update also seek to increase the number of larger family/higher value homes, and improve the range and quality of homes available to residents that are required for the diversification and expansion of the sub-regional economy and in contributing towards achieving wider population and economic growth objectives for the region. However, these important parts of the Council's evidence base also seem to have been overlooked in the draft Local Plan, which we believe dilutes these key housing and economic growth aspirations, which were previously advocated in the Core Strategy and draft DSAP DPD, and as such the emerging Local Plan risks falling significantly short of delivering anywhere near the right number or type of houses the Borough needs.
- 3.54 Finally, we have serious concerns regarding the approach taken in the Green Belt Review, which included YLL's Millstones site within a much larger parcel of land despite the numerous representations that have been made and the fact there is a current planning application. We firmly believe that had a specific assessment been carried out on the Millstones site the conclusion would be that the land does not perform any of the five Green Belt purposes and should be removed.
- 3.55 Taking the above into account, we do not consider that the draft Local Plan provides a sound basis on which to plan for the future of Barnsley, and are particularly concerned that the Council appears to have disregarded some of the key conclusions and recommendations of its evidence base. More specifically, we believe that the Millstones site represents a clear and unambiguous Green Belt anomaly that should be rectified without delay, either through a revised Green Belt boundary and/or via the grant of planning permission in relation to the current application.



## **4 ASSESSMENT AGAINST THE FIVE GREEN BELT PURPOSES AND 'VERY SPECIAL CIRCUMSTANCES'**

- 4.1 In this section of our report we provide our assessment of our client's Millstones site against each of the five Green Belt 'purposes' as defined under paragraph 80 of the NPPF in order to demonstrate why the Council should take this opportunity to make a very slight adjustment to the Green Belt. We then summarise the 'very special circumstances' that exist to justify the removal of the Millstones site from the Green Belt and the approval of the current planning application.

### **Green Belt Assessment**

#### **Green Belt Purpose 1: Check Unrestricted Sprawl of Large Built-up Areas**

- 4.2 There is no potential for 'unrestricted sprawl'. The site is screened by lines of dense, mature trees to the north, west and south, beyond which is the River Don, and it adjoins the existing housing at Millstones to the east. These characteristics mean there is no potential for additional incremental development.

#### **Green Belt Purpose 2: Prevent Neighbouring Towns Merging Into One Another**

- 4.3 For the same reasons outlined above, the proposed development at our client's site would not result in any settlements merging. The site is contained on all sides.

#### **Green Belt Purpose 3: Assist in Safeguarding the Countryside from Encroachment**

- 4.4 The third Green Belt 'purpose' is similar to the first two purposes and the conclusion is the same. Rather than encroaching into the countryside, the proposed residential development at the site would effectively represent a natural infill of the remaining land adjacent to Millstones. Further expansion into the countryside will not be possible because of the strong containing features, namely mature trees on three sides and built development to the east.

#### **Green Belt Purpose 4: Preserve the Setting and Special Character of Historic Towns**

- 4.5 The Millstones site is not part of or adjacent to a conservation area and it does not contain any listed buildings and so there will be no effect on this Green Belt 'purpose'.

## Green Belt Purpose 5: Assist in Urban Regeneration by Encouraging the Recycling of Derelict and Other Urban Land

- 4.6 Releasing the Millstones site will have no detrimental impact on the ability of schemes to come forward within the brownfield and other land within the urban areas, much of which is located in different housing market areas that will be unaffected by development in Oxspring.

### *Five Green Belt Purposes – Summary*

- 4.7 The land at Millstones does not serve any of the five Green Belt ‘purposes’. A small residential scheme at this infill site would clearly not lead to unrestricted sprawl of a large built up area (first ‘purpose’), would not lead to coalescence of any settlements (second ‘purpose’), would not lead to any significant encroachment into the countryside beyond existing development limits (‘third ‘purpose’), and would not harm the setting and character of an historic town (fourth ‘purpose’). The fifth ‘purpose’ (urban regeneration) is also not relevant in this context, because residential development at the site will serve a very different market to housing in more urban parts of the Borough. The proposed development of four dwellings at Millstones would therefore not undermine any of the five ‘purposes’ of the Green Belt.

## Very Special Circumstances

- 4.8 As we explained above, we believe that the site is a clear anomaly in terms of the Green Belt boundary, which should be very slightly amended to exclude the land at Millstones in accordance with the mechanism outlined in the Core Strategy. The site is detached from the wider Green Belt, does not perform any of the five purposes of the Green Belt set out under paragraph 80 of the NPPF, and benefits from clear and defensible boundaries. The development of the site for a small number of high quality executive dwellings would form the logical rounding off and continuation of the existing Millstones development.
- 4.9 Nevertheless, even if the boundary was not amended to remove the site, we believe that ‘very special circumstances’ exist which justify the approval of our client's proposed development. There is an overwhelming evidence base which directs the Council to deliver low-density, high-value housing to assist in meeting its broader economic objectives. This was recognised in the draft DSAP DPD which set out the criteria for the consideration of Green Belt sites for this form of housing. There has been a longstanding well-documented recognition by the Council that additional Green Belt land will need to be released to accommodate exactly the type of development being sought at the Millstones site, and the Council has expressly accepted that in order to achieve the ambitions of the Economic Strategy and other Council strategies, the need for low-density, high-value housing may constitute a very special circumstance. The unique physical and locational characteristics of the Millstones site, coupled with the adopted Core Strategy imperative to address Green Belt anomalies and the weight of evidence demanding the delivery of larger executive style housing collectively amount to the ‘very special circumstances’ required to approve the current application and remove the Millstones site from the Green Belt.

## 5 SUMMARY AND CONCLUSION

### Observations Regarding the Draft Local Plan

- 5.1 This representation has been prepared on behalf of Yorkshire Land Limited. It provides our observations regarding the Barnsley Local Plan Consultation Draft 2014 and it explains why YLL's site at Millstones in Oxspring represents an excellent candidate for housing.
- 5.2 In summary, we have raised serious concerns in relation to various matters including the following:
- the approach to the Green Belt Review, which did not involve an individual assessment of YLL's site, despite the Council having been provided with a wide range of supporting documents outlining the credentials of the site as part of the current planning application submission;
  - the amount of land that is proposed to be released from the Green Belt is substantially lower than the figure suggested in the SHLAA, which was based on realistic assumptions regarding achievable densities and gross-to-net ratios;
  - in contrast, the Council is now relying on an average density across all sites of 40 dwellings per hectare, and unrealistic gross-to-net assumptions for large sites, which has the effect of exaggerating the realistic level of housing production;
  - the Council's ambitious economic objectives are not properly reflected in the draft Local Plan, which appears to largely ignore the overwhelming evidence base advocating the delivery of larger executive family homes; and
  - the dwelling target for the overall plan period (20,330 dwellings) is at the lower end of the range quoted in the housing Strategy 2014-2033, and whilst we have not scrutinised the underlying assumptions at this stage, we emphasise that paragraph 47 of the NPPF requires Local Plans to meet the full objectively assessed needs for market and affordable housing.
- 5.3 Consequently, it is clear that the delivery of both open-market housing and affordable housing in the Borough will undoubtedly fall a long way short of meeting the Borough's growth needs unless further deliverable sites are allocated in the Local Plan, and all opportunities to address Green Belt anomalies are properly explored and rectified.

### The Millstones Site

- 5.4 YLL's site at Millstones provides excellent potential for delivering four executive style family houses in a sustainable location that is attractive to the market. Again, it should be emphasised that the area of land that is under the control of YLL covers around 0.4 hectares, a small fraction of the 640 hectares of land assessed in the Green Belt Review under PEN9. We have comprehensively demonstrated that YLL's site fulfils no Green Belt purpose and it represents a logical rounding-off of Oxspring, and a modest continuation of the existing development at Millstones. The site is



immediately adjacent to existing housing and it has strong, permanent, defensible boundaries, some of which are recognised in the Green Belt Review.

- 5.5 Accordingly, YLL's site should be removed from the Green Belt without delay, through a small-scale revision to the boundary on the new proposals map to accompany the Local Plan. Even if this minor adjustment is not made, we firmly believe that the unique physical and locational characteristics of the Millstones site, coupled with the adopted Core Strategy imperative to address Green Belt anomalies and the weight of evidence demanding the delivery of larger executive style housing, collectively amount to the 'very special circumstances' required to approve the current application and remove the Millstones site from the Green Belt.
- 5.6 YLL's site being a clear Green Belt anomaly and the existing Green Belt boundary is not correctly marked on the Council's maps/plans. The Council partially rectified the Green Belt boundary in this location via the UDP by redefining it to coincide with the steep-sided line of mature trees along the northern side of Millstones. Crucially, however, the Council has to date failed to amend the western boundary to coincide with the landscaped tree mound purposefully designed in conjunction with the Council's own Planning and Landscape officers solely to fulfil the specific function of defining a logical, more defensible, enduring and permanent Green Belt boundary.
- 5.7 The emerging Local Plan, and YLL's current planning application, provides the ideal opportunity to rectify these mapping errors and anomalies by making a very slight localised adjustment to the Green Belt boundary.

## Conclusion

- 5.8 For the reasons set out in this report, we consider that the draft Local Plan in its current form does not satisfy the soundness tests set out in the NPPF. Fundamentally, we have serious concerns that the Council has failed to address what is a clear Green Belt anomaly at the Millstones site, has not allocated sufficient land to meet its future housing needs in full, and that there is a clear disparity between the draft Local Plan and the Council's economic and housing strategies, and other evidence base documents.

# APPENDIX A SHLAA SITE ASSESSMENT PRO FORMA

**Site Assessment Details**

**SHLAA Reference**    **595**

**Site Name**    Land off Millstones

**Observations**    Consultee has submitted scheme and shown that built footprint will be outside of flood zone 3.

**Category:**    **1**

**Yield:**    **4**

Site performs well against suitability, availability and achievability criteria

**Density:**    **15**  
(per hectare)

**Suitability Criteria**

Access Infrastructure Constraints	3: Some constraints identified by Highways Authority
Drainage Infrastructure Constraints	5: No constraints identified
Ground Condition Constraints	5: Treatment not expected to be required
Geological / Mining Constraints	5: Not likely to be constrained by geological constraints/mining cavities
Employment Land Constraints	5: Not within an area of defined employment land
Housing Quality Constraints	4: Site can accommodate high quality, medium to high density housing in a location likely to be highly attractive to the market
Flood Risk Constraints	5: Over 90% of site area is within flood zone 1
Bad Neighbour Constraints	5: Site has no bad neighbours
AQMA Constraints	5: Site not within 800m of an AQMA
Suitability of Location Constraints	0: Site does not fall into one of the above 5 categories.
Impact on Grade 1 Agricultural Land	5: Not within an area of Grade 1 Agricultural Land
Other Suitability Considerations	
Comments	

**Availability Criteria**

Availability Details	5: Held by developer / willing owner / public sector
Willing owner	
Other Availability Considerations	
	Site is available

**Achievability**

Achievability Details	3: Good achievability (can be used in five year supply)
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## **APPENDIX B INSPECTOR PRATT'S INTERIM VIEWS REPORT, CHESHIRE EAST**

**CHESHIRE EAST COUNCIL**  
**EXAMINATION OF THE CHESHIRE EAST LOCAL PLAN STRATEGY**  
**INSPECTOR'S INTERIM VIEWS ON THE LEGAL COMPLIANCE AND SOUNDNESS**  
**OF THE SUBMITTED LOCAL PLAN STRATEGY**

1. Following the adjournment of the hearing sessions on 3 October 2014, I confirmed that I would inform Cheshire East Council (CEC) about the future progress of the examination. On 22 October 2014, I indicated that I would let CEC have my interim views on the legal compliance and soundness of the submitted Cheshire East Local Plan Strategy (LPS) on the basis of the evidence and discussions so far during the examination. CEC has confirmed that it would welcome such communications with the Inspector.
2. Having considered the submitted LPS, the representations, submission documents, background evidence, hearing statements, legal submissions and the discussions and material submitted so far during the course of the examination, I outline my interim views on the legal compliance and soundness of the submitted plan below. These views are without prejudice to any final conclusions on the legal compliance and soundness of the submitted plan when the examination is completed.
3. The purpose of these interim views is to inform CEC about whether they have met the legal requirements, including the Duty to Co-operate, and whether the approach to the overall strategy, including the economic and housing strategy, objective assessment of housing needs, settlement hierarchy and spatial distribution of development, approach to the Green Belt and Safeguarded Land, and other strategic policies, seems soundly based. These interim views also identify those matters of soundness on which further assessment and evidence is needed before the examination can continue.

**A. Summary of interim views**

4. In summary, my interim views are that:
  - The Council has met the minimum legal requirements of the Duty to Co-operate;
  - The economic strategy is unduly pessimistic, including the assumptions about economic growth and jobs growth, and does not seem to fully reflect the proposals and initiatives of other agencies and the extent of site allocations proposed in the submitted plan;
  - There is a serious mismatch between the economic strategy and the housing strategy of the submitted plan, particularly in the constrained relationship between the proposed level of jobs and the amount of new housing;
  - There are shortcomings in the Council's objective assessment of housing needs, both in terms of establishing an appropriate baseline figure and failing to specifically take into account and quantify all relevant economic and housing factors, including market signals and the need for affordable housing;
  - The proposed level of future housing provision seems inadequate to ensure the success of the overall economic, employment and housing strategy;
  - The proposed settlement hierarchy seems to be justified, effective and soundly based, but further work is needed to justify the spatial distribution of development, including addressing the development needs of settlements in the north of the district;
  - The process and evidence relating to the proposed amendments to the Green Belt boundary in the north of the district seem flawed, particularly the release of sites from the Green Belt and the provision of Safeguarded Land, and there seems to be insufficient justification for establishing a new Green Belt in the south of the district;
  - Most of the concerns about the content and soundness of other strategic policies can probably be overcome by detailed amendments to the wording of the policies and accompanying text.

**B. Legal and Procedural requirements, including the Duty to Co-operate**

5. Section 19 of the Planning & Compulsory Purchase Act 2004 (as amended) requires development plans to be prepared in accordance with the Local Development Scheme, to have regard to national policies and guidance and to the Sustainable Community Strategy, and to comply with the Statement of Community Involvement. It also requires the Council to carry out a sustainability appraisal of the proposals in the plan and prepare a report of the findings of the appraisal.

6. The latest Local Development Scheme<sup>1</sup> (LDS) was approved in May 2014, just before the LPS was submitted for examination. The LPS is prepared in accordance with the content and timescale outlined in that document, and is also consistent with the content of the earlier LDS<sup>2</sup> which was current when the plan was being prepared and published for consultation. I deal with consistency with national policy and guidance later. The submitted LPS also has regard to the vision and priorities for action set out in the Sustainable Community Strategy<sup>3</sup>. The adopted Statement of Community Involvement<sup>4</sup> indicates that CEC will consider any representations made on the final plan prior to submission, even though the legislation and associated regulations do not require CEC to formally consider such representations. This was undertaken by officers in the Spatial Planning Team under delegated powers, in consultation with the relevant Portfolio Holder, before preparing a Statement of Consultation outlining the number of representations and the main issues raised<sup>5</sup>. CEC has also produced Self-Assessments of Legal Compliance and Soundness of the submitted LPS<sup>6</sup>, including consistency with the new Planning Practice Guidance (PPG).

#### *Sustainability appraisal*

7. The NPPF<sup>7</sup> confirms that a sustainability appraisal which meets the requirements of the SEA Directive should be an integral part of the plan preparation process and should consider the likely significant effects on the environment, economic and social factors; further guidance is given in the PPG<sup>8</sup>. Sustainability appraisal (SA) has been undertaken at all stages during the preparation of the plan, from Issues & Options through to the Town Strategies, Development Strategy, Policy Principles and Pre-Submission version of the plan, culminating in the Sustainability (Integrated) Appraisal (SIA) accompanying the submitted LPS<sup>9</sup>. This is a comprehensive document which evaluates the predicted social, economic and environmental effects of the policies and proposals in the submitted plan, along with the mitigation required and reasonable alternatives.
8. At the hearings, some participants were concerned that the SA work had not considered alternatives to the North Cheshire Growth Village (NCGV) and the release of sites from the Green Belt, along with mitigation and alternative strategies, including options for higher levels of growth. However, CEC has provided the references to where these matters have been assessed, either in the SIA or in other documents<sup>10</sup>. CEC has also considered a wide range of alternative options, not only for the spatial distribution and scale of growth, but also addressing mitigation measures, cumulative impact and assessing alternatives to the NCGV and release of Green Belt sites.
9. However, options involving higher levels of growth above 1,600 dwellings/year (dpa) were not considered through the SA process, since CEC did not consider this as a reasonable alternative. Nevertheless, as part of its forecasting work on the objective assessment of housing needs, CEC undertook a wide range of forecasts involving options up to 1,800dpa and 1.2% jobs growth<sup>11</sup>, but these were considered to be unrealistic. However, some of these higher levels of development might better reflect the objectives of the preferred strategy, particularly for economic growth and meeting housing needs. The choice of reasonable alternatives for environmental assessment is a matter for CEC's judgement as decision-maker<sup>12</sup>, and it has also been held that any shortcomings in this process can be rectified in a subsequent addendum<sup>13</sup>. Nevertheless, there is the risk that the failure to fully assess the social, economic and environmental implications of these higher levels of growth options in the SA work could be subject to subsequent legal challenge, and CEC may wish to consider this matter further.

<sup>1</sup> SD 022

<sup>2</sup> PS D005

<sup>3</sup> BE 049 - Ambition for All

<sup>4</sup> SD 021

<sup>5</sup> PS D003.001

<sup>6</sup> PS B005; PS B004; PS B006b (14)

<sup>7</sup> National Planning Policy Framework (NPPF; ¶ 165)

<sup>8</sup> Planning Practice Guidance (PPG; ID: 11-001-025-20140306)

<sup>9</sup> SD 003

<sup>10</sup> PS D003.002

<sup>11</sup> SD019

<sup>12</sup> Ashdown Forest Economic Development LLP v SSCLG, Wealden DC & South Downs NPA [2-014] EWHC 406

<sup>13</sup> Cogent Land LLP v Rochford DC [2012] EWHC 2542 and PS D008



### *Plan-preparation process*

10. Some parties have raised legal issues about pre-determination, suggesting that the plan's strategy was determined before consultation was undertaken on potential additional sites. CEC has addressed these issues satisfactorily<sup>14</sup>. Other parties are concerned about the limited influence that consultation has had on the final plan. Preparation of the plan began shortly after local government reorganisation that established Cheshire East as a local authority in 2010. Consultation was undertaken throughout this process, from Issues & Options and Place-Shaping stages through to the Town Strategies, Development Strategy and Policy Principles, potential additional sites, Pre-Submission plan and finally on the Submission plan. This has been an iterative process, with the plan being modified after each period of consultation, although the basic strategy has remained similar since it was set out in the Development Strategy in January 2013.
11. Both the NPPF and PPG give flexibility in the plan-making process, indicating that future needs and opportunities should be assessed, developing options for addressing these, identifying a preferred approach, and supporting the plan with robust, focussed and proportionate evidence gathered during the plan-making process to inform the plan rather than being collected retrospectively<sup>15</sup>. In most cases, this guidance has been followed, with discussions and consultations about options for the strategy and site allocations, before refining the plan as preparation has proceeded. Moreover, the background evidence base is comprehensive, most of which was available as the plan-making process continued. The degree and frequency of consultation is extensive, reflecting the localism agenda, although in some cases, some of this consultation may have had a limited influence on the emerging plan.
12. However, some key elements of evidence (such as the Green Belt assessment) were not completed until after key decisions had been made about the strategy (including the release of Green Belt sites), and other key evidence (such as detailed highway and traffic assessments for some of the larger strategic allocations) has yet to be completed. This seems to suggest that the basic strategy may have been determined and the plan submitted for examination before all the key evidence was in place.

### *Duty to Co-operate*

13. Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended) requires the Council to co-operate in maximising the effectiveness of plan-making, and to engage constructively, actively and on an on-going basis with neighbouring planning authorities and prescribed bodies when preparing development plan documents with regard to a strategic matter. This is defined as sustainable development or use of land which has or would have a significant impact on at least two planning areas, including sustainable development or use of land for strategic infrastructure.
14. The Duty to Co-operate (DTC) is an on-going requirement throughout the preparation of the plan. It does not need to result in agreement between the relevant authorities and prescribed bodies, but local authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their local plan for examination. Effective co-operation is likely to require sustained joint working with concrete actions and outcomes. The DTC is related to the requirements in the NPPF<sup>16</sup>, which indicate that planning should take place strategically across local boundaries and confirm that strategic priorities can include the homes and jobs needed in an area, along with infrastructure and other facilities; it also sets out the soundness tests which require plans to be positively prepared and effective. Further guidance on meeting the DTC is given in the PPG<sup>17</sup>.
15. CEC has submitted evidence outlining how it has engaged constructively, actively and on an on-going basis with neighbouring local authorities and prescribed bodies during the course of preparing the plan<sup>18</sup>. It has identified the main strategic priorities of the strategy, including promoting economic prosperity, creating sustainable communities, protecting and enhancing environmental quality, and reducing the need to travel.

<sup>14</sup> M1.001; Annex 1

<sup>15</sup> Planning Practice Guidance (PPG; ID-12)

<sup>16</sup> National Planning Policy Framework (¶ 156; 178-182) [DCLG; March 2012]

<sup>17</sup> Planning Practice Guidance – Duty to Co-operate (PPG; Ref. ID: 9) [DCLG; March 2014]

<sup>18</sup> SD013; SD014; PS B011; PS B012; PS B020; PS B023



These strategic priorities may not necessarily represent the strategic matters referred to in the legislation, but CEC has identified the cross-boundary implications of these strategic priorities, including meeting development and resource needs, providing infrastructure to meet these needs, and minimising any adverse impacts of the plan's site-specific proposals on neighbouring areas.

16. The supporting evidence sets out the role of CEC and other agencies, along with the methods of engaging with neighbouring authorities and prescribed bodies, including meetings and gathering joint evidence; it also outlines how cross-boundary strategic issues have been addressed. Memoranda of Understanding (MOU) have been completed with neighbouring authorities, including Stockport MBC, High Peak BC, Staffordshire CC and the north Staffordshire authorities; other correspondence confirms the position of neighbouring authorities and prescribed/other bodies. Not all of this was completed by the time the plan was submitted for examination, but the basic position of neighbouring authorities and prescribed bodies was known before submission. Most importantly, this evidence confirms that none of the neighbouring authorities or prescribed bodies considers that CEC has failed to meet the legal requirements of the DTC.
17. In terms of cross-boundary development needs, CEC approached neighbouring authorities to ascertain whether they would be able to meet some of CEC's housing needs, but none could assist. Moreover, as far as CEC is concerned, the plan fully meets the objectively assessed need for housing and employment development within its area. At a late stage in the plan-making process, CEC agreed to provide 500 dwellings to meet some of the housing needs of High Peak BC; concerns about the justification for this provision are more related to the soundness of this element of the plan, rather than any failure to co-operate. Apart from this provision, there are no known outstanding housing needs of other authorities which have to be met within Cheshire East. Information is emerging about possible difficulties of the Greater Manchester authorities in meeting their longer term housing needs, but no figures, options or possible strategies are currently available.
18. A key element of cross-boundary planning is the extent of the appropriate strategic housing market area. However, most parties agree that Cheshire East is a reasonably self-contained area, subject to recognising the links with Cheshire West & Chester, Greater Manchester and north Staffordshire and the existence of more localised housing market sub-areas within Cheshire East. Migration patterns and linkages between Cheshire East and adjoining areas have also been considered. There are serious challenges to CEC's objective assessment of housing needs, but these relate more to the soundness of the plan rather than to the DTC.
19. CEC has considered cross-boundary economic issues and employment land needs, including strategic sites, employment land provision, travel-to-work areas, socio-economic linkages and commuting issues. The employment land proposals in the LPS address the needs of Cheshire East, but have regard to employment provision outside the area, including growth at Manchester Airport. CEC has considered Green Belt issues, including proposals to release land within Cheshire East from the Green Belt. However, a review of Cheshire East's Green Belt came relatively late in the plan-making process, after initial decisions were made on the need to release sites from the Green Belt. CEC did not undertake a strategic review of the wider Green Belt (including land within adjoining authorities) since adjoining plans were at different stages and CEC could not make proposals relating to land outside its boundaries. This is an important issue in terms of the soundness of the LPS, which is dealt with later, but does not necessarily represent a failure of the DTC.
20. CEC has considered cross-boundary regeneration issues, including the impact of proposed development on the regeneration of the Potteries/North Staffordshire. Cross-boundary issues relating to highways, transport and infrastructure have been considered, although some work remains outstanding. CEC has also co-operated and engaged with adjoining authorities about cross-boundary minerals and waste issues, as well as the possibility of meeting the needs of gypsies and travellers<sup>19</sup>.

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<sup>19</sup> SD013; SD014; M1.001

21. Some parties are concerned about the timing and degree of engagement and co-operation with some neighbouring local authorities, including Stockport MBC (SMBC) and the north Staffordshire authorities. Although SMBC agreed a MOU with CEC, this was completed before they made their formal representations on the submission plan; the MOU sets out the areas of agreement, but does not indicate points of disagreement. SMBC's representation on the submitted plan sets out details of the process of consultation and engagement between CEC & SMBC, and questions whether CEC has had adequate regard to SMBC's concerns during the plan-making process. It also raises concerns about the release of land from the Green Belt, particularly at Handforth East, and the cross-boundary infrastructure implications of such releases, particularly on the road network in and around Stockport, along with possible references to meeting some of SMBC's Gypsy & Travellers needs. These latter concerns largely relate to the soundness of the strategy and the site-selection process, but concerns about the process of consultation and engagement between CEC & SMBC may have some validity.
22. Although there were a few meetings with SMBC during the earlier stages of plan preparation and consultation at the relevant stages, CEC did not begin active engagement with SMBC until mid-2012 when the possibility of releasing land from the Green Belt at Handforth East was first mentioned. At that time, no full review of the Green Belt had been undertaken, either including or excluding the Green Belt areas in Stockport. Following consultation on the Town Strategies (which included the possibility of releasing Green Belt land at Handforth East), SMBC raised concerns about the emerging strategy, but most constructive meetings did not take place until March-July 2013, after CEC had made its initial decisions on the Development Strategy (January 2013) and before consultation on potential additional sites and meetings in late 2013/early 2014.
23. The general impression is that full collaboration and engagement between CEC & SMBC did not take place in a meaningful way until the initial strategy of the LPS had been decided. The meetings and engagement that took place did not significantly influence the strategy, apart from amendments to the extent and boundary treatment of Green Belt releases. Of course, the DTC is not a duty to agree, but there are several significant outstanding concerns and points of disagreement, not only about the principle of releasing land from the Green Belt at Handforth East, but also about the cross-boundary implications and infrastructure requirements of this proposed development. Many of SMBC's concerns relate to the planning merits, soundness and infrastructure requirements of this major proposal, but this suggests that CEC did not engage with SMBC at an early enough stage in the preparation of the LPS to ensure that the plan was as positively prepared as it could have been.
24. Similarly, active engagement with the North Staffordshire authorities came rather late in the plan-making process, after initial decisions had been made on allocating land for employment and housing development near the county boundary at Alsager. These meetings resulted in some amendments to these proposals, including the amount of housing and the phasing of employment, but did not significantly influence the overall strategy or the selection of the proposed sites. CEC points out that it is difficult to undertake meaningful engagement without some specific proposals, but earlier co-operation and engagement could have influenced the strategy and site-selection process and resulted in a more positively prepared plan.
25. Some parties are concerned about the degree and effectiveness of co-operation with Cheshire West & Chester Council (CW&CC), particularly about Middlewich, a town which straddles the boundary between the two authorities. CW&CC's Local Plan, currently being examined, includes a specific policy (STRAT 7) which establishes the principle of close working with CEC for considering land allocations in CW&CC's area adjoining Middlewich, enabling the possibility of cross-boundary provision if necessary in the future. However, at present, both authorities intend to fully meet their development needs within their respective areas and neither relies on the other to meet some of their development needs within the current plan period. This situation has recently been confirmed in a joint statement<sup>29</sup>.

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<sup>29</sup> PS D003.003



26. Other parties are concerned about the apparent lack of consultation with other authorities in the Greater Manchester area, and a failure of the plan to have regard to key developments on the northern fringe of Cheshire East (such as Woodford Aerodrome) or specific proposals and initiatives of the Local Enterprise Partnership (LEP). However, CEC has engaged with these bodies at various times during the preparation of the plan and is aware of these major developments and initiatives. The status and timescales of the adjoining development plans do not assist joint working with CEC or the gathering of joint evidence.
27. Most of the prescribed bodies have been involved in the plan-making process, including Highways Agency, Environment Agency, Natural England and English Heritage. However, even though the Highways Agency expressed some concerns about the impact of proposed developments on the strategic highway network during consultation, work is now in hand to rectify these shortcomings, with agreed joint funding of studies<sup>21</sup>. Meetings have also been held with other county and district planning authorities to discuss particular highway issues. Recent meetings with other prescribed bodies have resulted in agreement to detailed amendments to some of the policies and text of the plan<sup>22</sup>, and these bodies raise no issues relating to the DTC. Since many of the outstanding concerns have been resolved, albeit after submission, this does not suggest any fundamental shortcomings in the DTC process as far as these bodies are concerned.
28. In considering the legal requirements of the DTC, my main concern is the nature, extent, effectiveness and timing of co-operation and engagement during the earlier stages of plan preparation; this particularly relates to the positive involvement of neighbouring authorities in influencing the overall strategy and site-selection process and considering the cross-boundary implications of some of the strategic allocations, particularly on the northern and southern fringes of Cheshire East. The nature, timing and extent of collaboration and engagement with neighbouring authorities as part of the DTC suggests that the plan-making process was not as positively prepared as it could have been. However, although key issues relating to the release of land from the Green Belt and the cross-boundary implications of such proposals remain outstanding, I consider that CEC has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies, particularly during the later stages of plan-making, and has therefore complied with the minimum legal requirements of the Duty to Co-operate. In coming to this initial view, I have had regard to the relevant legal submissions and legal cases addressing the DTC<sup>23</sup>, along with the guidance in the NPPF and PPG highlighted earlier.

### **C. Planning for Growth, including housing and employment requirements**

#### *The case for growth and the economic strategy*

29. The overall development strategy of the LPS is stated to be one of growth, with the headline of providing 27,000 new houses by 2030 and 20,000 new jobs in the longer term; this latter objective is clarified in the supporting evidence, with the plan aiming to provide only 13,900 new jobs within the current plan period<sup>24</sup>. The principle of the growth strategy is widely supported, but the rate of growth is largely dependent on economic growth. The plan envisages jobs growth averaging 0.4%pa and growth in economic output averaging 2.4%pa (GVA), but local plans tend to have more influence over jobs growth than growth in economic output or productivity. Although the expected growth in economic output may exceed the Borough's long-term average and UK growth between 1999-2010, the level of jobs growth is rather pessimistic, being little more than that achieved in the recent years of economic recession and less than that achieved in pre-recession times; figures show that some 20,000 new jobs were delivered in Cheshire East in the 10-year period between 1998-2008, and GVA growth rates were higher before the recession than those envisaged in the LPS.
30. CEC refers to various economic forecasts using a range of economic models, but the preferred estimates have used rather pessimistic and cautious assumptions of job growth rates (0.4%pa), which do not reflect the longer-term aspirations of the LPS

<sup>21</sup> PS D003.004

<sup>22</sup> PS B015ab; PS B016a-d

<sup>23</sup> Including *Zurich v Winchester CC* [2014] EWHC 758; PS D008; PS D011

<sup>24</sup> Local Plan Strategy Submission Version: (¶ 1.27); SD019

and other agencies, such as the LEP. During the preparation of the plan, various alternative strategic growth and spatial distribution options were considered, but options providing more than 1,600dpa (20,600 jobs) were not assessed by the SA work since they were not considered realistic. However, when modelling a wider range of scenarios, CEC considered options involving jobs growth of up to 1.2%/year (47,900 jobs) and 1,800dpa (25,900 jobs)<sup>25</sup>. Some of these options may better reflect the more optimistic aspirations of the economic strategy of the LPS, as well as the economic initiatives and assumptions of other agencies. Furthermore, CEC's assumptions about future employment envisage increased economic activity rates for older people, related to the deferral of state pension age. Although there is some evidence that employment rates in this age group may increase, the assumptions used in the estimates are somewhat over-optimistic, again depressing the need for new houses for new, and younger, employees.

31. Moreover, there seems to be a significant mismatch between the aims of the plan and the number of new jobs that could potentially be created by the proposed site allocations. The LPS proposes at least 300ha of new employment land, mainly on strategic sites and business parks in and around the main towns, largely justified by the Employment Land Review<sup>26</sup>. In fact, the LPS actually indicates that over 350ha is likely to be provided, to give choice, ensure delivery and recognise the need for a mix of development<sup>27</sup>. Although these figures have to be offset by future job losses, these allocations have the potential to provide over 22,000 new jobs solely in B1, B2 & B8 sectors. This is substantially greater than the number of new jobs the LPS aims to provide (13,900) and takes no account of other new jobs that may be provided in town centres and other sectors, such as retailing, commercial uses, education, health, tourism, leisure and transport. Not only does there seem to be a mismatch between the proposed number of jobs and the amount of employment land to be allocated, but by focusing on a restricted range of business uses, the LPS fails to consider other opportunities for job provision and growth.
32. There also seems to be a disparity between the level of employment envisaged in the LPS and the supporting evidence. Central to the economic strategy is the focus of employment development at the principal town of Crewe. Initiatives such as "Crewe – Engine of the North" and "Crewe – a High Growth City" envisage between 22,000-34,000 new jobs up to 2030, whilst "All Change for Crewe" envisages 14,500 new jobs at Basford and Crewe town centre alone<sup>28</sup>. The LEP's economic strategy<sup>29</sup> also envisages the provision of 10,000 new jobs by 2031 as part of the Crewe – High Growth City project. Crewe may also play a key role in gaining economic benefits from HS2, but these will probably come later in the plan period. CEC explains that many of these initiatives are set out in promotional documents which use optimistic figures of job creation; but they have been successful in attracting external funding, including Local Growth Fund and associated infrastructure, and the LPS should fully recognise the potential jobs and opportunities that these initiatives may generate.
33. The relationship between economic growth and new housing is complex, but as many participants have said, this could be a strategy for economic failure; in other words, by failing to provide the necessary numbers of new houses for the new employees, the economic strategy will not be realised without significantly increased rates of commuting into the area, which is neither sustainable nor desirable. Cheshire East has a strong economy which has performed well even in periods of recession, and the main reason for assuming more pessimistic rates of jobs growth seems to be to depress the overall need for new housing, and thus the level of likely migration into the district. I am left with the impression that the preferred level of new housing and the aim to avoid increased migration into the district has constrained the assumptions about economic and jobs growth, resulting in a mismatch between the economic and housing strategies and failing to achieve CEC's economic aspirations.

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<sup>25</sup> SD019

<sup>26</sup> BE 009

<sup>27</sup> Local Plan Strategy Submission Version: Appendix A

<sup>28</sup> BE047; BE122; BE128

<sup>29</sup> BE124



34. There are also other proposals and initiatives on the northern fringe of Cheshire East which may not have been fully considered in the preparation of the LPS. These include the *Atlantic Gateway* project promoted by the LEP; although this focuses on the east-west waterways and motorways along the Deeside/Merseyside corridor, it does impinge on the northern fringe of Cheshire East. There are other strategic economic proposals related to Manchester Airport, as well as other schemes being promoted along this corridor. Key elements of the LEP's economic strategy related to Crewe (the *High Growth City*) and its relationship with other neighbouring towns, and the *North Cheshire Science Corridor* may not have been portrayed in the LPS as the LEP envisages. The plan may also pay less attention to the need for land for logistics uses, although this is heavily dependent on accessibility to the strategic road network.
35. All this suggests that the economic strategy of the LPS may be unduly pessimistic and may not be as comprehensive as it could have been. Plans should be realistic and yet aspirational, but in view of the apparent disparity between other economic strategies and initiatives, the pessimistic assumptions about the likely rate of jobs growth, and the constrained relationship with the level of housing provision, I can see some serious shortcomings in the economic strategy of the submitted plan, which in reality, may not actually represent a sustainable and deliverable strategy for growth.
- Housing strategy, including objective assessment of housing need*
36. The LPS housing strategy proposes a minimum of 27,000 new houses between 2010-2030, with an additional 500 dwellings to meet some of the needs of High Peak BC. The basic provision averages at 1,350dpa, but is to be phased over 5-year periods, ranging from 1,200-1,500dpa. This provision is to be made by taking account of completions and commitments since 2010 (40%), along with new strategic site allocations and strategic locations proposed in this plan, with the balance being provided in the subsequent Site Allocations Local Plan. CEC considers this level of housing provision will meet the full objectively assessed housing needs of the area.
37. The NPPF<sup>30</sup> advises authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing (OAN) in the housing market area, as far as is consistent with the policies set out in the NPPF. They should also prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The scale and mix of housing should meet household and population projections, taking account of migration and demographic change, addressing the need for all types of housing, including affordable housing, and catering for housing demand. The starting point for establishing the OAN is the latest demographic projections, but adjustments may have to be made to take account of economic and housing factors, including market signals and affordability. Further guidance is provided in the PPG<sup>31</sup> and, in assessing this aspect of the plan, I have considered the legal submissions on this matter. In determining the OAN, various assumptions and judgements have to be made, and it is not for me to substitute my judgement for that of CEC; nevertheless, I have to assess whether these assumptions and judgements are soundly based.
38. CEC has adopted a forecast-led approach to establishing housing need in the district, having undertaken a considerable amount of work in a variety of documents<sup>32</sup>, which has been peer-reviewed. Neither the NPPF nor the PPG<sup>33</sup> specifies a particular methodological approach, data or single source of information, but recommend a standard methodology to ensure that the assessment findings are transparently prepared. It is for CEC to consider the appropriate methodology, but this should be comprehensive, addressing all relevant factors, and be consistent with the guidance in the NPPF & PPG. The general methodology used by CEC, using "POPGROUP" and related models, is generally agreed. In line with the PPG, the starting point is the latest DCLG household projections (the 2011-based interim household projections); extended to 2030, most parties agree that the initial base figure is 1,180dpa<sup>34</sup>.

<sup>30</sup> National Planning Policy Framework (¶ 17, 47, 50, 159, 178-182)

<sup>31</sup> Planning Practice Guidance (ID: 2a) [DCLG; March 2014]

<sup>32</sup> Mainly set out in SDO19 & PS B006b-c

<sup>33</sup> Planning Practice Guidance (ID: 2a) [DCLG; March 2014]

<sup>34</sup> PS B014c

39. However, some of the supporting evidence is unclear and confused, variously referring to this figure as the OAN, or alternatively a higher figure of 1,350dpa, or a lower figure of 845dpa<sup>35</sup>. More recent evidence<sup>36</sup> explains that 845dpa is a baseline figure to accommodate demographic change, which is then uplifted by 40% to reflect market signals and economic forecasts, resulting in an OAN of 1,180dpa; this figure is further uplifted to 1,350dpa to establish the housing provision figure, taking into account the overall strategy and economic objectives. This general approach is not inconsistent with the guidance in the PPG<sup>37</sup>, but the original evidence is neither clear nor accurate in its approach to determining the OAN and does not quantify key elements of the assessment. I can also see shortcomings in the approach of establishing the OAN.
40. Firstly, dealing with **demographic factors**, in the evidence submitted with the LPS, CEC has not undertaken its OAN in the way in which now seems to be accepted as a result of recent legal cases<sup>38</sup>. The approach adopted uses a series of forecasts with a range of options, rather than establishing the OAN before determining the housing provision figure. It does not explicitly address all the demographic, housing and economic factors set out in the NPPF & PPG, or indicate how all these factors have been taken into account. Much of this work was undertaken when the process of establishing the OAN was being clarified by the courts, but there are several important stages and factors which are not clearly set out and are strongly disputed by other parties. Later evidence attempts to overcome these shortcomings, but this is done on a retrospective basis with further assumptions and amendments to the estimates, which are not clear or fully explained. At the hearings, CEC accepted that if it was starting afresh, it might not have undertaken the OAN in this way; this suggests that an approach which more closely reflects the latest guidance in the NPPF & PPG may be a more reliable and appropriate way of establishing the OAN.
41. Secondly, the forecasts use a series of questionable assumptions and figures. The NPPF & PPG indicate that the initial projections may need to be adjusted to reflect factors affecting local demography and household formation rates which may not be captured in past trends. However, the process of reducing the initial estimate from 1,180-845dpa is questionable; this process was not undertaken in the Cheshire West & Chester Local Plan projections, which use a similar approach. Even though this lower figure simply reflects more recent ONS mid-year population estimates, with updated figures on births, deaths and migration, it is not clear how it was calculated and it may not provide a robust basis to establish the OAN. CEC seems to suggest that this is an alternative estimate to the higher figure, as another important baseline scenario, rather than the base figure itself. I also understand that the more recent 2012 sub-national population projections indicate a need for 1,025dpa. It therefore seems to me that further clarification about the base figure used to establish the OAN is needed in order to ensure that the process is robust and soundly based.
42. Thirdly, CEC has assumed that household formation rates will stay constant after 2021, based on the 2011 interim household projections, explaining that the impact of economic recovery on household formation has been too modest to offset longer-term factors and pointing to recent economic and other trends which may constrain future household formation. However, the PPG advises<sup>39</sup> that household formation rates may have been suppressed historically by past under-supply and worsening affordability of housing; as household projections do not reflect unmet housing need, local planning authorities are advised to take a view based on available evidence about the extent to which household formation rates are or have been constrained by supply. DCLG also advises that housing requirements beyond 2021 should assess whether the household formation rates in the area are likely to continue<sup>40</sup>.
43. Since the 2011 projections were strongly influenced by a period of economic recession and housing market volatility, the numbers of households that formed in the years running up to the 2011 Census may have been significantly below the long term trend; hence a partial return of household formation rates to longer term trends

<sup>35</sup> SD019 (eg. ¶ 2.4-2.12 & Table 1); Local Plan Strategy Submission Version (¶ 8.8)

<sup>36</sup> M3.001; PS B006bc; SD019; PS D003.009

<sup>37</sup> Planning Practice Guidance (ID 2a: 015-017-20140306) [DCLG: March 2014]

<sup>38</sup> Gallagher Homes Ltd & Lioncourt Homes Ltd v Solihull MBC [2014] EWHC1283 and Hunston Properties Ltd v Secretary of State for Communities & Local Government [2013] EWCACiv1010

<sup>39</sup> Planning Practice Guidance (ID 2a: 015-017-20140306) [DCLG: March 2014]

<sup>40</sup> PS D003.014



(particularly for household-forming age groups) could be considered. Although it may not be appropriate to use previous figures from the 2008-based household projections, CEC has considered some alternative models which assume some growth in household formation after 2021; these may represent a more appropriate and robust basis on which to estimate future housing need.

44. Migration rates are another contentious factor. CEC uses short-term data for the period 2006/07-2009/10, which may be an appropriate starting point. However, historic rates of in-migration during the past decade may have been constrained by economic factors and the under-delivery of new housing; CEC's own figures show significant reductions in in-migration between 2010-13, but acknowledge that internal migration may increase as the economy recovers and more opportunities arise in Cheshire East, even though this may be partly offset by migration to other areas by existing residents. By using figures from the last decade, the LPS is continuing the levels of migration associated with a period of economic recession and limited availability of new housing, rather than those associated with a more buoyant economy and more new housing.
45. Turning to the relevant **housing factors**, Cheshire East would seem to represent an appropriate strategic housing market area, provided that the strong links to Cheshire West & Chester, Greater Manchester and north Staffordshire are recognised, along with the distinct housing sub-markets within Cheshire East itself<sup>41</sup>. CEC has completed and updated its Strategic Housing Market Assessments (SHMA)<sup>42</sup> on this basis, but these largely address the need for affordable housing; other than referring to the latest DCLG projections, they include no objective assessment of the overall need for market and affordable housing, as required by the NPPF. However, since much of this information is included in other background evidence, this may not represent a fundamental flaw in the process.
46. The SHMA takes account of a range of market signals, including house prices, rents and affordability, whilst other evidence addresses the past rate of development and overcrowding. However, it is not clear how the results of these assessments have been taken into account in the OAN estimates; they are not specifically referred to in the background forecasts and no direct action seems to have been taken to address these factors in the assessment of overall housing need. CEC merely says that the SHMA evidence has been a factor in providing a higher level of housing provision than the OAN indicates, and assumes that the uplift from 845-1,180dpa will provide sufficient headroom to accommodate market signals, affordability and other housing factors; but these are not quantified to any degree. The 1,180dpa figure is also little different from the constrained level of provision adopted in the previous RS<sup>43</sup>.
47. Affordability is a key issue in Cheshire East, with an annual need for over 1,400 units in the first 5 years. Although this may not represent a delivery target, CEC introduced the concept of meeting "priority need" for about 460 units/year at a late stage in the plan-making process. However, this fails to recognise the overall need for affordable housing in the area, and the OAN is not specifically increased to address this factor or other market signals. Although there is a range of initiatives and proposals to provide affordable housing in addition to that delivered through market housing, the proposed level of housing provision will fall well short of meeting the overall need for affordable housing and may not fully meet priority needs; recent provision of affordable housing has averaged around 280 units/year, and the LPS would only provide for an average of 405 affordable units/year from market housing sites.
48. Furthermore, the assessment does not specifically consider the need for housing for older people and those with special needs, as advised in the PPG<sup>44</sup>. CEC has started to include C2-type accommodation within the housing supply figures, but this is not matched by any up-to-date assessment of need, even though some information is now available<sup>45</sup>. Consequently, I am concerned that CEC's assessment of housing need may not have properly taken account of these important housing factors, particularly market signals and the need for affordable housing.

<sup>41</sup> PS B0014c

<sup>42</sup> BE001; BE002

<sup>43</sup> North-West Regional Spatial Strategy

<sup>44</sup> Planning Practice Guidance (ID:2a-021-20140306)

<sup>45</sup> PS B026

49. Turning to **economic factors**, the relationship between new housing and economic growth is complex. I have already commented that the assumed economic activity rates, both for economic and job growth, are unduly pessimistic. CEC's assumed growth in jobs for the OAN (1,180dpa) is only 0.2%pa; this is well below past employment growth rates, even in times of economic recession (0.7%pa), below official employment forecasts (0.6-0.9%pa), and below the latest projections of the CHWEM<sup>46</sup> and LEP (0.8%pa). To use such an artificially low rate of jobs growth at the OAN stage would not reflect current and past performance and would tend to artificially depress the need for new housing to meet the needs of future employees. This suggests that the basic assumptions about future economic growth for the OAN are far too pessimistic and do not reflect likely trends or available evidence.
50. CEC has also made some unduly optimistic assumptions about increased economic activity of older people, partly as a result of deferred state pension dates. This approach assumes that some of the extra workforce will come from the over-60s; this has the effect of depressing the need for housing for new workers, and assumes that older people work longer. It is difficult to find evidence for the likely impact of this change; it seems to be based on local forecasts rather than national OBR data, and has only recently formed part of the OAN calculations. Both the unduly pessimistic assumptions about job growth and the optimistic assumptions about the future economic activity rates of older people have the effect of artificially depressing the need for new housing for new employees. This is a high risk strategy which could result in the failure of the economic strategy of the plan at the expense of increased and less sustainable in-commuting.
51. All these factors support my initial view that the objective assessment of housing need may be too low and should be uplifted to reflect the evidence and trends of both the economic and housing markets. The failure to explicitly reflect all the relevant factors outlined in the NPPF & PPG is a serious shortcoming in CEC's assessment of the OAN. CEC points out that a similar approach was used in the Cheshire West & Chester Local Plan (CW&CLP), but the estimates and approach were not exactly the same, and there are differences between the economies and housing strategies of each area.
52. CEC considers the **proposed housing provision figure**, averaging at 1,350dpa, is sufficient to take account of the policy factors associated with the LPS strategy, including the growth of jobs envisaged, but it is only one of several options considered. At earlier stages in the plan-making process, an option providing 1,600dpa was considered most likely to deliver the necessary economic growth, as well as achieving higher levels of affordable housing, reducing out-commuting and best achieving the necessary funding for new infrastructure<sup>47</sup>; but this was rejected in favour of a lower level of housing and jobs growth. The figure of 1,350dpa has remained constant from the earliest stages of plan-making, through to the Development Strategy and Pre-Submission versions of the plan, despite more up-to-date population and household projections. Although this figure is above that previously required by the former RS (1,150dpa; constrained by policy), it is below the estimates based on the earlier 2008-based household projections (1,435dpa), and may not fully reflect the plan's economic strategy and the need for new housing.
53. Moreover, being based on jobs growth of only 0.4%, it would fail to reflect CEC's own evidence which suggests that job growth rates of 0.7% or even 1.2% would better achieve the plan's economic objectives. In this context, it is difficult to accept CEC's view that future job growth rates above 0.4% would be implausible, since this does not reflect the fact that Cheshire East has achieved longer-term growth rates of 0.7% in the past and higher rates of growth may be expected as the recession recovers.
54. The proposed level of housing development may represent a noticeable increase in the rate of housebuilding when compared with recent years, but it is less than that achieved in the pre-recession period, even when the level of housing provision in Cheshire was limited by RS policy constraints. The average level of proposed provision is less than 15% above the suggested OAN (1,180dpa), and may not provide sufficient headroom to ensure that the overall economic and housing strategy is successful. Put simply, it seems that the level of future housing provision has been

<sup>46</sup> Cheshire, Halton & Warrington Econometric Model

<sup>47</sup> SD017; ¶ 5.2



artificially depressed to avoid high levels of in-migration into the area, which could result in unsustainable patterns of movement and put at risk the success of the economic strategy.

55. Turning to **housing supply factors**, the assessment of the 5-year housing land supply is one of the most contentious issues in Cheshire East, leading to several planning appeals being allowed, partly due to an apparent lack of a 5-year supply of housing land. Moreover, the latest assessment of housing land supply<sup>48</sup> has been successfully challenged in recent planning appeals. However, it is important to recognise the differences between assessing 5-year supply when making decisions on individual planning applications or appeals and when preparing local plans; for the former assessment many local plan proposed allocations may be excluded from the supply, since they are not yet allocated or committed.
56. The LPS aims to overcome this situation, by proposing new strategic housing sites to ensure and maintain a continuous supply of new housing land over the plan period, including releasing some land from the Green Belt. This is shown in the housing trajectory, but detailed information that provides the basis for this trajectory has yet to be assessed on a site-by-site basis. Discussion about particular sites has not yet taken place, but there is some evidence to suggest that CEC may have made some rather optimistic assumptions when considering the lead-in times and build-out rates of some of the strategic sites, and it is unclear whether the phasing envisaged reflects the information in the SHLAA; this may affect their timing, delivery, viability and deliverability. Further evidence on this issue will need to be provided to ensure that the plan fully meets the identified housing requirement throughout the plan period.
57. The PPG confirms that the Strategic Housing Land Availability Assessment (SHLAA) should establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt<sup>49</sup>. CEC has undertaken a comprehensive SHLAA<sup>50</sup>, which identifies a healthy supply of potential housing sites (almost 50,000 dwellings), far in excess of that proposed in the LPS. CEC explains that many of the sites were identified early in the plan-making process and are now considered unsuitable or undeliverable within the plan's policy framework; many are isolated sites or within the Green Belt, and CEC's more realistic estimate of potential sites suggests a capacity closer to 25,000 dwellings. Nevertheless, the current SHLAA indicates a potential to provide higher levels of housing than currently proposed, subject to site-specific and policy considerations.
58. In terms of past provision of housing, there are two concerns; firstly, the shortfall in provision in the early years of the current plan period (2010-2014), and secondly, provision in the years before the current plan period began. To address the first concern, CEC proposes to spread this under-supply (over 2,500 dwellings) over the rest of the plan period (2014-2030) (the "Liverpool" approach), although the plan could accommodate this under-supply within the next 5-years of the plan period (the "Sedgefield" approach). Since this latter approach is recommended in the PPG and is usually adopted in appeal cases, I can see few arguments against using this approach in the LPS. In the context of recent under-provision of housing, there is clearly a case to meet this shortfall as soon as practicable. Although it would increase housing provision in the early years of the plan period, it would reflect the guidance in national policy to significantly boost the level of housing provision<sup>51</sup>. Comparisons with other local plans which have adopted the "Liverpool" approach may not have fully acknowledged the particular circumstances and housing markets in these cases.
59. In order to significantly boost housing supply, the NPPF requires a 5% buffer to the 5-year housing supply; where there has been a persistent under-performance in housing provision in the past, this figure should be increased to 20%. The PPG<sup>52</sup> confirms that the approach to identifying a record of persistent under-delivery is a matter for the decision maker, having regard to the relevant factors. Although overall housing provision between 2003-2010 met the targets of the former RS, annual provision

<sup>48</sup> BE006

<sup>49</sup> Planning Practice Guidance (PPG; ID: 3-044/045-20140306)

<sup>50</sup> BE005; PS B006b

<sup>51</sup> NPPF (¶ 47)

<sup>52</sup> Planning Practice Guidance (PPG; ID:3-035-20140306)

between 2008-2014 fell well short of the former RS and LPS targets<sup>53</sup>; this may have been due not only to the economic recession, but also to the moratoria on new housing in some of the former districts of Cheshire East, based on the previous Cheshire Structure Plan. Prior to the LPS plan period, the overall RS target had been met, but since 2008 there has been a consistent record of under-delivery for a continuous period of 6 consecutive years. The accumulated shortfall is substantial and in such circumstances it would seem that a 20% buffer for the 5-year supply would be appropriate, as found in recent appeal decisions; this would not increase the total level of housing provision, but bring forward sites programmed later in the plan period. It would also reflect the national policy to boost significantly the supply of housing; the housing trajectory would need to be adjusted to reflect this position.

60. The submitted plan does not specifically take windfall developments into account, which have formed a significant contribution to housing supply in the past, or prioritise brownfield land over greenfield sites. CEC has provided some evidence on this approach<sup>54</sup> and, even though no specific allowance for windfall sites has been made, such developments will be taken into account if and when they come forward during the plan period; estimates range from 3,200-5,548 units over the period of the plan, including windfalls within the urban areas of Crewe and Macclesfield, and this position should be clarified in the plan. Although windfall sites, by definition, cannot be identified, the SHLAA has consistently included all small sites, and it is important to avoid double-counting in terms of windfalls; a specific policy (Policy SE2) encourages the efficient use of land and also includes criteria for future windfall developments.
61. Other evidence<sup>55</sup> assesses the likely contribution from brownfield sites; whilst many of the proposed strategic allocations are on greenfield sites, significant provision is envisaged from previously developed land within the main towns and key service centres. The NPPF encourages the use of previously developed land, but there are no targets or policy requirements to enforce the development of brownfield land before using greenfield sites. As CEC says, there may be a finite and diminishing source of such sites in the future and, taken as a whole, the plan seems to strike an appropriate and realistic balance between encouraging the development of brownfield sites, whilst proposing some development on greenfield sites in order to deliver the required supply of new housing. However, further clarification may be needed on this matter, particularly about the scale of brownfield development likely to be delivered from site allocations within the existing built-up areas of towns like Crewe, Macclesfield and Middlewich.
62. The proposed phased delivery of housing over the plan period, from 1,200-1,500dpa, seems to be largely based on delivery, Green Belt, infrastructure and economic factors. There is little other specific evidence to justify this stepped approach to housing delivery, which was removed from earlier versions of the plan. This approach may reflect the position in the early years of the plan period, when the rate of housing development has not met expectations, and gears up to deliver higher growth later, but could constrain the provision of new housing during the plan period, particularly when the current backlog also has to be met. I recognise that the housing market may take time to adjust to increased levels of provision following the economic recession, and some sites cannot come forward until new roads and infrastructure have been provided. However, there is also evidence that some sites could come forward earlier, as well as increased market interest in developing suitable sites, with a strong housing demand.
63. Without phasing, there may be some concern about the impact of new housing development on the southern fringe of Cheshire East on the regeneration of the Potteries (which seems to be a longstanding policy stemming from the former RS), but there seems to be no specific or recent evidence to justify such a restriction. To artificially restrict the supply of housing land risks a mismatch with the economic strategy and the principles of sustainable development, and could undermine the national policy of significantly boosting housing supply. Consequently, the proposed phasing element of the strategy does not seem to be fully justified.

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<sup>53</sup> BE006; Table 1; PS B006b

<sup>54</sup> BE006; PS D003.011

<sup>55</sup> BE041; PS D003.011



64. CEC has undertaken work examining the viability and deliverability of development proposed in the plan, testing various scenarios and geographical locations, including the costs of various policy standards and requirements<sup>56</sup>. These assessments confirm that the development of most sites over much of the district is likely to be viable, particularly for greenfield sites, including the 30% target of affordable housing, although brownfield and other sites in some areas might struggle to meet this target; this is confirmed in the evidence of recent housing schemes, some of which have not achieved the expected levels of affordable housing. Nevertheless, provided that the policy recognises viability factors and allows some flexibility, and given that there is a range of other measures and initiatives to provide affordable housing by other means (including 100% social housing), the viability and deliverability of the proposed housing provision has been addressed in the supporting evidence.
65. As for flexibility, CEC points to the likely overall provision of new housing land, with the LPS actually envisaging over 29,000 new houses being provided to meet the minimum requirement for 27,000 houses in the period to 2030<sup>57</sup>. If the provision figure was soundly based, this would give some headroom to provide the choice and flexibility to ensure the delivery of the minimum provision figure, although there could be concerns about the deliverability of some specific sites. However, with a higher provision figure, it might not meet all the required housing needs.
66. As regards **cross-boundary housing provision**, the LPS makes some provision to meet some of High Peak BC's housing needs, but this decision was made relatively late in the plan-making process. This provision may partly reflect the degree of functional inter-relationship between the two districts, including economic, migration and transport links, but there is little specific evidence to support this number of houses (500 dwellings), which would not fully meet the total shortfall in housing provision for High Peak. The justification for such provision seems to be based largely on accepting the physical, environmental and policy constraints in High Peak. But equally, there are constraints in Cheshire East, including Green Belt, and land is proposed for release from the Green Belt to meet Cheshire East's housing needs. Timing is suggested to be towards the latter end of the plan period, but there are no details about where and how such provision will be made, or how it fits in with the housing strategy for High Peak. Consequently, whilst this element of the plan may be positively prepared, it does not seem to be fully justified or effective.
67. Other issues relating to cross-boundary provision have been addressed earlier under the DTC; apart from High Peak, there are no outstanding housing needs from other authorities which have to be met in Cheshire East and no other authority needs to make provision to meet any of CEC's housing needs. Longer term issues of housing need in the Greater Manchester conurbation have yet to be identified or resolved.
68. CEC has considered **alternative levels of housing provision**, both higher and lower than the proposed provision figure. However, only after submitting the plan does it seem to have fully considered the alternative estimates put forward by other parties or acted on the criticisms of its approach. These alternative estimates of housing requirements do not represent marginal adjustments to CEC's preferred figure, but raise fundamental differences of opinion and approach, which result in estimates of over 40,000 dwellings compared with CEC's figure of 27,000. In my view, these alternative estimates should have been fully considered, along with the assumptions and issues raised, well before the LPS was finalised and submitted for examination. In fairness, I also have to record that other participants consider the overall housing provision figure is much too high, suggesting a figure of nearer 20,000, but do not submit detailed evidence or projections to support their view.
69. Consequently, on the basis of the evidence and discussions during the examination so far, I consider there are serious shortcomings with the Council's objective assessment of housing need and the preferred housing provision figure. These suggest that further work needs to be undertaken to assess the housing need for the area in a way which explicitly addresses all the relevant factors outlined in the NPPF & PPG, using assumptions which are robust and realistic, and which better reflect the inter-relationship with the plan's economic strategy.

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<sup>56</sup> BE003; BE042

<sup>57</sup> Local Plan Strategy Submission Version: Appendix A

### *Settlement hierarchy and spatial distribution of development*

70. The settlement hierarchy set out in Policy PG2 comprises Principal Towns, Key Service Centres, Local Service Centres and other rural settlements, and is largely justified in the supporting evidence<sup>58</sup>. The determining factors include population, the number of households and retail units and amount of employment, along with services, transport and accessibility, reflecting the existing role and function of the centre; these factors have been tested and updated. Minor changes to the text of the policy and the accompanying text, as suggested<sup>59</sup>, including more accurately reflecting the growth strategy for individual settlements, would clarify the situation.
71. There is no dispute that the largest towns in Cheshire East, Crewe and Macclesfield, are appropriately designated as Principal Towns in the hierarchy. Similarly, most of the towns designated as Key Service Centres (KSC) and Local Service Centres (LSC) are appropriate and justified. Some parties consider Congleton should be elevated to the status of a principal town, but it is considerably smaller than Crewe and Macclesfield and has fewer retail units and employment. Others consider there should be an upper tier of KSCs, including the larger towns of Congleton, Wilmslow, Sandbach & Nantwich, but there is no clear differentiation in the role and function of these settlements and this would unduly complicate the hierarchy.
72. Some question whether Handforth should be designated as a KSC, but given the range of existing facilities, this is the function it performs (which has little to do with the proposals for the NCGV). Others consider settlements such as Alderley Edge and Holmes Chapel should be KSCs, but these are smaller in size and do not have the full range of facilities. Similar factors apply to smaller settlements, such as Wybunbury and Rode Heath, which some contend should be designated as LSCs. Earlier versions of the plan had a separate category of "sustainable rural villages", but it is difficult to differentiate between these smaller settlements and it makes the hierarchy too complicated<sup>60</sup>. These settlements contain few services, with limited access to public transport and few employment opportunities; their ability to accommodate further development will be considered at the Site Allocations stage. Consequently, the settlement hierarchy seems to be justified, effective and soundly based.
73. The proposed spatial distribution of development set out in Policy PG6 is justified with a range of evidence<sup>61</sup>, and has evolved during the preparation of the plan. Various alternative spatial options and levels of development were considered when the Issues & Options, Town Strategies and Development Strategy were prepared and assessed through the SA process, and the allocation of development to specific towns was a major feature at the consultation stage of the Town Strategies. The main factors influencing the spatial distribution of development include the settlement hierarchy, development opportunities, infrastructure capacity, policy constraints (including Green Belt), physical constraints, sustainable development, deliverability and viability, sustainability appraisal, vision and strategic priorities, consultation responses and other material factors. The main issue is whether the proposed distribution of development properly reflects these factors.
74. There is little dispute about directing most new development to the principal towns of Crewe and Macclesfield; indeed, some suggest that more development should be directed to these towns. Crewe has the lion's share of new development, but any greater amounts could raise deliverability issues given the infrastructure constraints, particularly access and roads; although the inclusion of site allocations outside Crewe at Shavington within the figures for Crewe is questionable. Further development at Macclesfield could be limited by Green Belt and infrastructure constraints. Higher levels of development are generally directed to those towns which are unaffected by Green Belt constraints, and some imbalances between new housing and employment allocations are mainly explained by existing development opportunities/commitments.
75. The main concern is the limited amount of development which is directed to the towns in the north of the area, particularly Handforth, Poynton, Knutsford and Wilmslow, but this is largely explained by Green Belt constraints; but even here, there are significant

<sup>58</sup> BE046; PS B006b

<sup>59</sup> PS D003.012

<sup>60</sup> PS D003.013

<sup>61</sup> Including PS B006b; SD003; SD015; SD18-19; SD007; BE005; BE046; BE054; BE056-76; BE083-099; BE100



releases of land from the Green Belt (including the NCGV). Development in other Green Belt settlements (like Congleton and Alsager) is largely directed away from the Green Belt. However, although an almost endless list of permutations of the spatial distribution of development could be drawn up, I am concerned that the proposed distribution may not fully address the development needs and opportunities at all the towns and settlements, particularly those in the north of the district.

76. These settlements are confined by the existing Green Belt, but there is also a need to promote sustainable patterns of development<sup>62</sup>, which address the future housing, employment and other development needs of these settlements. The limited amount of new housing proposed in Green Belt settlements such as Poynton, Knutsford and Wilmslow is very contentious; the proposed levels of housing at these settlements will not meet their needs, and insufficient consideration seems to have been given to how these needs will be met. Many potential sites were assessed during the preparation of the LPS, but specific options which envisage the development of smaller sites within the built-up area or on the fringes of these settlements do not seem to have been fully considered. Whilst this could be reconsidered at the Site Allocations stage, it may have unduly influenced decisions to release larger Green Belt sites in the LPS.
77. It is also unclear as to whether CEC considered a spatial distribution option related to the existing population distribution and future housing needs of each settlement. Moreover, in some cases, the total amount of housing development proposed at some settlements has already been exceeded by existing commitments and proposals in the LPS, leaving little room to make further allocations at the Site Allocations stage<sup>63</sup>.
78. Consequently, some further work may need to be undertaken to review and fully justify the proposed spatial distribution of development. Although the LPS is essentially a strategic plan, focusing on strategic allocations, such work may need to examine the possibility of releasing smaller-scale sites in and around the fringes of existing towns and settlements, including those in the Green Belt, to inform further work at the Site Allocations stage.
79. Some parties consider that the overall amount of development for the LSCs should be apportioned between each of the settlements. However, this is a matter more appropriately considered in greater detail at the Site Allocations stage, particularly given the relatively limited amount of development which is likely to occur at these smaller centres. Others consider that higher levels of development should be directed to the smaller rural settlements, and possibly disaggregated to each of these settlements. However, some of these settlements are very small, there are many of them, and they will probably only accommodate a limited amount of development; these matters are best considered at the Site Allocations stage.
80. It therefore seems to me that although the settlement hierarchy is appropriate, justified and soundly based, some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district.

#### *Green Belt & Safeguarded Land*

81. The approach to the Green Belt and Safeguarded Land, particularly the release of such land to accommodate new development, is a contentious element of the LPS. The submitted plan proposes to release 16 sites, mainly in the north of the district, from the Green Belt, either for housing and/or employment development (over 200ha) or as Safeguarded Land (over 130ha), as well as establishing a new area of Green Belt to the west, east and south of Crewe. Detailed Green Belt boundaries will be defined on the Local Plan Policies Map, either in the LPS or the Site Allocations Local Plan.
82. The NPPF (¶ 82-85) confirms that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation and review of the Local Plan; it also advises that new Green Belts should only be established in exceptional circumstances and sets out the factors to be considered. CEC has provided evidence to justify its approach<sup>64</sup>; this identifies that the exceptional circumstances needed to justify altering Green Belt boundaries are essentially the

<sup>62</sup> NPPF (¶ 84)

<sup>63</sup> PS B025c

<sup>64</sup> SD015; BE011; BE012; PS B006b

need to allocate sufficient land for market and affordable housing and employment development, combined with the significant adverse consequences for patterns of sustainable development of not doing so, since it is not practicable to fully meet the development needs of the area without amending Green Belt boundaries. However, it seems to me that both the process and the evidence may be flawed.

83. Firstly, I recognise that a wide range of evidence has influenced the release of particular sites from the Green Belt<sup>65</sup>. However, although the possibility of needing to release land from the Green Belt was raised during consultations on the Issues & Options and Town Strategies, and was firmed up in the Development Strategy in January 2013, the specific evidence justifying this approach was not completed until September 2013, well after these decisions had been made<sup>66</sup>. The Green Belt Assessment influenced the final plan to a limited degree, but in several cases, it does not support the release of specific sites from the Green Belt; in some cases, land which makes a major or significant contribution to the Green Belt is proposed for release, whilst other sites which only make a limited contribution to the Green Belt do not seem to have been selected. Although the release of land from the Green Belt was based on several factors, this suggests that insufficient weight may have been given to the status and value of certain sites in Green Belt terms compared with other factors such as land ownership, availability and deliverability, when preparing and finalising the plan.
84. In line with the NPPF, the evidence includes a sequential assessment of options for development on land outside the Green Belt, including channelling development towards towns and villages inset within the Green Belt boundary, to locations beyond the Green Belt boundary, towards the urban area within the Green Belt, and reducing the overall amount of housing and employment development. This reveals that less than 17% of the new dwellings needed can be accommodated in the Green Belt settlements in the north of the district, despite them having over 36% of the total resident population and a pressing need for new housing. However, the study does not always seem to have considered the impact of releasing smaller-scale sites on the fringes of existing settlements or whether the opportunities presented by new road schemes and their boundaries could have enabled selected releases of land between the existing built-up area and the new roads.
85. Furthermore, there are several shortcomings with the evidence itself. Firstly, it does not consider all the purposes of the Green Belt, omitting the contribution to urban regeneration and preserving the setting and special character of historic towns. Although the latter purpose may apply only to historic towns like Chester, the impact on urban regeneration, particularly in the north of the district and beyond, does not seem to have been fully addressed; CEC says that it applies equally to all parcels of land, but this may not be the case. Secondly, although the assessment does not recommend the release of specific sites and aims to identify strategic land parcels, it seems somewhat inconsistent in assessing relatively large tracts of land in some cases, whilst dealing with much smaller sites in other areas; it may not be as finely-grained as it could have been, omitting some smaller parcels of land on the fringes of settlements which might have had less impact on Green Belt purposes.
86. CEC confirms that the study did consider the significance of Green Belt land on the northern edge of the district to the wider Green Belt in adjoining areas, such as Stockport. Some parties suggest that a full strategic review of the Green Belt in the wider area should have been undertaken, but the status and timescale of the relevant development plans may make this difficult, particularly since CEC cannot make proposals to develop land outside its area. Nevertheless, since the study did not specifically assess this wider area of Green Belt and adjoining local authorities seem to have had little influence on the terms or extent of the study, this may suggest that it was not as positively prepared as it could have been.
87. It therefore seems to me that these are significant flaws in both the process and evidence relating to the release of land from the Green Belt, particularly given the recent clarification of national guidance on the significance of the Green Belt<sup>67</sup>.

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<sup>65</sup> PS D003.016

<sup>66</sup> BE012

<sup>67</sup> Planning Practice Guidance; (ID: 3-044/045-20141006)



88. As for Safeguarded Land, there is some evidence to justify the release of the overall amount of safeguarded land, being partly based on the potential amount of land that may be required for development beyond the current plan period; earlier versions of the LPS included a much larger amount of safeguarded land (260ha). Subject to the LPS fully meeting its objectively assessed needs for development, there should be no need to consider bringing forward Safeguarded Land for development during the current plan period. CEC does not consider it is appropriate to forecast development requirements post-2030, citing a range of further options to accommodate future development needs; but these could apply equally to the current plan period, as well as in the longer term. Similarly, although the Green Belt Assessment does not recommend which sites should be released, it does not always support the release of specific areas of land from the Green Belt. This may suggest that other factors were more important than their significance in Green Belt terms.
89. Some of the Safeguarded Land adjoins proposed site allocations for development, suggesting that these sites may eventually accommodate a larger scale of development in the longer term. Further smaller-scale areas of safeguarded land may also be identified at the Site Allocations stage, but the criteria for making such designations is not set out. Although the identification of Safeguarded Land would ensure that Green Belt boundaries would not need to be altered at the end of the current plan period, some further justification about the scale of Safeguarded Land proposed and the release of particular sites, both in the LPS and Site Allocations Local Plan, is needed before the approach could be considered sound.
90. The justification for a new Green Belt in the south of the district seems to stem largely from the perceived risk of Crewe merging with Nantwich and other smaller settlements as a result of the proposals for growth and development in and around the town; it is not promoted as a compensation for Green Belt land lost in the north of the district. The proposal is supported by adjoining local authorities in North Staffordshire<sup>68</sup> and by some local communities. Some of the area is currently covered by a Green Gaps policy in the adopted local plan, which will continue to apply until detailed Green Belt boundaries are defined; but CEC considers this policy is not strong enough to resist development pressures, quoting several appeal decisions.
91. The justification for establishing the new Green Belt is set out in the New Green Belt and Strategic Open Gaps Study<sup>69</sup>, but there seem to be a number of shortcomings in this approach. Firstly, although the evidence addresses the criteria that have to be met<sup>70</sup>, it does not explicitly identify the exceptional circumstances needed to establish the new Green Belt. Secondly, the LPS only seeks to establish an area of search for the new Green Belt, covering a large swathe of land to the south, west and east of Crewe, leaving detailed boundaries to be defined in the subsequent Site Allocations Local Plan; the area of search extends much further than that currently covered by the Green Gaps policy, which may not be fully justified, and earlier versions of the plan envisaged a much smaller area of Green Belt. Thirdly, it seems to ignore the fact that significant areas of new development are proposed within the area of search for the new Green Belt (such as at Shavington and on the edge of Crewe); indeed, CEC has granted planning permission for several housing developments within this area of search. Furthermore, since Crewe has been a location for development and growth in the past and the scale of growth now proposed is not significantly different to that in the previous local plan, this does not seem to represent a major change in circumstances to justify establishing a new area of Green Belt; it could also constrain further growth around Crewe in the future.
92. Until recently, the existing Green Gaps policy has been successful, and has only come under threat when 5-year housing land supply has been a decisive issue. Moreover, since the existing Green Gaps policy would apply between Crewe, Nantwich and other surrounding settlements until detailed Green Belt boundaries are defined, this would help to prevent the erosion of existing gaps between settlements; and since the North Staffordshire Green Belt is already established to the south of Crewe, there is little risk of the town merging with the Potteries conurbation. There seems to be little evidence to suggest that normal planning and development management policies (including the

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<sup>68</sup> PS B023

<sup>69</sup> BE011

<sup>70</sup> NPPF (¶ 82); M6.1.001

Green Gaps policy) would not be adequate, provided that a 5-year supply of housing land is consistently maintained. Having considered all the evidence, factors and discussions on this matter, there seems to be insufficient justification to establish a new Green Belt in this locality.

#### *Other strategic policies*

93. During the hearings, other strategic policies in the plan were discussed. For the most part, concerns about the content and soundness of these policies could probably be addressed by detailed amendments to the wording of the policies and accompanying text, as discussed at the hearings. These do not seem to raise such fundamental concerns about the soundness of the submitted plan.

#### **D. Future progress of the Local Plan Strategy examination**

94. The Council will need time to fully consider the implications of these interim views, since they may affect the future progress of the examination. In these circumstances, it may not be appropriate to resume the hearing sessions in early December 2014, as currently suggested.
95. As far as the future progress of the examination is concerned, there seem to be several options available to the Council:
- a. Continue the examination on the basis of the current evidence;
  - b. Suspend the examination so that the necessary additional work can be completed and considered before proceeding with the remainder of the examination;
  - c. Withdraw the Plan and resubmit it for examination when all the necessary consultation and supporting justification and evidence has been completed;
96. If Option (a) is chosen, it is likely that, on the basis of the evidence submitted so far, I would probably conclude that the submitted Plan is unsound due to the shortcomings in the proposed strategy and evidence base, including the economic and housing strategies, the relationship between them and the objective assessment of housing need, the spatial distribution of development and the approach to the Green Belt and Safeguarded Land. In these circumstances, proceeding immediately to the remaining parts of the examination would be unlikely to overcome these fundamental shortcomings.
97. If Option (b) is chosen, any suspension of the examination should normally be for no longer than 6 months. CEC would need to estimate how long it would take to undertake the additional work required to rectify the shortcomings identified, with a timetable setting out the main areas of work and the time estimates for each stage. Once the additional work is completed and published, I would probably need to convene another hearing session(s), involving the participants from the previous hearing sessions, to consider the outcome of this work, including any necessary revisions to the policies and content of the plan. The Programme Officer would make the necessary arrangements for the resumed hearing sessions once CEC's timetable for the additional work is submitted. Following the resumed hearing sessions, I would expect to form a view on the adequacy and soundness of the additional work carried out, along with other outstanding and associated matters, before proceeding with the remaining aspects of the examination, including site-specific matters.
98. It may be that, once this further work and outstanding evidence has been completed, CEC might need to consider alternative or additional strategic site allocations. However, it is important that any amendments to the LPS and its underlying strategy do not result in a fundamentally different spatial approach or strategy or result in substantial modifications which result in a significantly different plan. If the amendments necessary to ensure that the LPS is sound are so significant that it results in a fundamentally different plan, withdrawal may be the most appropriate course of action. In these circumstances, I would need to consider the implications and review the position before proceeding with the rest of the examination.

99. If Option (c) is chosen, the examination would be closed and I would take no further action in the examination of the submitted plan.
100. These interim views are being sent to CEC for them to take the necessary action, and are being made available to other parties for information only; no responses should be submitted. However, it would be helpful to know, as soon as possible, which option CEC wishes to choose and, if appropriate, a timetable outlining the timescale of the additional work required.
101. In presenting these interim views, I am fully aware of the Council's ambition to adopt a Local Plan for Cheshire East as soon as practicable and to avoid any unnecessary delays to the examination. However, it is not in the best interests of planning or plan-making to recommend an unsound plan for adoption, which would clearly run the risk of subsequent legal challenge. Consequently, I would ask the Council to carefully consider the implications of these interim views before advising me on their preferred course of action. In seeking a positive way forward, I am willing to do all I can to assist the Council, although I have a restricted role in this regard; any advice given is entirely without prejudice to my final conclusions on the soundness of this plan.

Stephen J Pratt - Development Plan Inspector  
06.11.14

**APPENDIX B ARTICLE FROM THE PENISTONE  
EDITION OF THE BARNSELY  
CHRONICLE DATED 24 JUNE 2016**





# More quality homes needed for town's growing population

By Lynsey Bradford

UP to 25,000 new, better quality homes need to be built in Barnsley to cope with an increase in population across the borough over the next 17 years.

The figures were revealed at a council meeting in which a presentation was given on the Barnsley Housing Strategy and Delivery Plan.

It contains five key objectives to help the council deliver the strategy, which covers the period 2014 to 2033.

Council boss for housing Phillip Spurr said there were clear links between good housing and good health.

He added: "Frankly, there are pockets of poor quality housing in Barnsley and we have some very good quality houses within the borough. We need to tackle the areas of poor quality.

"Quite simply what we need in Barnsley is more houses and we need better quality houses. At this moment in time we have somewhere in the order of 108,000 to 110,000 properties in the borough.

"Between now and 2033 we need somewhere in the order of 20,000 to 25,000 homes and we need to improve the quality of the stock we have got."

He said of the 110,000 homes in Barnsley, roughly two thirds of those were owner-occupied, one fifth are in the social rented sector and about 15 per cent are private-rented homes.

He said one challenge was to maintain and improve the quality of the private sector properties.

He added: "We do face an increasing population and it is estimated it will grow by seven per cent by 2031 and there is a demographic shift in and increasing ageing population, so they are additional challenges we have to face.

"The population will grow and it is expected there will be 17,000 new jobs in the borough.

"This is within the context of a current undersupply of housing so there's a growing indigenous demand but we also want and need and must have people coming into the borough as well.

"These two factors are driving the need for additional housing.

"As an authority we can't do this by ourselves and have to work in partnership.

"We need to make sure every penny we spend is spent wisely and that we get maximum value."

The objectives are: to support new

housing development which creates a thriving and vibrant economy; to ensure the design and delivery of new, high quality, desirable and sustainable homes, to make the best use of/improve existing housing stock in Barnsley, to develop strong resilient communities and to support younger, older and vulnerable people to live independently.

Mr Spurr said the right homes were needed in the right location, as there was a demand for large family homes and high-value executive properties. He said there was also evidence up to 30 per cent of residents were looking outside the borough to meet their housing needs, a 'leak' that must be stopped.

He added: "We've got quite an unbalanced housing stock at the moment 30 percent of properties in the borough are pre 1990 terraced houses often poor quality and we need to rebalance that.

"The vast majority of housing in Barnsley in 2050 is the housing we have now so we need to make sure it is fit for purpose."

Of the 1,800 empty homes across the borough, he estimated between 25 and 30 would be brought back into use every year.



**APPENDIX C LETTER FROM RICHARD  
CROSSFIELD OF FINE AND  
COUNTRY DATED 18 AUGUST 2015**



Our Ref: RC

18th August 2015

FAO Mr S Green  
Yorkshire Land Ltd  
PO Box 785  
Harrogate  
HG1 9RT

Dear Mr Green

Re: Barnsley Housing Analysis

Further to your recent instruction to provide a written report specifically relating to new build property within the borough of Barnsley since 2012, I can confirm that I have now carried out the necessary research and that I am in an educated position to present my findings and answer the presented questions accurately. Please find hereunder my brief report for your attention.

I have carried out my research using the following criteria:-

New build property only

Offered to the market at £500,000 (Five Hundred Thousand Pounds) and above

Property marketed from 1 January 2012) to 17 August 2015

For clarification I have carried out my search criteria using the postcode S70 with both a 3 mile and a 5 mile radius. In short Barnsley town centre outwards.

As a measure I have also carried out the same exercise for Sheffield, Kirklees, Leeds and Wakefield.

To ensure my findings for Barnsley are accurate I have also carried out an individual or itemised post code search for the borough including the post codes S70 – S75, S35 and S36.

Locke House, 42 - 44 Shambles Street, Barnsley, South Yorkshire S70 2SH  
Tel: +44(0)1226 729009  
19 Railway Street, Huddersfield, West Yorkshire HD1 1JS  
Tel: +44(0)1484 550620



My findings are as follows.

Post Code		3mile radius / number of units	5 mile radius / number of units
S70	(BARNSELY)	0	0
HD1	(HUDDERSFIELD)	37	65
WF1	(WAKEFIELD)	14	18
S1	(SHEFFIELD)	65	80
LS1	(LEEDS)	41	86

To ensure my findings for the borough of Barnsley are accurate the individual post code results are as follows:-

Post Code		5 mile radius / Number of units
S70	-	0 ZERO
S71	-	0 ZERO
S72	-	0 ZERO
S73	-	0 ZERO
S74	-	0 ZERO
S75	-	0 ZERO
S35	-	0 ZERO
S36	-	0 ZERO

I can also confirm that in the last year alone, within the borough of Barnsley, that over 17 sales have been agreed on previously occupied properties above £500,000 indicating that there is a real and current demand for property at this value. I can inform you that we (Fine and Country) have a good record of current sales at the £500,000 level with 4 very recent sales, just below that figure, at £495,000; all being new build.

From personal experience, the borough of Barnsley (especially to the west of the town) has a serious lack of property at this level to cater for current demand. A potential purchaser looking to purchase a new build property in the region of £500,000 - £700,000 has no alternative but to look into neighbouring authority areas. That is of course unless they are prepared to compromise on their requirements, and look at older or period style homes.

I have also looked at our current stock of marketed property in-order to appreciate geographically where buyers are coming from. What I do find interesting is that previously occupied property on the market at circa £800,000 - £1,000,000 is attracting buyers from both neighbouring authority areas and further afield as well as a local audience. I believe the reason for this is that there are some very attractive and sought after settlements located in the more attractive Western parts of the Borough, which are situated within the catchment areas of good schools. In addition, the selling price of property per square ft in the Borough is generally less in value than that in other neighbouring authority areas, which enables buyers to achieve much more value for their money

An example of a previously occupied high end property to the west of Barnsley currently on the market at an asking price of £ 1,000,000 has achieved 18 viewings, with over 50% of these viewings coming from adjoining authority areas.

I have noticed that in your letter of instruction you have quoted the Councils own definition of an 'Executive' house and I was particularly pleased to note that the Council recognise the need for a mix of Executive housing in differing price brackets to cater for those persons in managerial positions of differing levels, including executive officers. This is an important point, and one which I agree with, particularly when considering the Councils concerted efforts to attract new and existing businesses to re-locate into the Borough.

My professional role as an Estate Agent is in upper quartile of the property market. I am BSc qualified with Honours in Estate Surveying and have over 17 years' experience in my general field of work, this being primarily residential sales in the borough of Barnsley and more recently, expanding my territory into Kirklees and Sheffield.

From my years of experience, I can confirm that there are a number of differing property market bands above £249,999, these are generally:

1. £250,000 - £ 349,999
2. £350,000 - £ 499,999
3. £500,000 - £ 799,999
4. £800,000 - £1,199,999
5. £1,200,000 Plus

The most prestigious housing scheme currently under construction in the Barnsley Borough, was granted planning permission by the Council on 21 April 2015 and is located in Hoylandswaine, where David Wilson Homes have commenced the development of 66 homes. The development will consist of 2 two bed, 4 three bed, 29 four bed and 31 five bed properties, the majority of which will be detached, and will range in price from £390,000 to £530,000. It is my opinion that there is also strong demand within the Borough for this development and that it is likely to sell out quickly, however, the development will not cater for those seeking homes above £530,000.

It is often the case that those persons looking to purchase new build homes over £500,000 in value prefer smaller bespoke developments which are usually more individually designed, as opposed to the larger housing estates constructed by National house builders, such as David Wilson Homes, who tend to use set house types which are then repeated.

New build homes offer purchasers the most advanced and up to date technology (i.e. insulation and build technique e.t.c) which can result in reduced annual running costs. Purchasers of high value new build homes are often given the opportunity to specify their choice and style of kitchens and bathrooms, and I am also aware of an increase in demand from customers requiring a home cinema room or gymnasium e.t.c. In addition, new homeowners have the security of a 5 year new home warranty. Obviously these benefits are not always available to customers purchasing previously occupied homes, which have often been constructed many years before insulation and eco technology was introduced.

I note the Councils own report (Reference: CAB4.7.2012/8) which you have drawn to my attention, was published over three years ago and confirms that Barnsley has experienced the trend of more people on higher and medium incomes moving out of the Borough than are moving in and that this is largely due to the fact that they are unable to find suitable housing options to meet their needs.

This report identifies that there have been no new build properties offered for sale in the Borough of Barnsley in excess of £500,000 during the last three and a half years.

As a Director of a local company which is reliant on selling high value properties, I find this particularly concerning. This is a serious matter which is detrimental to the Councils ability to attract businesses and their senior management to relocate into the Borough of Barnsley to assist the Council in achieving its Economic objectives.

In summary and in stark comparison to neighbouring authorities; Barnsley has zero New build property to offer an audience looking to purchase in the price band of £500,000 plus. What I find unacceptable as a local estate agent dealing with property at the higher end of the market is that I most definitely have the customers seeking to purchase such properties. I don't however have the product to offer.

Clearly, these are alarming statistics!

Yours sincerely

R Crossfield BSc (Hons)

Director

Fine and Country

Enc.



## **APPENDIX D PLAN SOURCED FROM BARNSELY COUNCIL'S DIGITAL POLICIES MAP**







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Barnsley MBC  
 Information Services, Gateway Plaza,  
 C/O Corporate Mail Room, P.O. Box634,  
 Bemisal Close, Barnsley, S70 2HS

0 m 100 m 200 m

Barnsley MBC Adults and Communities  
 C/O Corporate Mail Room, P.O. Box634  
 Bemisal Close, Barnsley, S70 2HS

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## **APPENDIX E PHOTOS OF THE MILLSTONES SITE**







LANDSCAPED MOUND

DEVELOPMENT SITE





LANDSCAPED MOUND



DEVELOPMENT SITE







**TAKEN ON SITE 11 AUGUST 2016**

**ESTABLISHED WOODLAND FORMING  
WESTERN BOUNDARY**



**TAKEN ON SITE 11 AUGUST 2016**





**THE SITE**









## **APPENDIX F PHOTOS OF THE FLIMSY EXISTING FENCE BOUNDARY**









## **APPENDIX G EXTRACT FROM ARUP'S GREEN BELT REVIEW REPORT**





## Purpose 1: Check unrestricted sprawl of large built-up areas

The strength of the Green Belt to check unrestricted sprawl of large built up areas was determined by appraising the strength of the *existing* Green Belt boundary and the extent to which Green Belt area was contained within the existing built form.

### Boundary Definition

Boundary definition should reflect NPPF Paragraph 85, which states that Local Authorities should ‘define boundaries clearly, using physical features that are readily recognisable and likely to be permanent’.

Durable/ ‘Likely to be Permanent’ Features	Infrastructure: Motorway; public and made roads or strongly defined footpath/track; a railway line; river; Landform: Stream, canal or other watercourse; prominent physical features (e.g. ridgeline); protected woodland/hedge; existing development with strongly established, regular or consistent boundaries.
Features lacking in durability/ Soft boundaries	Infrastructure: private/ unmade roads; power lines; development with weak, irregular, inconsistent or intermediate boundaries. Natural: Field Boundary, Tree line

The function of the *existing* Green Belt area in preventing sprawl, which would not otherwise be restricted by a barrier, has been considered through the extent the existing built form has strongly established or recognisable boundaries:

- ‘Strongly established’, ‘regular’ or ‘consistent’ built form comprises well-defined or rectilinear built form edges which have restricted recent growth in the Green Belt.
- ‘Irregular’, ‘inconsistent’ or ‘intermediate’ built form comprises imprecise or ‘softer’ boundaries, which have not restricted growth within the Green Belt.

The qualitative approach allows for full justification of the quantitative scoring of each purpose. The lexicon used to describe this purpose is based on the degree to which the existing and proposed boundary fulfils terms in Table 2.

Table 2 Relative strength of existing Green Belt boundary

	Score	Equivalent Wording
Increasing strength ↓	1	Weak or Very Weak
	2	Relatively Weak
	3	Moderate
	4	Relatively Strong
	5	Very Strong

### Level of Containment

As the sub-regional town, Urban Barnsley should be regarded as the primary ‘large built-up area’ within the Borough. Preventing the unrestricted urban sprawl of this centre is the focus of this ‘purpose’, and therefore Green Belt in this area should function to:

- Protect open land contiguous to one of the following: Urban Barnsley, Royston, Goldthorpe, Cudworth, Wombwell, Hoyland, Penistone and the Villages.

These criteria will be defined specifically in relation to each Green Belt appendix. Open land is considered to be the extent to which Green Belt land is lacking in development and contiguity is considered to be the extent to which Green Belt adjoins the existing built form of the defined settlement. Low levels of built form adjoining the Green Belt boundary represent a Green Belt General Area which has a low level of contiguity, whilst high levels of containment within the existing urban area reflect Green Belt which is highly contiguous.

This purpose will also consider a series of ‘Green Swathes’ which dissect areas between settlements, or ‘Green Arcs’ which unite wider areas of Green Belt. Green Belt which forms one of these features, will be considered to protect valued open land that is contiguous to Urban Barnsley or the six Principal Towns.

- Protect the strategic gap between Barnsley town centre and the larger towns of Royston, Goldthorpe, Cudworth, Wombwell, Hoyland and Penistone

This purpose strictly assesses the ‘strategic gap’ between Barnsley and the six Principal Towns identified within the Jacobs Barnsley Settlement Assessment (2007 update). Green Belt General Areas are appraised by their role in protecting a strategic gap of 1.5km<sup>1</sup> or more and preventing development which would result in one of the six Principal Towns from being absorbed into Urban Barnsley.

- Display low levels of containment within current development patterns and existing urban form.

Highly contained General Areas are likely to have a strong functional relationship with the existing built form. Green Belt land which is within the existing built form could be considered to display high levels of containment.

## **Purpose 2: Assisting in safeguarding the countryside from encroachment**

The focus of this purpose will be to protect Green Belt land which is enjoyed for ‘openness’ and the extent it has resisted ‘encroachment’ from past development.

The National Planning Policy Framework states that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation and to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land (Paragraph 81). Therefore Green Belt land will be assessed for:

---

<sup>1</sup> Based on analysis of the method used by other local planning authorities, where 1.5 km was a relatively universal distance used, e.g. Bath and North East Somerset, Newcastle, Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council.

**APPENDIX H EMAIL FROM PETER TAYLOR DATED  
7 NOVEMBER 2016**





**From:** Taylor , Peter  
**Sent:** 07 November 2014 15:47  
**To:** Bernard Greep  
**Cc:** Labedzki , Emma; Shepherd , David (DEC); Gladstone , Matthew  
**Subject:** RE: Barnsley Local Plan

Hi Bernard

Many thanks for your e-mail. As you may suspect there are some elements that we will disagree on in regards to our discussion but I would confirm as follows:

- The Green Belt Review only considered sites greater than 0.4 ha and as I know you will appreciate was aimed at identifying resultant parcels that could, if released, significantly contribute towards the supply of housing without demonstrable harm to the purposes served by Green Belt.
- I accept that your clients site could be perceived as an anomaly but the current boundary is based on a definitive fenceline and is therefore defensible. I accept the site in question could be argued to have stronger boundaries but in order to release the site from Green Belt designation, regardless of how the site serves the tests of the purpose of the Green Belt, would still require either “exceptional circumstances” from a Local Plan perspective or “very special circumstances” from a development management point of view. This would have to be based at the very least on meeting housing need. I know you will understand that the earlier Development Sites and Places Document, which is not being progressed, and the Local Plan itself have limited weight in determining planning applications. The Statutory Development Plan is the Core Strategy and saved UDP policies. Current applications need to be determined on that basis and the sites need to be assessed in terms of the settlement hierarchy and other policies in the Core Strategy.
- We will not be making any further changes to the Green Belt boundaries in the Consultation Draft Local Plan prior to consultation period commencing on Monday. We also have no intention of producing supplementary changes for consultation. Any amendments to the draft Local Plan will be assessed holistically and be dealt with post consultation. This is the mechanism to consider any views and representations on the draft plan. I have made this statement many times before.
- In terms of the current applications in Oxspring I had an internal officer meeting today to discuss a strategy for dealing with these in the short term and have a further meeting on Monday with David Shepherd (Service Director) and Matt Gladstone (Executive Director) to agree an approach to these sites.

I will respond further next week.

Many regards

## **Peter Taylor**

Interim Head of Planning  
Development Service  
Barnsley Metropolitan Borough Council  
P.O. Box 604, Barnsley S70 9FE



**APPENDIX I SPAWFORTHS' PLANNING SUPPORT  
STATEMENT AND APPENDICES,  
APRIL 2014**



**Yorkshire Land Limited**

**Land at Bower Hill, Oxspring, Nr Penistone**  
**Full Planning Application to Erect Four**  
**Detached Dwellings**

22 April 2014





## Revision Record

Revision Reference	Date	Nature of Revision	Author	Checked
B	7/4/2014	Text updated	PAB	
C	8/4/2014	Altered to address client's comments	PAB	
D	22/4/2014	Altered following Barnsley MBC's adoption of its Housing Strategy and client comments	PAB	

Report Author	Mr P A Bedwell, BA (Hons), Dip TRP, MRTPI
Report Date	22 April 2014
Project No.	3796
Document Ref.	P0-TP-SPA-RP-P3796-0001D

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## I. Introduction and Background

- I.1 This Statement is submitted on behalf of Yorkshire Land Limited (“the Applicant”) in support of an application to erect four detached dwellings and garages on land adjoining Bower Hill, Oxspring (“the site”) shown edged red on the plan attached at **Appendix I**. The site is solely owned by Yorkshire Land Limited.
- I.2 Yorkshire Land has a proven track record in using its land and property assets to deliver low density, high value housing within the Western Parishes.
- I.3 Within the last 25 years, the company has either developed or brought forward for development a large proportion of the executive type housing in the Penistone/Western part of the Borough. With an excellent knowledge of the local area, both in terms of its physical and human environment; the company is well informed to make key decisions in regard to sustainable land development.
- I.4 The site adjoins the high quality, low density housing which form the Millstones development, consisting of 16 dwellings (pursuant to the Council’s approval of reserved matters in August 1997 – LPA Ref. B/97/075/PR).
- I.5 Since the construction of the adjoining Millstones development the application site, which was remediated, levelled and prepared to support future development, has remained vacant and undeveloped.
- I.6 The site already has its own dedicated vehicular access on to the highway network and is also served by mains services.
- I.7 The majority of the site is currently allocated in the Barnsley Unitary Development Plan (Barnsley UDP) as Green Belt (a plan illustrating this is attached at **Appendix I3**).
- I.8 Nonetheless, it is clear that in defining the extent of the Green Belt in respect of this site, the Council failed to define boundaries clearly, by using physical features that are readily recognizable and likely to be permanent.

- I.9. In addition, the Council neither has a five year supply of available housing land nor has sufficient supply of executive market housing, which it has identified in its Economic Strategy as being deficient in the Borough. Given the aforementioned considerations, we consider that very special circumstances exist in this case that support development of the site.
- I.10. The site was appraised most favourably by Peter Brett Associates (PBA) on behalf of the Council; it was given a Strategic Housing Land Availability Assessment (SHLAA) Reference 595 and was shown to have good achievability. Please see **Appendix 17**, which gives further details on SHLAA Ref. 595.
- I.11. The Applicant has taken professional advice from a development team and supplementary information has been prepared in support of the application by a number of specialist consultants.
- I.12. This Statement should be read in conjunction with these reports.

## 2. The Proposed Development

- 2.1. The site is viable and entirely suitable for low density, high value housing.
- 2.2. This site provides an opportunity for a residential development to come forward offering low density high value accommodation, at the top end of the scale in Barnsley, thus helping to achieve the ambitions of the Council's Economic Strategy and emerging Housing Strategy, the homes are most likely to appeal to professional, senior managerial and executive officers, as the Millstones development is already recognised as a successful, sought after, enviable and upmarket development in an attractive location, market research indicates that the sales prices of the proposed homes will range between £625,000 and £675,000, this proposed development clearly falls into the top bracket of the housing market, we therefore describe our proposals as low density, high value housing.
- 2.3. The plans to support the application have been carefully prepared by the applicant, Yorkshire Land. The purpose of the scheme is to deliver a low density high value, well designed, executive housing development to meet a specific need which the Council has identified as being urgently required to deliver its Economic and Housing Strategies.



### 3. Site Context, Location and Description

- 3.1. The site is situated between the established Millstones development and an established heavily landscaped tree mound. This can be identified on site plan at Appendix I and the aerial photographs at **Appendix 2**.
- 3.2. Attached at **Appendix 3**, is a photograph, which was taken on the site on 3rd October 1996, shortly after both the now Millstones Development and the Application site, were cleared, regraded and stabilised. The photograph illustrates that whilst the application site is now being referred to as a separate site to the adjoining Millstones Development, it was **clearly** just one tract of land extending west of Bower Hill road and terminating at the base of the then recently formed mound which was at that time awaiting planting.
- 3.3. All of this tract of land falls into one category of a Previously Developed site as it was tipped with foundry sands from the David Brown Foundry in the 1950s and 1960s, the Council granted permission (B/96/0259/PR) in May 1996, for the excavation, screening, replacement and compaction of fill material. These remediation works were then carried out in preparation for future residential development of the site. The remaining part of this land, which forms this application, is some 0.4 Hectare in extent and is shown edged red on the attached plan at **Appendix I**. In 1997 the site was surfaced in part with crushed limestone and utilised as a compound for Site offices and storage of building materials, during the construction of the Millstones Development, see photographs attached at **Appendix 4**
- 3.4. As can be seen from the aerial photographs attached at **Appendix 2**, the application site is situated between an established housing development named Millstones and a heavily landscaped tree mound; this was delivered at the Council's request, to provide a physical and enduring demarcation between the Millstones development and the Rocher Valley. The landscaped mound was designed jointly between landscape architects, Smeeden Foreman, and the Council's Planning and Countryside Officers to create an extension of the wooded hillside located to the

north of the site (The aerial photographs at **Appendix 2** clearly illustrate how this has now been achieved). Permission was granted for the creation of a landscape mound on the 17<sup>th</sup> March 1994 (Ref. B/94/0109/PR), Attached at **Appendix 5** is a letter from landscape architect Smeeden Foreman, dated 9<sup>th</sup> July 1999, which gives a more detailed background and reasoning of the approved permission.

- 3.5. Since the construction of the adjoining Millstones development the application site, which was remediated, levelled and prepared to support future development, has remained vacant and undeveloped.
- 3.6. The adjoining high quality, low density Homes forming the Millstones development, consists of 16 dwellings (pursuant to the Council's approval of reserved matters in August 1997 – LPA Ref. B/97/075/PR), whereas the UDP proposals WR2/7 originally allocated the site for 20 dwellings). The attached application plans and drawings, prepared by Yorkshire Land, the land owner, serve to demonstrate how the development of four high quality five bedroom detached executive properties would complete the development of the Millstones scheme and be successfully assimilated on the site without detriment to the landscape setting of the village, in terms of deliverability this would accord with the 20 dwellings allocated in UDP Policy WR2/7.

## 4. The Council's Economic and Housing Strategies

4.1. The Council's Economic Strategy, which was adopted in June 2012, recognises the need and importance for emerging policies to allocate commercially attractive and market facing sites to deliver more than 1,200 executive homes in the Borough by 2033, in order to deliver the ambitions of the Economic Strategy, the Council has confirmed it will consider sites currently in the Green Belt for their suitability to deliver low density, high value housing.

4.2. Attached at **Appendix 6** is a Cabinet Report produced by the Executive Director, Development, Environment and Culture, reference CAB.4.7.2012/8, which was published in July 2012 and sets out in paragraph 3.9 the suggested definition of low density, high value housing or 'Executive housing' for Barnsley:

*"Is that within the highest price brackets of dwellings in the housing market as a whole (£250K + price brackets), large (perhaps with 5 bedrooms or more, for larger single storey accommodation and larger family housing), of a lower density, and of high quality design. Should the values of houses in the top rateable value bands increase during the plan period, the £250K + figure would be increased accordingly. Aiming to provide a mix of executive housing in the differing price brackets will take account of the need for a range of executive housing to cater for those in managerial positions at differing levels."*

4.3. The Barnsley Housing Study, attached at **Appendix 7**, prepared by PBA on behalf of the Council and published in September 2013 confirms in paragraph 2.2.2 of the Barnsley SHLAA (Volume A – main report):

*"Since the Core Strategy was adopted in September 2011, the need to increase the supply of low-density, high-value or 'executive housing' in order to support the Economic Strategy (2012-2033) has been recognised by the Council and its partners."*

4.4. Paragraph 2.2.5 of this document states:

*“Our research and discussions with property market agents and developers indicates that there is some demand for low-density executive housing, and that the location of these dwellings is key to their success. Areas within the Western part of the Borough represent the best opportunity to not only satisfy current market demand, but also in terms of helping to deliver the Council’s ambitious aspirations for the Borough.”*

4.5. The Council’s Housing Strategy 2014 -2033 Report – Developing a New Strategic Framework for Housing in Barnsley was adopted at the Council’s Cabinet Meeting on 9 April 2014. The report recommends, amongst other things, *“That Cabinet notes the wider strategic and policy shifts identified within the new strategic framework for housing delivery and growth regarded as essential if the Borough is to achieve its aspiration of bringing about a ‘step change’ in housing delivery to ensure the greatest impact on the economic growth.”*

## 5. Statutory Policy Context and Other Relevant Policies

- 5.1. Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2. The statutory development plan for the area currently comprises of the Barnsley Local Development Framework (LDF) Core Strategy and the remaining saved policies of the Barnsley UDP.

### Barnsley UDP

- 5.3. The Barnsley UDP was adopted in December 2000 and was only intended to cover the period 1986-2001.
- 5.4. The UDP Inspector was presented with evidence by the Council in the mid-1990s indicating that an early review of the plan, possibly commencing in late 1997 would take place, as stated in his report, the Inspector believed this to be a firm proposal, (see attached at **Appendix 8**). However, an adopted plan for Barnsley is unlikely to be in place until 2016, some 19 years later!
- 5.5. Notwithstanding this, a number of policies were saved in 2007 and until further progress is made with the LDF, remain part of the development plan.
- 5.6. The UDP identifies Oxspring, being situated within the Western Rural Community Area, as a selected village. Page 6, paragraph 2.23 (volume 13) attached at **Appendix 9**, confirms selected villages:

*“Are where the majority of housing developments in the community area will be located; mainly on sites exceeding 0.4 hectare. Generally, these are the larger villages which have the range of services and facilities considered sufficient to accommodate a modest level of*



*housing development and where it is not considered that the level of development proposed would adversely affect their character. They are excluded from the Green Belt.”*

5.7. The UDP also recognised in Volume 13, Page 22 at paragraph 4.12 (Attached at Appendix 10):

*“Oxspring is one of the locations in the Western Community Area for additional development because of its physical relationship to the Penistone Urban Area and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt.”*

5.8. Given the UDP is clearly out of date, limited weight should be attached, having regard to the overriding objectives of the National Planning Policy Framework (NPPF), which requires the proactive delivery of sustainable development.

### **Barnsley Core Strategy**

5.9. The Barnsley Core Strategy was adopted in September 2011 and has replaced a number of policies from the Barnsley UDP. Given the Council’s absence of a five year supply of available housing land many of the Core Strategy policies relating to housing are out-of-date. Consequently, the Core Strategy policies that we believe are relevant to the determination of this application are listed below:

<b>Policy Ref</b>	<b>Policy</b>
CSP 25	New Development and Sustainable Travel
CSP 29	Design
CSP 34	Protection of the Green Belt

- 5.10. The application proposals accord with the Policies CSP 25 and 29.
- 5.11. Core Strategy Policy 34, 'Protection of the Green Belt' (copy attached at **Appendix II**), confirms that the extent of the Green Belt will be safeguarded and remain unchanged, whilst acknowledging that Green Belt boundaries will be subject to a localised review.
- 5.12. The Core Strategy at section 6 paragraph 6.5, also attached at **Appendix II**, acknowledges and confirms:
- “A localised review will take place and will include minor changes to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries... (Our Emphasis)***
- 5.13. The Policy continues: *“In this regard we will apply the term “localised review” to a small adjustment to the Green Belt such as these.”*
- 5.14. Whilst almost two and a half years have elapsed since the Core Strategy was adopted, the Council now accepts that it will have to utilise Green Belt land in order to meet its future employment and housing requirements.
- 5.15. In October 2013, the Council confirmed that it did not have a five year supply of available housing land, indeed it is unlikely to have one until its development plan is adopted. In this context, the Council has resolved to produce the Barnsley Local Plan, which will include a Green Belt review in order to meet its development requirements through until 2030 or for a 15 year period following adoption of the plan, whichever is the later date. However, public consultation on the Barnsley Local Plan will not commence until Autumn 2014 and, consequently, the plan is unlikely to be adopted until Summer 2016.

## Emerging Policy

- 5.16. The Development Sites and Places Consultation Draft July 2012 ("Sites DPD") is an emerging document.
- 5.17. Both paragraphs 4.4 and 14.8 of the DPD are attached at **Appendix 12** and state:

(4.4) - *"The proposal in the Housing section to consider Green Belt sites for low density housing will be in conflict with the NPPF. **The justification for considering this departure from national planning policy is to enable the implementation of our Economic Strategy.**"*

(14.8) - *"In accordance with the NPPF and as set out in Core Strategy Policy 34 (CSP34), **we will not allow proposals for other types of "inappropriate" development in the Green Belt unless it can be shown there are very special circumstances that justify setting aside Local and National Policy. As set out in paragraph 88 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In respect of achieving the ambitions of the Economic Strategy, the need for low density, high value housing in the Green Belt may be considered as a very special circumstance.**"* (Our Emphasis)

## National Planning Policy and Guidance

- 5.18. The NPPF was published on 27<sup>th</sup> March 2012.
- 5.19. In accordance with paragraph 196 of the NPPF, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 5.20. The cornerstone of the NPPF is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the

development which the country needs. This is particularly pertinent now as we strive to recover from a deep economic recession. Paragraph 14 of the NPPF states:

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

*For decision-taking this means:*

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*specific policies in this Framework indicate development should be restricted.”*

5.21. Paragraph 15 of the NPPF is unequivocal:

*“Development which is sustainable should be approved without delay.”*

5.22. The NPPF emphasises the delivery of housing as a core component of sustainable development and growth. Paragraph 9 states that sustainable development involves:

*“Positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including, inter alia:*

*Making it easier for jobs to be created;*

*Replacing poor design with better design;*

*Improving the conditions in which people live, work, travel and*

*Take leisure;*

*Widening the choice of high quality homes.”*

5.23. This is further reinforced at paragraph 47 where the NPPF states the housing supply should be significantly increased.

5.24. In doing so, Local Authorities are required by the NPPF to:

*“Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their requirements with an additional buffer of 5%...Where there has been a record of persistent under delivery of housing, local authorities should increase the buffer to 20%.” (Our emphasis)*

5.25. If Local Authorities are unable to demonstrate a five year supply as noted above, Paragraph 49 of the NPPF continues to state that: **“Housing applications should be considered within the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”** (Our emphasis)



## 6. Reasoned Justification for Proposed Development

### Housing Land Supply

- 6.1. The NPPF places very considerable emphasis on boosting housing land supply. The Secretary of State (SoS) has also upheld the Liverpool methodology which requires that any under supply should also be met within the first five years. Taking that into account, the Council does have a considerable deficit in 5 year supply which is a matter of very significant weight in the planning process.
- 6.2. In the case of Hunston Properties Limited V Secretary of State for Communities and Local Government, ex parte St Alban's City and District Council. Lord Keane made it clear that the first task of the decision maker was to determine the full objectively assessed needs for the market and affordable housing in the market area. The decision taker should not approach this task by considering whether those needs should be constrained by policies such as Green Belt. The objectively assessed needs must first be considered and then balanced against policies such as Green Belt. It is quite clear as a matter of law that in principle, the lack of a 5 year supply could amount to a very special circumstance. In this case, the Council does not have a 5 year land supply and even more so does not have sufficient supply of executive market housing which it has itself identified as being deficient. Accordingly, it is for the Council to make a decision whether, in order to meet these needs, and to boost significantly land supply, a site such as this can be brought forward. In doing so of course, the Council must consider what harm would be caused to the functions of Green Belt if the site were to come forward.
- 6.3. In the following paragraph we explain why this site does not perform any Green Belt function. It is a very rare and unique set of circumstances that fall to be considered in this particular case and, in our view a grant of planning permission in this instance is unlikely to set a precedent for more significant Green Belt development.

## Green Belt

6.4. For the following reasons, the application site is not considered to serve any Green Belt purpose:-

1. Development of the site would not conflict with the purpose of the Green Belt in preventing the uncontrolled growth of urban area, in that the site lies within the general framework of the settlement of Oxspring as defined by its topographical and landscape setting.

2. As regards to the issue of coalescence, the nearest settlement to Oxspring in the general vicinity of the application site is Penistone. The physical and visual separation between Oxspring and Penistone derives from the existence of a significant intervening tract of open countryside, which includes the Rocher Valley, and from the topographical character of this intervening area.

3. Development of the site would not compromise the character and effectiveness of the existing separation. Importantly, if the development was approved the development boundary would correspond with the heavily landscaped tree mound, which was delivered, at the Council's request, to provide a physical demarcation between the Millstones development and the Rocher Valley, and is considered to represent a well-established, logical boundary in terms that reflect the wider topographical setting of the settlement.

6.5. The plan drawing attached at **Appendix 13**, shows the majority of the application site is presently identified as Green Belt in the Barnsley UDP and in the Proposals Map for Oxspring, Although, the vehicular access to the land and a three metre wide strip of land directly west beyond the rear garden boundaries with neighbouring properties on Millstones is excluded from the Green Belt and forms

part of the UDP housing allocation site WR2/7, consequently, these are wholly within the urban fabric of Oxspring and are unaffected by Green Belt designation. The current Green Belt boundary remains unmarked and is therefore unrecognisable on the ground. It is just an arbitrary Line on the UDP Plan, evidence of this can again be identified on the photograph and plan attached at **Appendix 3 and Appendix 13**.

- 6.6. It is clear that this anomaly arose when the Millstones residential development (LPA Ref. B/92/1594/PR) granted outline planning permission in December 1993 was subsequently followed by the detailed planning permission granted in March 1994, some three months later, for the creation of the landscaped tree mound (LPA Ref. B/94/0109/PR), at that time the whole of this part of Oxspring was washed over Green Belt, the UDP review was in process and, at that stage, the Council made several attempts to set the new Green Belt boundary to align with the Western boundary of the approved residential permission (LPA Ref. B/92/1594/PR).
- 6.7. The Council has fundamentally failed to give consideration to the approved landscaped tree mound (LPA Ref. B/94/0109/PR), which they specifically requested be designed and created to form an extension of the wooded hillside to the north, to contain the residential development and provide a logical and enduring boundary in accordance with national planning policy as expressed, at that time, in PPG2, Attached at **Appendix 14** are the relevant extracts from Planning Policy Guidance Note, PPG 2: Green Belts (1995), which confirmed:

*“Planning Policy Guidance notes (PPGs) set out the Government’s policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans.” (Our emphasis)*

*Paragraph 2.9 of PPG2 affirmed that: “Boundaries should be clearly defined, using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible.” (Our emphasis)*

- 6.8. The Council's Background Paper 7, published in October 2005 (Over 8 years ago), also confirms that there have already been several minor changes proposed to the Green Belt boundary to provide more defensible boundaries, examples of these include both Green Belt reductions, such as the Fountain Public House in Ingbirchworth (Map Ref GBR.19) and Green Belt additions, like the one to the north of Millstones, Oxspring (Map Ref GBA.55) attached at **Appendix I**, which we have annotated to show the application site edged red. This clearly demonstrates that between the planning approvals granted in 1993 and 1994 and subsequent adoption of the UDP, the Council had failed to give detailed consideration to the defined and enduring Green Belt boundaries, to the North and West of the development, contrary to the advice contained in PPG2.
- 6.9. Had the Council given detailed consideration to the extent of the Green Belt in this location at that time then the Millstones developments Northern and Western boundaries would all have been strong, readily recognisable, logical and enduring, i.e. they would consist of:
1. Bower Hill road forming the Eastern Green Belt Boundary
  2. The wooded hillside forming the Northern Green Belt Boundary
  3. The established landscaped tree mound forming the Western Green Belt Boundary
- 6.10. The Council in error allocated the wooded hillside to the north of the Millstones development as part of the UDP housing proposal WR2/7, this wooded hillside should instead have remained in the Green Belt since it clearly represents a strong defined physical boundary, this error has now been recognised by the Council with the amendment proposed on Map Ref.GBA.55, attached at **Appendix I**. Equally in error, the Council has failed to amend the Western boundary, this is contrary to advice contained in NPPF paragraph 85 which affirms that local planning authorities should, "*define boundaries clearly, using physical features that are readily recognizable and likely to be permanent.*" and the Council's Core Strategy Policy 34, since the

landscaped tree mound has been purposefully designed in conjunction with the Council's own Planning and Landscape officers solely to fulfil this specific function and define a logical, more defensible, enduring and permanent Green Belt boundary to the West of the Millstones development to accord with the requirements of national planning policy.

6.11. As stated above, the existing Green belt boundary remains unmarked and unidentified on the ground, this is without question an anomaly that should have already been corrected by the Council in October 2005 when it published background paper 7 which identified, in Map Ref GBA.55, the amendment to the application sites Northern Boundary as a Green Belt addition. In any event, the anomaly should be addressed now and without further delay.

6.12. Despite us bringing this issue to the Council's attention on numerous occasions since 2003, the Council has failed to make the changes we have requested.

6.13. The application site is situated on the Western edge of the Millstones development and, as previously confirmed by the Council in 1993 when the Millstones site was referred to the Secretary of State (SoS) as a departure from Green Belt, see **Appendix 15**. The Council's referral letter confirmed:

*"The site is located in the historical centre of Oxspring. The main part of the village is now located to the West alongside the Sheffield Road but a significant number of properties are found to the East. Whilst development of the site could not be construed as 'Infill', it does not impinge upon any of the Green Belt "purposes" outlined in PPG 2. Thus, and crucially, this site is not considered to carry out any strategic implications – a factor influential in the Council allocating the site for development in the UDP" (Our Emphasis).*

6.14. The statement, written by the Council to the SoS, must equally apply to the application site, as we have stated above this was one tract of land at that time. As can be seen in the photograph at **Appendix 3**, this clearly illustrates there was no



difference in the characteristics of this tract of land which terminates at the base of the mound

- 6.15. The application site is also visually contained by the aforementioned landscape mound; existing tree cover along the River Don; the Millstones development; and by the existing landscaping that runs alongside Millstones and is the subject of the Council's Green Belt addition to the north of Millstones, Oxspring (Map Ref GBA.55). The application site, the land enclosed thereto, relates to the neighbouring development at Millstones rather than to the Rocher Valley, which forms part of the swathe of open countryside that extends towards Penistone. Clearly the proposal constitutes infill development between the existing Millstones development and the planning approved (now established) tree mound, see **Appendices 1 and 2**.
- 6.16. Development of the application site in the manner proposed and use of the established tree mound as the boundary between Millstones and the Rocher valley, as it was initially intended via the granting of Planning Permission, would harm none of the stated or proposed aims of the Green Belt outlined in paragraphs 79 and 80 of the NPPF. Rather it would provide enduring, permanent and defensible boundaries to Oxspring.
- 6.17. The Parish Council's previous support for the development of the application site, for low density executive houses, is a matter of public record.
- 6.18. Notwithstanding the Adopted Core Strategy, the Council's **Economic Strategy** (Growing Barnsley's Economy 2012-2033), which was adopted in June 2012, confirms that the Council needs, amongst other things, to urgently increase the supply of low density housing in order to create the conditions for economic growth and greater prosperity.
- 6.19. The Barnsley Housing Study, paragraph 3.1.5 prepared by PBA, attached at Appendix 16, makes specific reference to NPPF paragraph 7, the importance of ensuring that:

*“Sufficient land of the right type is available in the right places and at the right time to support growth and innovation...”*

PBA highlighted this Policy; believing it to be of particular relevance to Barnsley given the Council’s Economic objectives.

- 6.20. CSP 34 (as attached at **Appendix II**) confirms the Council will undertake a localised review of the Green Belt, to correct mapping errors and to provide more defensible Green Belt boundaries. In this particular instance, this remains to be addressed and is hindering the delivery of the development required to realise the aspirations expressed in the Council’s Economic Strategy.
- 6.21. We contend that taking all of the above facts into consideration, it is without question, that the anomalies referred to above should have been amended in conformity with paragraph 6.5 of the Council’s Spatial Strategy, it is situations such as this, referred to above, that Core Strategy Policy 34 is intended to rectify.
- 6.22. Given the circumstances outlined above and the fact that the Barnsley Local Plan will not be subject to public consultation until Autumn 2014 and is unlikely to be adopted until 2016, the very special circumstances confirmed by the Council in Paragraph 14.8 of the Development Sites and Places Draft Document 2012, together with the very special circumstances referred to above, suggest that the Council should be prepared to support this application and facilitate the delivery of four high quality, low density executive houses and encourage economic growth and prosperity in accord with the aspirations expressed in the Council’s Adopted Economic Strategy.
- 6.23. The site was appraised most favourably by PBA on behalf of the Council, it was designated SHLAA Reference 595 and was shown to have good achievability (can be used in the first five year land supply), please see attached at Appendix 17 for further details on SHLAA Ref. 595.

- 6.24. When developed, properties on the Millstones development sold extremely quickly and sales prices at the time surpassed the developer's expectations. Research (Zoopla.co.uk) shows that between 25 June 1998 and 9 December 1999 ten homes were sold on the Millstones development for prices ranging between £199,995 and £267,495. The site has remained attractive and average sales prices on the Millstones development during the last five years have risen to £485,000. Significantly, residents of the scheme have included three premier league footballers, which should serve to prove the suitability of this attractive location for low density executive style homes.
- 6.25. The site is solely owned by the applicant, Yorkshire Land, has its own dedicated vehicular access on to the highway network and is also served by mains services. Aside from the Green Belt designation, there are no technical constraints that would preclude development of low density, high value dwellings in this location.
- 6.26. Section 8, Paragraph 8.44 of Barnsley MBC's Development Sites and Places Consultation Draft 2012 confirmed the characteristics that Green Belt sites would require to be considered most favourably for low density housing. With reference to the aforementioned characteristics, the development of the remainder of the Millstones Development fulfils these requirements because it would:-
- Enable the Borough to achieve its ambitions of the Economic Strategy and emerging Housing Strategy in respect of delivering a broader housing mix.
  - Not harm the functions of Green Belt of checking unrestricted sprawl and preventing settlements from merging into each other.
  - It would confirm the planning approved landscaped mound, which is already established as a significant and mature feature in the landscape, as a suitable, appropriate and permanent boundary between the settlement of Oxspring and the Green Belt.

- Has a good relationship with Oxspring, has access to facilities, is on the edge of the settlement and is sustainable.
- The development represents 'infilling' and the partial redevelopment of a previously developed site that was remediated and prepared to accommodate residential development.
- Development of the site would complete the Millstones scheme (resulting in a total of 20 dwellings, which complies with UDP Policy VR2/7), which has already proven a market appetite for low density executive style homes in this location and would contribute to economic activity and thus improve the viability of Oxspring.

## **7. Site Specific Considerations**

### **Flooding and Drainage**

- 7.1. The site is not constrained by flood risk since it is not considered to be at risk from flooding, as highlighted on both the Environment Agency's National Flood Risk Map and in the accompanying Flood Risk Assessment.
- 7.2. Both foul and surface water drainage arising from the development can be satisfactorily accommodated.

### **Ground Conditions**

- 7.3. The site has been remediated and a platform has been prepared to accommodate residential development. There are no known ground constraints or contamination issues.

### **Landscape and Ecology**

- 7.4. Existing landscape features on site, including the landscaped tree mound, will be retained and an ecological assessment has been submitted to accompany this Application.

### **Cultural Heritage**

- 7.5. Development of the site will not affect the setting of listed buildings or conservation areas in the locality.

### **Socio Economic Factors**

- 7.6. Development of the site for low density, high value housing would contribute to economic activity in the area and support the viability of both Oxspring and the Borough as a whole. In addition, our client is keen to work with the Councils to confirm arrangements to maximise local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in the future development of the site.



### **Deliverability**

- 7.7. As explained above, there are no known technical matters that should preclude development of the site on a commercial basis. The site is in single ownership of the applicant, Yorkshire Land Limited, who are keen to deliver a low density, very high quality development on the site as confirmed by these planning application proposals.

### **Sustainability Appraisal**

- 7.8. The Framework (NPPF) sets out the presumption in favour of sustainable development and the Government's key objective to increase significantly the delivery of new homes. The site is sustainable being within close proximity of public transport services on Sheffield Road and to the Post Office, services and community facilities, including Oxspring Playing Fields and Oxspring Primary School.
- 7.9. When considering the three pillars of sustainability i.e. social, economic and environmental considerations, the site achieves the key objectives of sustainability in all three areas. Sustainable elements of the project are likely to include:-

- Provision of very high quality, aspirational executive homes to meet an identified need, as recognised in the Council's Economic Strategy, will attract new residents and increase housing choice thus allowing existing residents to stay in the area.
- Creation of increased local employment opportunities through construction jobs, indirect jobs and increased demand for services. *"Estimates suggest that each new house constructed leads to up to 4 extra jobs in the wider economy"* (Home Builders Federation 'Building a Recovery' December 2010).

- Increased expenditure within the local area. The economic rewards of investment in housing are enormous. *“Every £1 spent on house building puts £3 back into the wider economy. And because every new home built creates jobs, it also gets people back into work” “But housing offers so much more. A decent home is a fundamental building block to a healthy, independent and dignified life, providing the secure base people need to achieve their aspirations.”* (<http://www.homesforbritain.org.uk>)
- Delivery of further executive housing in the Borough will increase the generation of Stamp Duty Land Tax payments to the Government.
- Assuming four executive homes will be delivered in Council Tax Band H, Bower Hill would deliver at least £11,584.96 in Council Tax payments to Barnsley Metropolitan Borough Council per annum.
- Delivery of four dwellings in Council Tax Band H at Bower Hill would deliver £11,644.80 in New Homes Bonus payments to Barnsley Metropolitan Borough Council in year one and £69,868.80 in payments over six years.
- Working with the Council to confirm arrangements to maximise local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.
- Environmental, social and economic benefits from developing the site
- Introduction of effective sustainable urban drainage strategy to minimize the risk of flooding and maximise biodiversity.

## 8. Summary and Conclusions

- 8.1. The Council's Adopted Core Strategy sets out in Paragraph 9.240 there will be rare occasions where there are Very Special Circumstances that justify inappropriate development in the Green Belt, the policy confirms:

*"In these cases we will weigh up the harm that would be caused by allowing development that would not normally be allowed in the countryside against any potential benefits."*

- 8.2. The site is situated between an established housing development named Millstones and a heavily landscaped tree mound, which was delivered at the Council's request, to provide a physical and enduring demarcation between the Millstones development and the Rocher Valley. The landscaped mound was designed jointly between landscape architects, Smeeden Foreman, and the Council's Planning and Countryside Officers to create an extension of the wooded hillside located to the north of the site (The aerial photographs at **Appendix 2** clearly illustrate how this has now been achieved). Planning permission was granted for the creation of a landscape mound on the 17<sup>th</sup> March 1994 (Ref. B/94/0109/PR). Attached at **Appendix 5** is a letter from landscape architect Smeeden Foreman, dated 9<sup>th</sup> July 1999, which gives a more detailed background and reasoning of the approved permission.
- 8.3. Since the construction of the adjoining Millstones development, the application site, which was remediated, levelled and prepared to support future development, has remained vacant and undeveloped.
- 8.4. Given the fact that the majority of this 0.4 hectare site is presently within the Green Belt, in the strictest terms, development of the site would cause limited harm to the openness of the Green Belt. However, the Council has previously recognized and stated in its referral letter to the Secretary of State on 13<sup>th</sup> October 1993 (please refer to **Appendix 15**) regarding this location / tract of land, situated between Bower Hill Road and the heavily landscaped tree mound, which now includes the

Millstones Development, when considering residential development on the site, “It does not impinge upon any of the Green Belt purposes outlined in PPG2.” (These five Green Belt purposes remain unaltered and are now included in paragraph 80 of the NPPF).

- 8.5. It is also clear that in defining the extent of the Green Belt in respect of this site, the Council has failed to define boundaries clearly, by using physical features that are readily recognizable and likely to be permanent.
- 8.6. The existing Green Belt boundaries that relate to the application site, were incorrectly defined and set during the UDP process in the 1990s, were ill thought out and contrary to advice on defining boundaries contained in the relevant guidance at that time (PPG2) and in national policy on the same matter currently expressed in paragraph 85 of the NPPF.
- 8.7. Readily recognizable, strong and permanent physical features define the extent of this 0.4 hectare site and these would undoubtedly assist in assimilating the proposed development in the landscape.
- 8.8. In addition, as explained in paragraph 6.4 of this report, the site does not serve any of the five Green Belt purposes outlined in paragraph 80 of the NPPF – a conclusion echoed in the Council’s referral letter to the Secretary of State on 13<sup>th</sup> October 1993.
- 8.9. The Council neither has a 5 year supply of available housing land nor has sufficient supply of executive market housing, which it has identified in its Economic Strategy as being deficient in the Borough.
- 8.10. Development of the site for four detached high value dwellings would contribute significantly to economic activity in the area and support the viability of both Oxspring and the Borough as a whole. In addition, our client is keen to work with the Council to confirm arrangements to maximise local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.

- 8.11. Yorkshire Land has an excellent local knowledge of the area with many years of experience of developing in the western part of the Borough. By proposing this development they have proven they have the confidence to construct and sell high value homes in the Borough, it has previously been recognised by the Council that one of the problems facing the Borough is a lack of developer confidence to build and sell homes at the top end of the housing market.
- 8.12. The successful delivery of the proposed high value homes in this part of the Borough will send out a clear message to other developers that there is a market demand to build and sell homes in this price bracket; this can only result in being of great benefit to the Council in achieving its Economic and Housing objectives.
- 8.13. The Council's Core Strategy was approved as a 'Sound' document by the Planning Inspectorate in May 2011 and adopted by the Council in September 2011, CSP 34 sets out clearly that the Council will undertake a localized review of Green Belt boundaries to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries.
- 8.14. Taking all of the above facts into consideration, it is without question, that the anomalies referred to above should have been amended in conformity with paragraph 6.5 of the Council's Spatial Strategy, it is situations such as this, referred to above, that Core Strategy Policy 34 is intended to rectify. Thus, there is very clear recognition in adopted Policy that alterations to the extent of the Green Belt are warranted to accommodate development.
- 8.15. Given the aforementioned considerations, we consider that unique and very special circumstances exist in this case that justify a grant of planning permission development of the site.
- 8.16. In applying the planning balance, the very special circumstances outlined above are considered to outweigh the very limited harm that would arise from the proposed development by virtue of inappropriateness and the reduction in openness on this small, physically enclosed site that serves no Green Belt purpose.



8.17. We therefore, respectfully request that the Council resolves to grant planning permission for the proposed development.

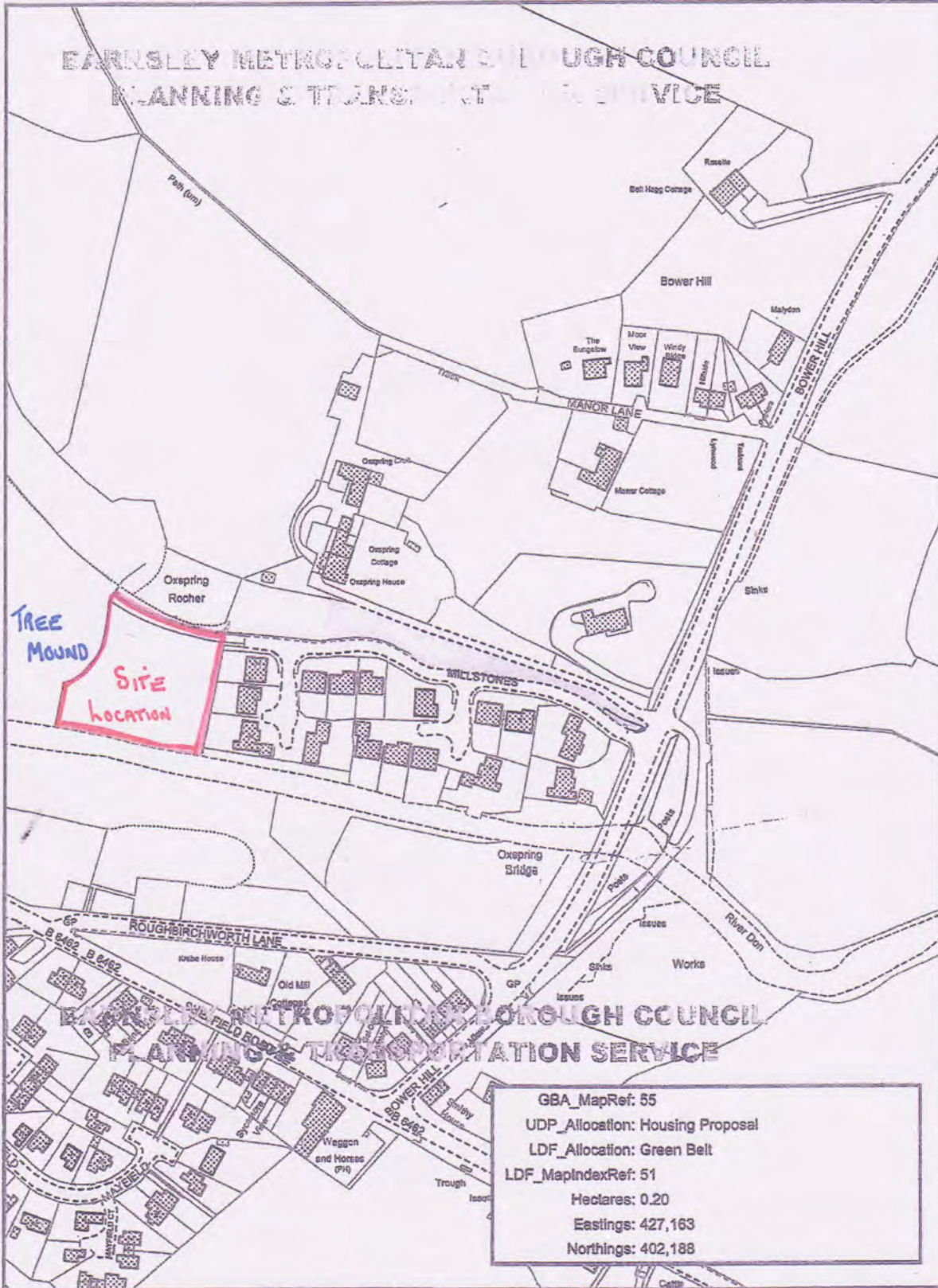


# Green Belt Additions

# Map GBA-55

Barnsley MBC Licence Number LA100022264 - 2007

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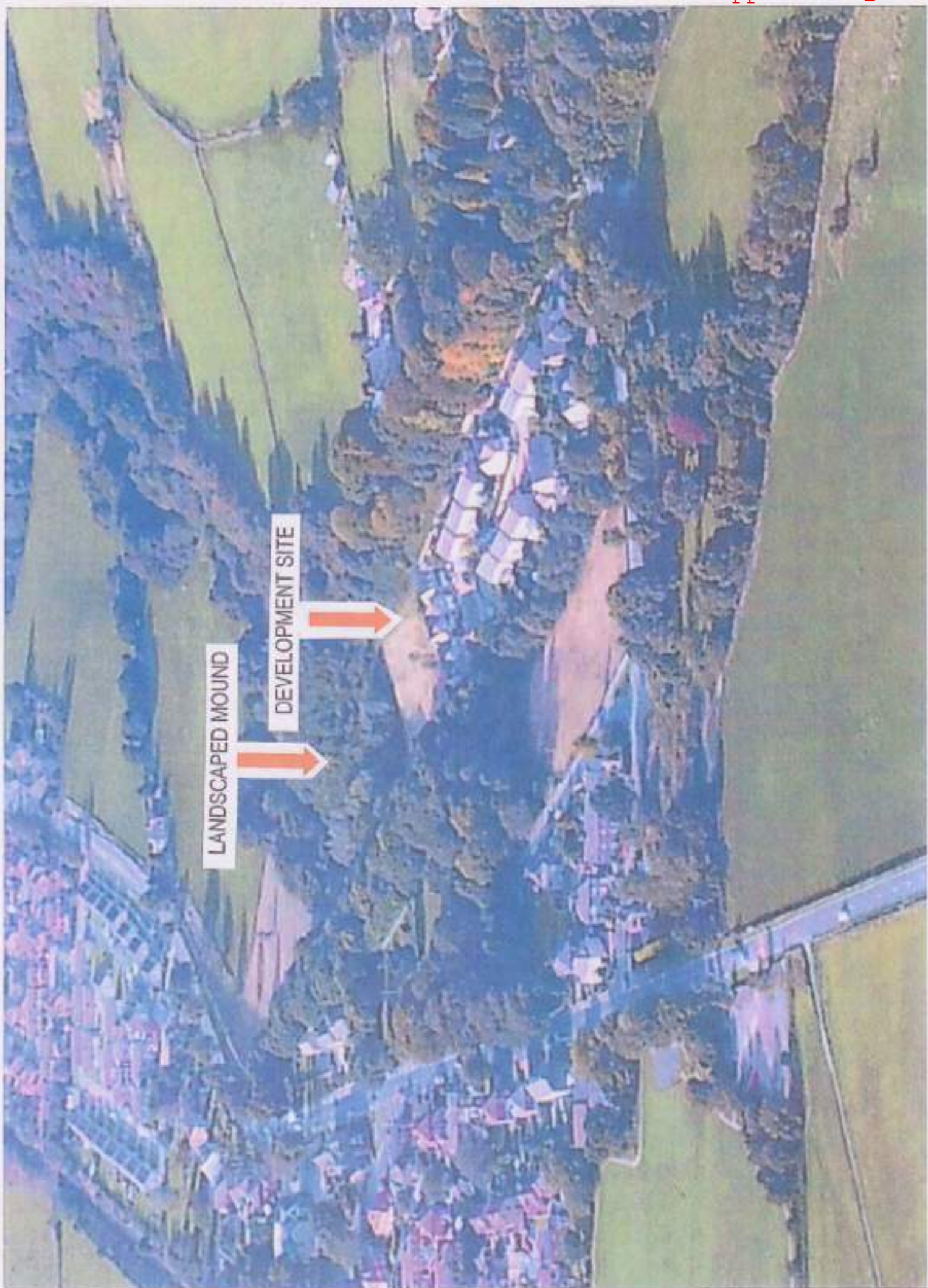


## BARNLSLEY MBC - Planning and Transportation Service

Assistant Director: Chris Collison  
MBA, BA(Hons), MRTPI, MCMi, MIED, IHBC  
PO Box 604, Barnsley, S70 9FE Tel: (01226) 772601

**NORTH**  
Scale 1:2500

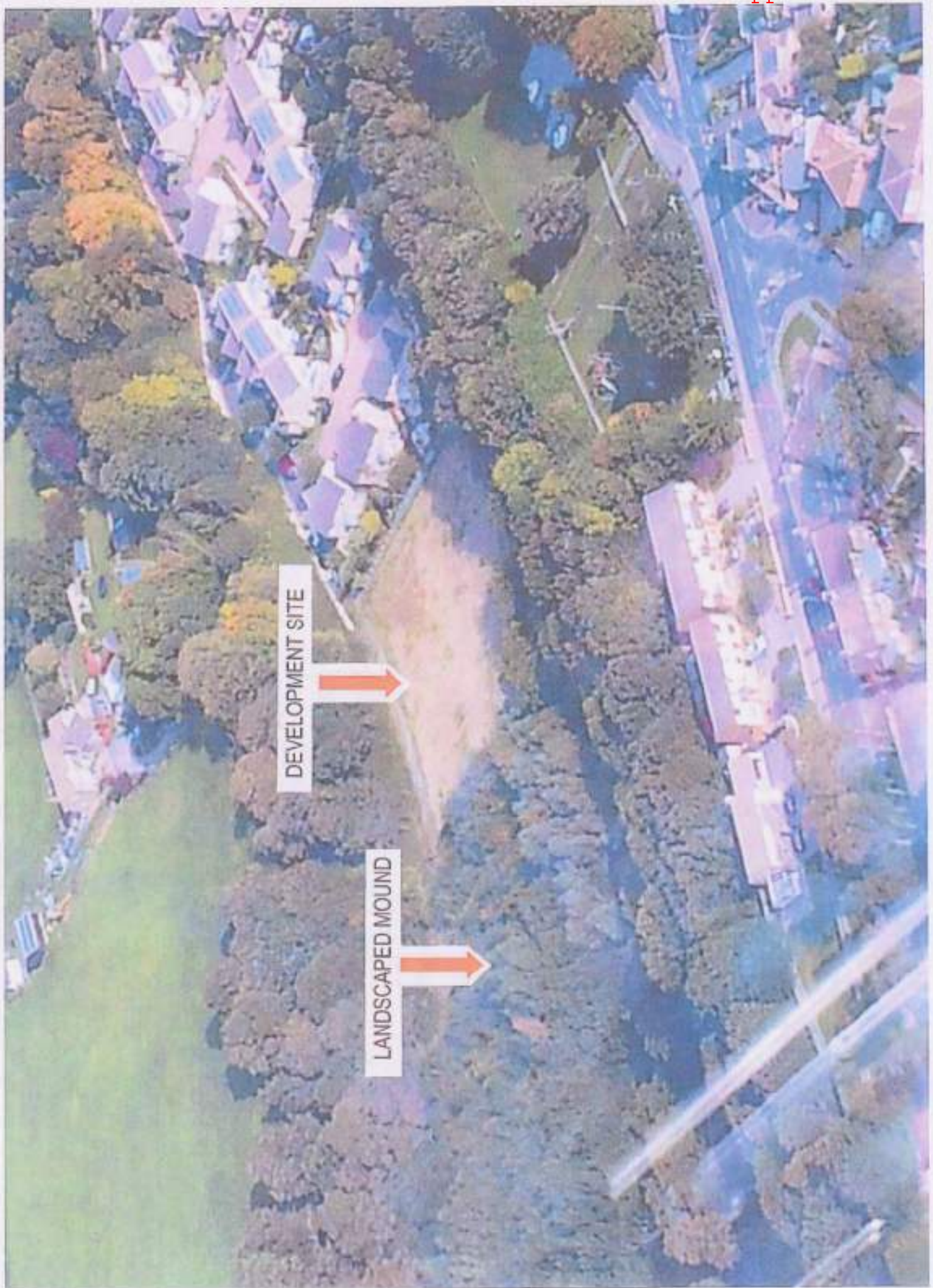




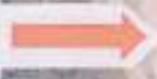
LANDSCAPED MOUND

DEVELOPMENT SITE

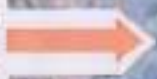




DEVELOPMENT SITE



LANDSCAPED MOUND







DEVELOPMENT SITE

LANDSCAPED MOUND



EXISTING NORTHERN HILLSIDE  
CONSISTING OF WELL ESTABLISHED MATURE TREES

BOWERHILL ROAD FORMING GREEN BELT BOUNDARY TO THE EAST

SITE SOUTHERN BOUNDARY - RIVER FRONTAGE

STOCKPILE OF SURPLUS MATERIAL  
(HATCHED ON PLAN BELOW)

LANDSCAPED MOUND APPROVED  
AND IMPLEMENTED AS PER PERMISSION REF: B/94/0109/PR  
(MOUND AWAITING TREE PLANTING AT THE TIME OF THE PHOTOGRAPH)

EXISTING NORTHERN HILLSIDE



PHOTOGRAPH TAKEN 3 / 10 / 96 WHICH RELATES TO BARNSELY MBC PLAN -BMBC 1

COPY OF REFERRAL LETTER DATED OCTOBER 1993 FROM BMBC DIRECTOR OF PLANNING TO THE SECRETARY OF STATE WITH REFERENCE TO 'DEPARTURE' AND EXTRACTS FROM PPG 2(1995)

PHOTOGRAPH RELATES TO PLAN BELOW DEFINING THE EXTENT OF DEVELOPMENT DRAWN UP BY BARNSELY COUNCIL FOR UDP ILLUSTRATION PURPOSES AND SHOWS THE DEVELOPMENT LINE CUTTING THROUGH THE STOCKPILE OF SURPLUS MATERIAL.

1. The site's derelict and poor condition

Previous tipping operations and intensive agricultural use had contrived to create unnatural and incongruous site levels together with extensive areas of foundations and derelict buildings. The overall appearance is considered poor and otherwise blights an attractive valley. The reduction in site levels and the low density, (3 per acre) heavily landscaped development envisaged by the applicant would help secure substantial environmental benefits.

2. Site History

Evidence was submitted pointing to previous industrial and haulage type uses. In particular, an agricultural haulage use with buildings was permitted in 1967 and this use operated for some years. Furthermore, part of the site was used for the processing of waste foods giving rise to substantial smell nuisance and pollution. Development for housing would finally lay to rest any notion of these former uses being revived.

3. Betterment

Accompanying the application is a written undertaking from the developer's solicitors agreeing to dedicate 'Oxspring Rocher' to the council for community purposes. This is an extensive and extremely attractive low lying meadow alongside the River Don. Dedication would promote its enhancement and secure its use for public benefit.

4. Executive Housing

The provision of high quality executive housing is part of the Council's regeneration strategy and consistent with Policy P19 referred to earlier.

5. Location

The site is located in the historical centre of Oxspring. The main part of the village is now located to the west alongside the Sheffield Road but a significant number of properties are found to the east. Whilst development on any of the Green Belt 'purposes' outlined in PPG2, it does not impinge upon any of the Green Belt 'purposes' outlined in PPG2. Thus, and crucially, this site is not considered to carry out any strategic implications - a factor influential in the Council allocating the site for development in the UDP.

It would be appreciated if the Department could consider the above submissions as an indication of this Council's support for the application. In the absence of any key strategic implications, and given the consistency with the Draft UDP proposals, the Council would advise that little benefit would be gained by 'calling in' the application.

Should you require further information, then please contact my Area Planning Officer, Mr. Merryweather.

Yours faithfully,

  
Director of Planning

5-020

PPG2: GREEN BELTS (1995)

PPG2: Green Belts (1995)

5-019

Planning Policy Guidance notes (PPGs) set out the Government's policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

2.8 Where detailed Green Belt boundaries have not yet been defined, it is necessary to establish boundaries that will endure. They should be carefully drawn so as not to include land which it is unnecessary to keep permanently open. Otherwise there is a risk that encroachment on the Green Belt may have to be allowed in order to accommodate future development. If boundaries are drawn excessively tightly around existing built-up areas it may not be possible to maintain the degree of permanence that Green Belts should have. This would devalue the concept of the Green Belt and reduce the value of local plans in making proper provision for necessary development in the future.

2.9 Wherever practicable a Green Belt should be several miles wide, so as to ensure an appreciable open zone all round the built-up area concerned. Boundaries should be clearly defined, using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible. Well-defined long-term Green Belt boundaries help to ensure the future agricultural, recreational and amenity value of Green Belt land, whereas less secure boundaries would make it more difficult for farmers and other landowners to maintain and improve their land. Further advice on land management is in Annex A.

2.10 When drawing Green Belt boundaries in development plans local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development (for example in terms of the effects on car travel) of channelling development towards urban areas inside the inner Green Belt boundary, towards towns and villages inset within the Green Belt, or towards locations beyond the outer Green Belt boundary.

2.11 Guidance on the treatment of existing villages in Green Belts is given in the box below. The advice on affordable housing in paragraph 3.4 is also relevant.

EXISTING VILLAGES

Development plans should treat existing villages in Green Belt areas in one of the following ways.

If it is proposed to allow no new building beyond the categories in the first three indents of paragraph 3.4 below, the village should be included within the Green Belt. The Green Belt notation should be carried across ("washed over") it.

If infilling only is proposed, the village should either be "washed over" and listed in the development plan or should be inset (that is, excluded from the Green Belt). The local plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned. If the village is washed over, the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies.

If limited development (more than infilling) or limited expansion is proposed, the village should be inset. Development control policies for such settlements should be included in the local plan.

Safeguarded land

2.12 When local planning authorities prepare new or revised structure and local plans, any proposals affecting Green Belts should be related to a time-scale which is longer than that normally adopted for other aspects of the plan. They should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan period. In order to ensure protection of Green Belts within this longer time-scale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be

50028

Planning R.112: September 1995











*smeeden  
foreman*

PARTNERSHIP

8 EAST PARADE  
HARROGATE  
NORTH YORKSHIRE  
HG1 5LT

July 9, 1999

Mr. D Rolinson,  
Spawforth Planning Associates,  
Junction 41 Business Court,  
East Ardsley,  
LEEDS  
WF3 2AB.

Dear Mr. Rolinson,

**BOWER HILL, OXSPRING.**

I understand from Steven Green of Yorkshire Land (formerly Stevlorra Developments) that you are acting as planning consultant to his company in respect of the above site. My practice was involved in the design of the landscape mounds and planting that divides the housing area at Bower Hill from the valley beyond (Oxspring Rocher). These landscape works are now constructed following our planning application B/94/0109/PR. I am writing to explain the background and some of the process that gave rise to the landscape works so you appreciate the thinking and history behind the scheme; I hope the following notes are of assistance:

I first visited the site in September 1993 to discuss our involvement in the Bower Hill housing scheme ( planning ref. B/92/1594/PR) and to undertake an initial landscape assessment. I walked the whole area including what is now the housing site and along the rest of the valley known as Oxspring Rocher. The principle impression was that there were strong and obvious boundaries to the area formed by Bower Hill Road to the east, by the steep wooded banks rising to the north and to the south by the tree lined river. There was no physical demarcation forming a western boundary between the proposed housing area and the rest of the valley.

*chartered  
landscape architects*

*environmental  
planners*

*ecologists*



A REGISTERED PRACTICE OF  
THE LANDSCAPE INSTITUTE



The planning consultants providing advice in respect of the housing scheme were CJ Hesaltine Associates and a copy of their planning support statement of December 1992 and submitted to Barnsley BMC identified the possible advantages to:-

“.....create additional peripheral planting and screening landforms in the valley floor and for reinforcement of the existing tree planting where necessary on its steep northern flank. This would achieve a satisfactory and sensitive accommodation of the new development, relating it to the prevailing wooded character of the existing Bower Hill housing to the north, and forming an attractive enclosure of the eastern end of the Oxspring Roacher and attractive parkland area to the west.”

My brief was to investigate the retention within the site of inert material that would arise from preparing the formation levels for buildings, drains etc. The intention was to achieve the objective without creating mounds or planting that would in itself be intrusive in the view to the pattern of the landscape. The potential earthworks also provided scope for creating a strongly defined edge to both the housing development and to the rest of Oxspring Roacher to the west.

A few month after my initial visit a planning approval for outline residential development following referral to the DoE was granted on December 16th 1993 (planning approval B/92/1594/PR). It then became our intention to submit an application to create the landscape mounds in response to planning conditions attached to the approval, namely conditions 2 & 6 (in part) and condition 11.

The northern boundary of the valley included a steeper (previously quarried) area and local disruption in the valley floor. This area was on the inside of a bend in the river and extending the hillside southwards towards the river had a strong visual logic and could be successfully integrated with the wooded slopes characterising the boundary to the north. This approach was discussed with Steven Normington and Eric Bennet from BMBC (planning and countryside sections respectively) on site on 11th of January 1994. We agreed my approach and additionally identified the benefit that arose from partially filling of the old quarry and removing some potentially dangerous openings at the base of the rock face. I submitted the scheme in draft (17th January 1994) for comment on the proposed contours and in return my client received a letter of 24th of February from Mr Normington informing them that he had recieved a formal response from the Countryside Unit expressing satisfaction with the proposed contours.



In March 1994 there was a Planning Committee Report ' B/94/0109/PR Creation of a Landscape Mound by regrading works and subsequent restoration.' This report explains to the committee the works proposed and the several benefits that would accrue were it to be approved. The report included the following which I have extracted:

"The application proposes the creation of a landscaped mound to be located to the west of the proposed residential development site to act as a landscaped buffer zone between the proposed housing and the Riverside Park"

"The contours of the mound have been devised with the Council's Countryside Section to create an extension of the wooded hillside, located to the north of the site."

"The proposal provides for the efficient disposal of the surplus material from the proposed housing site to create a carefully designed buffer zone to segregate the proposed public and private aspects of this locality"

An officer recommendation for a grant of permission was made and permission was received on 17th March 1994.

The approved scheme is not dissimilar to what my client had previously intended, as demonstrated by the enclosed plan referred to, which was submitted to the planning department by Dibb and Clegg Solicitors in 1993 for the purpose of illustrating additional land.

Since the original grant of planning permission (B/94/0109/PR) an approval was sought and gained for additional material to be added to the mounds that arose from the housing development site and this material was graded into the north western face of the earthwork.

Tree planting is now well established on the mounds and I undertook an inspection and submitted an 'as built' drawing, as required by Condition 11 of B/94/0109/PR. In my covering letter enclosing the drawing I noted to the Planning Authority

"I inspected the site a few weeks ago and I am very pleased to see how well the mound integrates with the surrounding landform and satisfies our original intention to provide an effective termination of the valley bottom in Oxspring Rocher and delineates the housing area. I did note that my client had planted a more extensive area of trees than we had originally proposed, however given the well wooded nature of the valley sides that this earth work seeks to emulate, I am happy that this planting is an appropriate landscape enhancement."(letter enclosed)

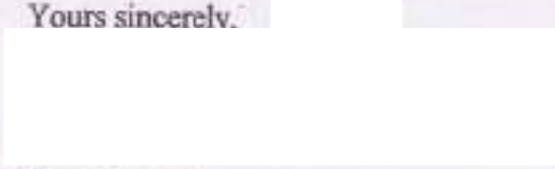
In response the Planning Authority have confirmed they are satisfied with the scheme and there are thus no outstanding or unresolved issues associated with the scheme.

09/07/99 Mr. D Rolinson,

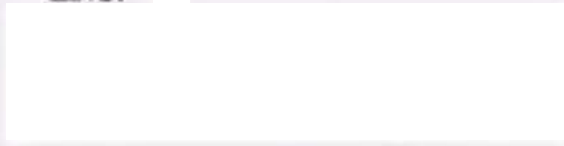
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I hope the above provides a context to the work we have undertaken, if I can be of any further assistance I should look forward to hearing from you.

Yours sincerely,

  
Mark Smeeden  
BA DipHort DipLA MLI MIHort.

ENC.





Cab.4.7.2012/8

## 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 Executive Director,  
Development, Environment  
and Culture

LOCAL DEVELOPMENT FRAMEWORK - DEVELOPMENT SITES ANDPLACES DPD, CONSULTATION DRAFT**1. Purpose of Report**

- 1.1 Members will recall a cabinet report on the Development Sites and Places Development Plan Document (DPD) in October last year, that set out the process and proposed timetable for the DPD, together with the points from the Local Development Framework (LDF) Core Strategy that it will cover (Cab 12.10.2011/8.2).
- 1.2 This report seeks authority to undertake public consultation on the consultation draft of the Development Sites and Places DPD, including Proposals Maps.

**2. Recommendation**

**It is recommended:**

- 2.1 **That the consultation draft DPD, including Proposals Maps be approved for public consultation;**
- 2.2 **That the Assistant Director Strategy, Growth and Regeneration be authorised to make final editorial amendments to the DPD and Proposals Maps and make all necessary preparations for public consultation in accordance with the relevant local plans regulations, including preparation of an accompanying Sustainability Appraisal and Habitat Regulations Assessment.**

**3. Introduction**

- 3.1 The Development Sites and Places Development Plan Document (DPD) is the next key LDF document which follows on from the Core Strategy. It will have proposals maps with it that show site allocations. The document will also contain some criteria based policies related to site allocations. Members should note that this plan will consider the future use / designation of every single piece of land within the borough and it will underpin the development of the borough for the next 15-20 years.
- 3.2 Since the adoption of the LDF Core Strategy, a member led Economy Working Group supported by senior officers has been discussing the key priorities for the borough and these priorities have now been agreed by Cabinet within the Economic Strategy (2012 – 2033).
- 3.3 The Core Strategy was developed between 2008 and 2010 in a very different economic climate to now. In terms of land use framework, the Development Sites and Places DPD will play a major role in creating the conditions for economic growth



households across a wide range of incomes to provide local residents with the opportunity to settle and progress up the home ownership ladder. Therefore the importance of facilitating the provision of sites to ensure we achieve a mix of types and sizes is recognised, particularly at the top end of the market to ensure the borough can accommodate requirements across the full spectrum of workers in a business or employment, including professional, senior managerial and executive officers. Provision of dwellings to attract such workers to live in the borough, will support and implement the economic strategy and will help to diversify the demographic make-up of Barnsley.

3.8 In order to facilitate 1200 low density dwellings across the borough, a number of the proposed allocations indicate a mix of densities, and we would expect a proportion of these sites to deliver large, low density dwellings. Some sites are shown as being suitable for wholly low density development, and they demonstrate green and countryside characteristics. The consultation draft document also sets out that we will consider Green Belt for low density housing and asks people to put Green Belt sites forward for consideration and potential inclusion as allocations in the next draft of the DPD. Criteria need to be established on how these sites will be considered, and further work is required to establish and agree an appropriate density or densities. These allocations are shown on the Proposals Maps as a different notation. The working density for the lower density housing that has been used is 20 dwellings per hectare, if a lower density is agreed, the proposals would show a shortfall in the housing land supply overall. The inclusion of provision of 1200 low density dwellings means that the proposed distribution of housing set out in Core Strategy Policy CSP10 is unlikely to be achieved.

3.9 The suggested definition of low density, high value housing or 'executive housing' for Barnsley is that within the highest price brackets of dwellings in the housing market as whole (£250k + price brackets), large (perhaps with 5 bedrooms or more, for larger single storey accommodation and larger family housing), of a lower density, and of high quality design. Should the values of houses in the top rateable value bands increase during the plan period, the 250k+ figure would be increased accordingly. Aiming to provide a mix of executive housing in the differing price brackets will take account of the need for a range of executive housing to cater for those in managerial positions of differing levels.

### 3.10 Employment Land

The Core Strategy sets out that 350 ha of new employment land is to be allocated to go some way towards meeting the identified needs of businesses and industry to 2026. The Economic Strategy has been agreed at Cabinet and sets out the key economic challenges facing the borough:-

- Need for 25,000 more jobs to reach Yorkshire and Humber (Y&H) and 32,000 to reach Great Britain (GB) jobs density averages;
- Business Stock (VAT Registered) need to increase by 1,500 (Y&H) and 2,600 (GB) to reach comparable average;
- Barnsley's 5 (A-C) performance needs to improve by 13 percentage points to reach the national average;
- An additional 8,900 and 17,400 people need to have National Vocational Qualification (NVQ) 2+ and NVQ 4+ respectively to reach national average;
- Average weekly earnings need to increase by £19.30 (Y&H) and £59.50 (GB) to reach comparable averages;





# Barnsley Strategic Housing Land Availability Study

Volume A: Main Report

On behalf of Barnsley Council



Project Ref: 27991/002 | Draft | Date: September 2013



## 2.2 Overview of Housing Market Issues

- 2.2.1 We have produced a Residential Market Commentary Paper to inform the SHLAA study and the Site Identification Study. The Paper, which is provided as **Appendix C** in Volume B, is quite extensive and covers a lot of issues. We therefore do not repeat its content in full here but some of the key findings are highlighted below.
- 2.2.2 Since the Core Strategy was adopted in September 2011, the need to increase the supply of low-density, high-value or 'executive housing' in order to support the Economic Strategy (2012-2033) has been recognised by the Council and its partners. As we explain in Section 3 of this report, providing the right housing mix, in the right locations, is central to creating the right conditions for economic growth. There is now an aspiration to deliver 1,200 low-density homes across the Borough.
- 2.2.3 The Borough is currently divided into two distinct areas. The western half of the Borough contains just over 50 per cent of the total land within Barnsley, but it is home to less than 10 per cent of the Borough's total population. The western part of the Borough is characterised by a pleasant, affluent environment and good-quality housing stock, which is attractive to families. The housing market in this area is relatively strong and continues to experience healthy demand with good sales values.
- 2.2.4 The central and eastern areas of the Borough accommodate the majority of the population and could be described as having moderate demand for suitable properties. Many eastern parts of the Borough have seen substantial regeneration investment, with varying degrees of success. House prices in the area vary although, in general, they could be considered as moderate values, albeit there are many areas to the east which are at the lower end of the price spectrum.
- 2.2.5 Our research and discussions with property market agents and developers indicates that there is some demand for low-density executive housing, and that the location of these dwellings is key to their success. Areas within the western part of the Borough represent the best opportunity to not only satisfy current market demand, but also in terms of helping to deliver the Council's ambitious aspirations for the Borough.
- 2.2.6 There may be certain pockets within the central area of Barnsley which could accommodate low-density executive housing although these are scarce and will have a greater risk of success.
- 2.2.7 Most central parts of the Borough can accommodate further levels of residential development, to differing degrees. The majority of land allocations are likely to be to the east of the M1, but allocation of land within the eastern part of the Borough needs to be carefully considered in order to ensure that the likely demand profile of occupiers in areas to the east is reflected in the sites that are brought forward for development.
- 2.2.8 In summary, the residential market in the Borough is extremely varied, with differing markets either side of the M1. Some of the former colliery villages to the east have particularly low values, which has significantly affected viability in recent years; conversely, the rural areas to the west are still achieving respectable values. Development activity in the Borough has been curtailed in recent years as a result of the downturn in the market, with many schemes shelved due to the general viability and financial difficulties in the market. As the market begins to pick up, and the viability of sites improves, it will be vital to allocate sites that will be attractive to the market in order to achieve the Council's very ambitious economic objectives.



## Conclusions

### The Plan Period - Household Increase

1.1.24 The question of extending the Plan period has been referred to elsewhere but, as a point promoted by a number of objectors, it is also relevant to the issue of calculating housing need. As a simple point, if that course of action were to be taken (say, to 2006 or beyond) then the assessment would have to be adjusted upwards to cater for the extended period of the Plan. The concept of rolling-forward the end date of the UDP is of great significance in relation to this issue.

1.1.25 I have previously concluded that it is no part of my remit to consider recommending to the Council that the Plan period should be extended to 2006 or some later date. In my opinion, and in common with the Council, I firmly believe that the period of the Plan is a fixed parameter which cannot be altered by modification. I have set out my reasons for reaching this conclusion on other issues elsewhere but, for consistency, I repeat my basic reasoning here, taking account of the objections.

1.1.26 The period of the Plan from 1986 to 2001 is a fundamental, if not *the* fundamental, 'boundary' which cannot be moved except by a mechanism involving a wholesale review of *all* its policies. It is not only the Part I housing policies which would be radically affected by such a significant modification. Green Belt and Safeguarded Land considerations and matters relating to economic development and transportation are obvious examples of subjects where a piecemeal approach to the Plan's end date would create substantial difficulties.

1.1.27 In any event many objectors will have set out their positions in the knowledge of the Plan's intended period and it would be prejudicial to them and unfair to consider altering that period now. The Plan is 'the Plan' and that is to 2001. PPG12 (paragraphs 4.18 - 4.19) advises that it is preferable to adopt a Plan on the basis of the earlier information available and to start an early review rather than to seek to modify the Plan at a late stage. In my opinion these are precisely the circumstances here.

1.1.28 Some objectors state that a roll-forward of a variety of UDP policies as an option has been promoted (and agreed to) in other nearby Areas. It has been pointed out that this approach has been favoured elsewhere in South Yorkshire. However, from the evidence to me at the inquiry, those Authorities considering this possibility are not in the same position as Barnsley where an early review of the Plan (possibly commencing in late-1997) is a firm proposal. Although the remaining period of this Plan (post-adoption) is likely to be relatively short, it should not be unreasonably so, in my judgement. If the position advocated by some objectors was to be adopted in relation to a rolling-over, then the remaining 'life' of the Plan post-adoption could be virtually non-existent.

1.1.29 The value of an adopted Plan even with a short life-span is still considerable and is preferential, in my judgement, to the prospect of a protracted adoption period. Any further delay in the Plan's adoption at this stage should be avoided and this would be inevitable, in my view, if the wishes of these objectors were acceded to. New Regional Guidance is expected within the short term and taking all these factors into account, I conclude that the Council is correct in its approach to this issue. The end date of the Plan for housing policies



## Volume 13 Western Rural Community Area

2.21 Equally, village envelopes should not restrict development opportunities which would be reasonably expected to be permitted on "infill" sites, e.g. a small gap sufficient to accommodate one or two dwellings in an otherwise built-up frontage; small redevelopment sites, or on "rounding-off" sites, e.g. where the sites lie close to the existing built-up area and are bounded by existing housing development on three sides. Development on these unidentified sites will be permitted insofar as it is consistent with the other policies and proposals of the Plan.

2.22 All housing development within, and adjacent to the villages will still need to satisfy the criteria defined in Policy WR7.

### Village Hierarchy

2.23 A clear hierarchy of villages is proposed. These are identified as follows :

#### Selected Villages :

Where the majority of housing developments in the Community Area will be located; mainly on sites exceeding 0.4 hectare. Generally, these are the larger villages which have the range of services and facilities considered sufficient to accommodate a modest level of housing development and where it is not considered that the level of development proposed would adversely affect their character.

#### Infill Villages :

These villages are generally smaller. Within this category no sites have been identified as suitable for residential development. It is considered that these villages have either reached the physical limit of development and any further expansion would result in serious encroachment into the countryside and/or they do not have the services available to accommodate further significant development except on 'infill' or 'rounding-off' sites. Further significant development would also adversely affect their character.

#### Other Villages :

These are generally speaking, very small settlements and hamlets that are not specified. No village 'envelope' have been defined for these settlements. They are accordingly 'washed-over' with the proposed Green Belt. Therefore, within these settlements new development will be subject to the Green Belt policies GS7, GS8 and associated policies for the control of development.

#### Policy WR1

THE MAJORITY OF NEW HOUSING DEVELOPMENTS WILL BE LOCATED WITHIN THE VILLAGE ENVELOPES AND THE HOUSING POLICY AREAS OF THE FOLLOWING SELECTED VILLAGES AS SHOWN ON THE PROPOSALS MAP, PROVIDED THEY COMPLY WITH THE PROVISIONS OF POLICIES WR2 AND WR3 :

	Estimated No. of Units
1. CAWTHORNE .....	39
2. HOYLANDSWAINE .....	65
3. OXSPRING .....	29
4. SILKSTONE .....	223
5. SILKSTONE COMMON .....	98
6. THURGOLAND .....	66
7. WORTLEY .....	20
8. CRANE MOOR .....	10
9. INGBIRCHWORTH .....	20
TOTAL .....	570



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Volume 13  
Western Rural Community Area

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- e) Thurgoland :
- The land to the north and south of the former Sheffield-Manchester railway (now part of the Trans Pennine Trail) including the Hamlet of Huthwaite because it is divorced from the main part of Thurgoland village and in an environmentally sensitive location.
- 4.11 Villages such as Oxspring, Ingbirchworth and Crane Moor which were previously 'washed over' Green Belt villages have now been given an inset which takes account of development that has taken place over the last 30 years and where further modest development is proposed consistent with the other policies of the Plan.
- 4.12 Oxspring in particular is the location for the only major industrial proposal in the Community Area (Policy WR8 refers). This development is considered to be an 'exceptional circumstance' for the reasons referred to in Policy WR8. Oxspring is one of the locations in the Western Community Area for additional development because of its physical relationship to the Penistone Urban area and because it has the infrastructure capacity to accommodate some further development without serious detriment to the quality and character of the Green Belt.

If, in the long term, there is a need to release further land for housing then there is the scope to accommodate additional development (see Policy WR11 below), provided it is consistent with Green Belt objectives and landscape protection policies.

## Safeguarded Land

### Policy WR11

IN ACCORDANCE WITH POLICY GS10, IN THOSE AREAS SHOWN ON THE PROPOSALS MAP AS SAFEGUARDED LAND EXISTING USES WILL NORMALLY REMAIN DURING THE PLAN PERIOD AND DEVELOPMENT WILL BE RESTRICTED TO THAT NECESSARY FOR THE OPERATION OF THE EXISTING USES.

- 4.13 Section 3 of Volume 1 explains the need to designate safeguarded land.



## 9 Core Policies

### CSP 34 Protection of Green Belt

The general extent of the Green Belt is shown on the Core Strategy Key Diagram.

Its detailed boundaries will be shown on the Proposals Maps which will accompany the Development Sites and Places DPD.

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

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

- 9.240** Most of Barnsley's countryside is Green Belt, it accounts for 77% of the borough and helps to conserve the natural environment by restraining development and assisting in the process of urban renaissance. National guidance in PPG2 sets out some uses which are generally accepted in the Green Belt. We will not allow proposals for other types of development unless it can be shown that there are very special circumstances that justify setting aside local and national policy. Cases where there are very special circumstances will only arise on rare occasions. In these cases, we will weigh up the harm that would be caused by allowing development that would not normally be allowed in the countryside against any potential benefits.
- 9.241** As set out in the Spatial Strategy at section 6 there will be no full scale review of the Green Belt during the plan period. **A localised review will take place.** This will include small adjustments to the Green Belt boundary and may also include significant changes to the Green Belt boundary to provide for identifiable employment development needs. Paragraph 6.5 of the Spatial Strategy sets out the exceptional circumstances which would justify a localised review of the Green Belt boundaries for employment purposes.
- 9.242** Safeguarded land includes areas and sites which may be needed to serve long term development needs beyond the lifetime of the current plan. The aim of protecting this land is to make sure that the Green Belt boundaries will remain in the long term avoiding the need to review them at the end of the plan period. The extent of safeguarded land will be shown on the proposals maps that will accompany the Development Sites and Places DPD, and the only development that will be allowed on these sites is that which is consistent with Green Belt policy and which would not affect the potential for the future development of the site.



## 6 Spatial Strategy

### Spatial strategy and the location of growth

**6.4** The Core Strategy has been prepared to be in conformity with the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS). Whilst the RSS has now been revoked our proposed spatial strategy remains the optimum strategy for Barnsley.

**6.5** Since it is considered that the planned growth with respect to housing numbers can be accommodated without the need to encroach into the Green Belt, there will be no full scale review of the Green Belt during the plan period. A localised review will take place and will include minor changes to the Green Belt boundary to address such things as mapping anomalies, accuracy issues and changes in physical features and to provide more defensible boundaries. Changes will be shown on the Proposal Maps that will accompany the Development Sites and Places DPD. We will apply the term localised review to a small adjustment to the Green Belt boundary such as these, or to a site of significant size if it is needed to meet identifiable development needs. Specifically this would be for new employment land as evidenced by the Employment Land Review and identified in CSP11 Providing Strategic Employment Locations. Employment sites will only be identified in the Green Belt in exceptional circumstances which would justify a localised review of the Green Belt boundaries. Such exceptional circumstances would include:

- where there is an over-riding need to accommodate what would otherwise be inappropriate development,
- where the development is necessary to deliver the spatial strategy,
- where the development cannot be met elsewhere (on non Green Belt land), or
- where Green Belt land offers the most sustainable option.

**6.6** It is on this basis that the spatial strategy for Barnsley is to focus development in the following areas:

- Urban Barnsley
- The Principal Towns within the 'Barnsley Growth Corridor'
- Penistone Principal Town where development will be commensurate to that necessary to facilitate its rural renaissance as a market town, therefore predominantly economic development, including the promotion of tourism growth.

**6.7** The nature of Barnsley's historic development has led to a dispersed pattern of settlements. Given the number of Principal Towns within the borough it is considered that this spatial strategy, based on spreading growth between these important settlements, is necessary to ensure the continued viability of our places and communities. Locating growth in all the Principal Towns is considered necessary not only to maintain the viability of those settlements but also to accommodate the growth anticipated for the borough. This spatial strategy is the most appropriate for Barnsley because it meets the needs of the borough, is able to accommodate growth, and provides flexibility whilst aligning with the Sustainable Community Strategy. The spatial strategy is shown on the Key Diagram.



## 4. Relationship to Other Plans and Strategies

### Conformity

- 4.1 The Development Sites and Places DPD has been prepared in the context provided by:
- National planning guidance
  - Regional planning guidance
  - Sub regional guidance and strategies
  - Other Programmes, Strategies and Initiatives
  - The adopted Core Strategy
  - Economic Strategy (2012-2033)
- 4.2 The Development Sites and Places DPD is in general conformity with both national, regional and sub regional policy and the Core Strategy which was adopted in September 2011.
- 4.3 The relationship of the Core Strategy to other plans and strategies is set out in detail at Section 3 of the Core Strategy. These relationships are also relevant to this Development Sites and Places Document and so are not repeated here. However, where guidance, strategies and initiatives have been updated since the Core Strategy was adopted in September 2011, the more current situation is summarised below. Since the adoption of the Core Strategy the Localism Act and the Local Plans regulations 2012 have brought with them more flexibility to the plan preparation process.

### National Guidance

- 4.4 We consider the Development Sites and Places DPD to be consistent with national policy as set out in the National Planning Policy Framework (NPPF). The National Planning Policy Framework came into force on 27th March 2012, after the adoption of the Core Strategy. Our initial assessment indicates that the Core Strategy is in general conformity with the NPPF. Particularly as the emphasis of the Core Strategy is on sustainable growth. Where there are issues that need further coverage and clarity, these have been dealt with in this consultation draft where necessary. Examples are the draft policy on the presumption in favour of sustainable development and a policy setting out our approach to mixed use development. The proposal in the Housing section to consider Green Belt sites for low density housing will be in conflict with the NPPF. The justification for considering this departure from national planning policy is to enable implementation of our Economic Strategy.

### Ministerial Statement: Planning for Growth

- 4.5 A ministerial statement was released on 23<sup>rd</sup> March 2011 by Greg Clark on Planning for Growth. Barnsley's Core Strategy is considered to be wholly consistent with the Planning for Growth Statement in that it takes a positive approach to both growth and sustainable development.



## 14 . Green Belt

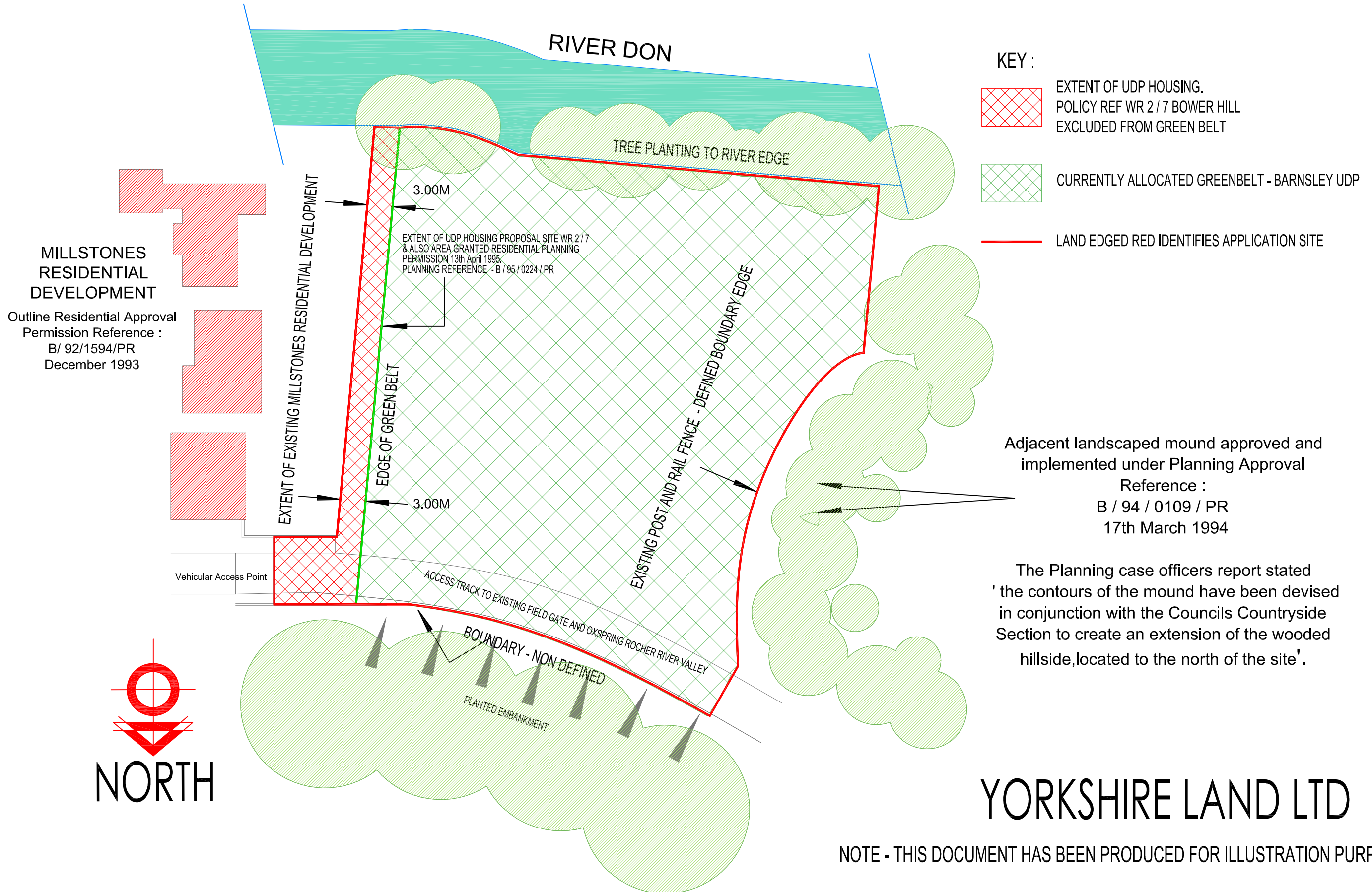
- Buildings for agriculture and forestry
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces
- Limited infilling in villages, and limited affordable housing for local community needs
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)

**14.7** All such buildings still have to be considered in terms of their impact on the openness of the Green Belt and whether they cause other harm.

**14.8** In accordance with the NPPF and as set out in CSP34, we will not allow proposals for other types of 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy. As set out in paragraph 88 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In respect of achieving the ambitions in the Economic Strategy, the need for low density, high value housing in Green Belt may be considered as a very special circumstance. See the Housing section for further detail.

**14.9** The following policies apply to development in the Green Belt in Barnsley:

# DEVELOPMENT SITE - WEST OF MILLSTONES, BOWER HILL, OXSPRING



NOTE - THIS DOCUMENT HAS BEEN PRODUCED FOR ILLUSTRATION PURPOSES ONLY



**PPG2: Green Belts (1995)**

5-019

## GENERAL NOTE

*Date issued:*

January 1995

5-019.1

*Extent:*

England only.

*Background:*

This PPG supersedes the original *Policy Guidance* on green belts, which was issued in 1988. It restates Government policy on green belts, but with some changes in emphasis. In particular, reference is now made to the objectives for land-use in green belts, and the *Guidance* redefines what is "appropriate development" within them, addressing specifically for the first time the principles applicable to sites where there is already major development, and revising policy on the re-use of existing buildings. The original Circulars on green belts, MHLG Circulars 42/55 and 50/57, which had been kept in force by the original PPG2, are now cancelled. This planning policy guidance will be a material consideration in any application for planning permission within the green belt. Reasons must be given for departure from it and a failure to interpret it properly will have the same effect as ignoring it. See *Gransden (E.C.) & Co. Ltd v Secretary of State for the Environment* (1985) 54 P. & C.R. 86; [1986] J.P.L. 519, per Woolf J., upheld by the CA [1987] J.P.L. 365.

Planning Policy Guidance notes (PPGs) set out the Government's policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This PPG replaces the 1988 version of PPG2, and advice in Circulars. It:

- states the general intentions of Green Belt policy, including its contribution to sustainable development objectives;
- reaffirms the specific purposes of including land in Green Belts, with slight modifications;
- gives policy a more positive thrust by specifying for the first time objectives for the use of land in Green Belts;
- confirms that Green Belts must be protected as far as can be seen ahead, advises on defining boundaries and on safeguarding land for longer-term development needs; and
- maintains the presumption against inappropriate development within Green Belts and refines the categories of appropriate development, including making provision for the future of major existing developed sites and revising policy on the re-use of buildings.

## CONTENTS

	<i>Para</i>		<i>Para</i>
1 INTRODUCTION		2 DESIGNATION OF GREEN BELTS	
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Purposes of including land in		Safeguarded land	5-030
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*Defining boundaries*

5-029 2.6 Once the general extent of a Green Belt has been approved it should be altered only in exceptional circumstances. If such an alteration is proposed the Secretary of State will wish to be satisfied that the authority has considered opportunities for development within the urban areas contained by and beyond the Green Belt. Similarly, detailed Green Belt boundaries defined in adopted local plans or earlier approved development plans should be altered only exceptionally. Detailed boundaries should not be altered or development allowed merely because the land has become derelict.

2.7 Where existing local plans are being revised and updated, existing Green Belt boundaries should not be changed unless alterations to the structure plan have been approved, or other exceptional circumstances exist, which necessitate such revision.

2.8 Where detailed Green Belt boundaries have not yet been defined, it is necessary to establish boundaries that will endure. They should be carefully drawn so as not to include land which it is unnecessary to keep permanently open. Otherwise there is a risk that encroachment on the Green Belt may have to be allowed in order to accommodate future development. If boundaries are drawn excessively tightly around existing built-up areas it may not be possible to maintain the degree of permanence that Green Belts should have. This would devalue the concept of the Green Belt and reduce the value of local plans in making proper provision for necessary development in the future.

2.9 Wherever practicable a Green Belt should be several miles wide, so as to ensure an appreciable open zone all round the built-up area concerned. Boundaries should be clearly defined, using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible. Well-defined long-term Green Belt boundaries help to ensure the future agricultural, recreational and amenity value of Green Belt land, whereas less secure boundaries would make it more difficult for farmers and other landowners to maintain and improve their land. Further advice on land management is in Annex A.

2.10 When drawing Green Belt boundaries in development plans local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development (for example in terms of the effects on car travel) of channelling development towards urban areas inside the inner Green Belt boundary, towards towns and villages inset within the Green Belt, or towards locations beyond the outer Green Belt boundary.

2.11 Guidance on the treatment of existing villages in Green Belts is given in the box below. The advice on affordable housing in paragraph 3.4 is also relevant.

**EXISTING VILLAGES**

Development plans should treat existing villages in Green Belt areas in one of the following ways.

If it is proposed to allow *no new building* beyond the categories in the first three indents of paragraph 3.4 below, the village should be included within the Green Belt. The Green Belt notation should be carried across ("washed over") it.

If *infilling only* is proposed, the village should either be "washed over" and listed in the development plan or should be inset (that is, excluded from the Green Belt). The local plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned. If the village is washed over, the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies.



ADPC/RM/JH/B/92/1594/PR

13th October, 1993

Mr. R. Merryweather

2577

Department of the Environment,  
Yorkshire and Humberside Regional Office,  
City House,  
Leeds LS1 4JD

Dear Sirs,

PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT OXSPRING, PENISTONE,  
SHEFFIELD

I wish to formally refer to the Secretary of State the details of an outline planning application which this Authority is disposed to grant. The referral is in accordance with the Town and Country Planning Development Plans (England) Direction 1992.

I enclose a full copy of the application plus illustrative plan in support. The application proposes the residential development of 1.11 hectares of land at Oxspring which is currently Green Belt in the South Yorkshire Structure Plan.

Copies of relevant consultation responses and all representations received both for and against are enclosed to assist.

I list below, firstly, the Development Plan position and relevant policies and secondly the factors which persuaded the Council to support the application.

#### Development Plan

The site lies within an area generally shown as Green Belt and Area of County Landscape Value in the approved South Yorkshire Structure Plan. The County of the West Riding of Yorkshire Development Plan, County Map (First Review) approved in 1966 designates the Site as Green Belt and an Area of Great Landscape Value and further defines the boundaries. (Extracts enclosed).

The following relevant Policies apply:

V18 "In the Structure Plan Green Belt New Development will not be permitted except in exceptional circumstances for purposes other than agriculture, forestry, recreation, cemeteries, institutions standing in large grounds and other uses appropriate to a rural area."

Cont/d...

- 3 -

1. The site's derelict and poor condition

Previous tipping operations and intensive agricultural use had contrived to create unnatural and incongruous site levels together with extensive areas of foundations and derelict buildings. The overall appearance is considered poor and otherwise blights an attractive valley. The reduction in site levels and the low density, (3 per acre) heavily landscaped development envisaged by the applicant would help secure substantial environmental benefits.

2. Site History

Evidence was submitted pointing to previous industrial and haulage type uses. In particular, an agricultural haulage use with buildings was permitted in 1967 and this use operated for some years. Furthermore, part of the site was used for the processing of waste foods giving rise to substantial smell nuisance and pollution. Development for housing would finally lay to rest any notion of these former uses being revived.

3. Betterment

Accompanying the application is a written undertaking from the developer's solicitors agreeing to dedicate "Oxspring Röcher" to the council for community purposes. This is an extensive and extremely attractive low lying meadow alongside the River Don. Dedication would promote its enhancement and secure its use for public benefit.

4. Executive Housing

The provision of high quality executive housing is part of the Council's regeneration strategy and consistent with Policy P19 referred to earlier.

5. Location

The site is located in the historical centre of Oxspring. The main part of the Village is now located to the west alongside the Sheffield Road but a significant number of properties are found to the east. Whilst development of the site could not be construed as 'infill', it does not impinge upon any of the Green Belt "purposes" outlined in PPG2. Thus, and crucially, this site is not considered to carry out any strategic implications - a factor influential in the Council allocating the site for development in the UDP.

It would be appreciated if the Department could consider the above submissions as an indication of this Council's support for the application. In the absence of any key strategic implications, and given the consistency with the Draft UDP proposals, the Council would advise that little benefit would be gained by "calling in" the application.

Should you require further information, then please contact my Area Planning Officer, Mr. Merryweather.

Yours faithfully,

Director of Planning



- 3.1.5 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. We do not consider it worthwhile repeating in full what the NPPF says in relation to each 'dimension', but we note that under the economic dimension, the NPPF states that in order to build a strong, responsive and competitive economy, it is important to ensure that 'sufficient land of the right type is available in the right places and at the right time to support growth and innovation...'. We highlight this text here because it is particularly relevant in Barnsley given the Council's economic objectives.
- 3.1.6 Paragraph 17 of the NPPF sets out 12 core planning principles. Again, we do not repeat those principles here but we note the third principle, which implores the planning system to 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.' The NPPF then goes on to emphasise the Government's commitment to securing economic growth.

#### *Delivering a Wide Choice of High Quality Homes*

- 3.1.7 Paragraph 47 of the NPPF advises that, in order to significantly boost the supply of housing, LPAs should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing. The same paragraph requires councils to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing, but it goes further than the precursor PPS3 which it replaced, stating that LPAs should provide sufficient land for an additional 5 per cent 'buffer', or a 20 per cent buffer where there has been a persistent record of under-delivery.
- 3.1.8 Paragraph 48 of the NPPF permits the use of a windfall allowance in the five-year supply, if there is 'compelling evidence' that such sites have made a consistent contribution to the supply and where there is confidence that such sites will continue to provide a reliable source of supply.
- 3.1.9 Paragraph 49 of the NPPF states that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' Paragraph 14 of the NPPF advises that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted for development proposals unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed in this Framework taken as a whole' or where specified policies in the NPPF indicate that development should be restricted.
- 3.1.10 It is therefore imperative that any sites which are included in a council's five-year land supply are genuinely deliverable. Failure to do so could result in a council facing pressure to release sites in an unplanned fashion.
- 3.1.11 We also wish to highlight paragraph 50 of the NPPF, which advocates a mix of high-quality housing that is capable of meeting the needs of different groups in the community. The same paragraph also advises LPAs to ensure an adequate supply of housing in terms of size, type, tenure and range.

#### **SHLAA Practice Guidance (July 2007)**

- 3.1.12 The DCLG's Practice Guidance<sup>2</sup>, which remains in force despite PPS3 being superseded by the NPPF, states that SHLAAs are 'a key component of the evidence base to support the

<sup>2</sup> As discussed above, the DCLG recently issued draft planning practice guidance on the assessment of land supply; however, this guidance is still at the draft stage, and so it does not yet carry any weight. Accordingly, we have continued to work to the SHLAA Practice Guidance of July 2007 as discussed above, and in any event the approach to the assessment of housing land outlined in each document appears to be broadly the same.

## Site Assessment Details

<b>SHLAA Reference</b>	<b>595</b>	<b>Site Name</b>	<b>Land off Millstones</b>
<b>Category:</b>	<b>2</b>	<b>Observations</b>	
<b>Yield:</b>	<b>9</b>	Site faces some suitability constraints	
<b>Density: (per hectare)</b>	<b>25</b>	Site performs well against availability criteria	
		Site performs well against achievability criteria	

## Suitability Criteria

Access Infrastructure Constraints	B: Some constraints identified by Highways Authority
Drainage Infrastructure Constraints	C: Major constraints identified
Ground Condition Constraints	A: Treatment not expected to be required
Geological / Mining Constraints	A: Not likely to be constrained by geological constraints/mining cavities
Employment Land Constraints	A: Not within an area of defined employment land
Housing Quality Constraints	B: Site can accommodate high quality, medium to high density housing in a location likely to be highly attractive to the market
Flood Risk Constraints	D: 10% - 25% of site area is within Flood Zone 3a
Bad Neighbour Constraints	A: Site has no bad neighbours
AQMA Constraints	A: Site not within 800m of an AQMA
Suitability of Location Constraints	F: Site does not fall into one of the above 5 categories.
Impact on Grade 1 Agricultural Land	A: Not within an area of Grade 1 Agricultural Land
Other Suitability Considerations	
Comments	

## Availability Criteria

Availability Details	A: Held by developer / willing owner / public sector
Site identified through submission process - therefore assume willing owner	
Other Availability Considerations	
	Site is available

## Achievability

Achievability Details	<b>3: Good achievability (can be used in five year supply)</b>
-----------------------	--



# YORKSHIRE LAND

Limited

PO Box 785, HARROGATE, HG1 9RT

E-mail: [office@yorkshireland-ltd.com](mailto:office@yorkshireland-ltd.com)

Telephone: [REDACTED]

Our ref YL/BMBC-Mill-11/01

1 November 2013

Planning Policy  
Development Service  
Barnsley Metropolitan Borough Council  
PO Box 604  
BARNLSEY  
S70 9FE

Sent by email;

[planningpolicy@barnsley.gov.uk](mailto:planningpolicy@barnsley.gov.uk)

Dear Sir/Madam

Strategic Housing Land Availability Assessment (SHLAA) Consultation  
SHLAA Ref 595 – Land off Millstones

We have previously made representations for the land referred to above, which is in our ownership, to be brought forward for high quality, low density, executive housing.

Representations were initially submitted on 25 September 2012 giving a detailed assessment of how this small site, situated at the end of the renowned Millstones development, could be developed.

Having previously owned and brought to fruition the Millstones development, where property values have risen to £485,000.00, it is without question a very successful development and sought after location. It was therefore pleasing to see this site (SHLAA 595) having good achievability and can be used in the five year supply.

We would however, like to correct some inaccuracies contained in the SHLAA Suitability Criteria under the following:

#### Yield

The SHLAA suggests the site could accommodate a yield of nine dwellings. We feel **this is incorrect** as the site could only accommodate a maximum of **5 large dwellings**. We have a detailed drawing showing 4 large, top quality homes which reflects this special site (\*drawing no 99/038/01 attached).

#### Access Infrastructure Constraints

The SHLAA suggest some access constraints identified by highways. There are **NO access constraints**. It is proposed to serve the site off a private drive with turning head, as shown on the aforementioned drawing.

#### Drainage Infrastructure Constraints

The SHLAA suggests there are major drainage constraints identified. We feel **this is incorrect** as foul water drainage can easily be dealt with by installing a small on site package treatment system. These are very cost effective and approved systems, whereby the only visible evidence would be a standard manhole cover in the roadway, and are specifically designed for this type of application.

Alternatively, a small pump system, which is what serves the adjoining Millstones development could be used. The surface water can be discharged into the adjoining river with balancing capacity, if required.

#### **Housing Quality Constraints**

The SHLAA suggest the site could be used for medium to high density housing. We feel **this is incorrect**. As can be seen in the aforementioned plan, the site without question leads itself to very low density, very high quality housing as it adjoins and is accessed through the Millstones development, which has proven to be the most prestigious, high quality, low density development to be constructed in the Borough in recent years. The site developed, as we suggest, will complement the Millstones development and is fully compliant and compatible with the Council's adopted economic strategy to encourage this type of high-end executive home for senior managers and CEO's.

We trust you will agree with our corrections and have amendments made to the SHLAA, Site Assessment Details, showing the correct suitability of this site enabling it to be brought forward for development, for high-end executive housing, at the earliest opportunity.

Yours faithfully

**YORKSHIRE LAND Limited**



**STEVEN GREEN**  
Managing Director

Enc

\*Hard copy of this letter with Plan No 99/038/01 and A3 Google Image of the site to follow in post.

cc

Mahmood Azam B.Eng (Hons), MSc, MBA – Assistant Director Development  
Ian Prescott – Group Leader Housing Growth

# **APPENDIX E**

Helen Willows  
Planning Policy Team  
Economic Regeneration Service,  
Barnsley Metropolitan Borough Council,  
Westgate Plaza,  
PO Box 604,  
Barnsley,  
S70 9FE

17<sup>th</sup> August 2017

Dear Ms Willows,

**BARNSELY LOCAL PLAN – MILLSTONES, OXSPRING – GREEN BELT BOUNDARY ANOMOLY  
– YORKSHIRE LAND LIMITED**

We write further to Yorkshire Land Limited's letters to the Council dated the 1st and 11th August 2017, referenced YLL/BMBC/2017-08.01 and YLL/BMBC/2017-08.02 respectively, and the addendum to the first letter dated 1th August 2017.

Yorkshire Land Limited have asked us to provide a professional and independent comparison of the Green Belt boundary anomaly and change in physical features at their land located adjacent to Millstones, Oxspring, against the minor change to the Green Belt boundary the Council has proposed at land off East End Crescent, Royston, on account of an anomaly and a change in physical features at that site.

Yorkshire Land Limited's letters are extremely detailed and we therefore do not intend to simply repeat the points addressed therein. However, this letter does utilise the detailed evidence which they provide. This letter should therefore be read in conjunction with my client's letters, which are referenced above. An up to date aerial photograph of the site is also enclosed with this letter and should be referred to throughout your review of its content.

Of note, Bernard Greep of Peter Brett Associates has been promoting the Mill Stone site on our client's behalf through the Barnsley Local Plan process. However, Bernard is currently on annual leave and consequently Yorkshire Land Limited have asked us to provide this comparison of the two sites.

In the Council's note to the Inspector regarding the proposed Green Belt boundary change at land off East End Crescent, Royston, the Council quoted the following extract from a representation submitted for the site in 2016: -

*"The boundary of the Green Belt shown on the proposals map runs through the middle of my clients' land and not on the actual railway boundary as we believe was intended"*

This statement reflects a similarity with my client's land adjoining Millstones, Oxspring, where the current boundary of the Green Belt runs through the land as an imaginary line rather than against a physical feature, as the rear garden fence of the existing built properties at Millstones is not the defined boundary. The reasoning behind this anomaly is set out in detail and backed up with firm evidence within our client's letter to the Council dated 1<sup>st</sup> August 2017.

On this point, we would like to state that we don't consider the rear garden fences of the Millstones site to represent an appropriate or sympathetic boundary to the Green Belt in this location. We would urge the Council to use the Local Plan as an opportunity to remedy this current inadequate situation. The development of this small remaining part of the Millstones site would enable the delivery of the Borough's high quality, executive, family housing (a type which the Borough requires) whilst also being



able to utilise and potentially enhance the site's existing defensible boundary to the west to form a long term, defensible, boundary to the Green Belt.

It is also stated in the Council's note to the Inspector regarding the land off East End Crescent, Royston that: -

*"It is agreed that a change in the boundary of the operational railway land comprises a change in physical features, as the boundary fence appears to have been removed and relocated to the new boundary."*

This situation is directly comparable with our client's land at the Millstones, Oxspring.

The photograph at Appendix 4 of our client's letter dated 1st August 2017, which was taken on the 4th October 1996, shows a view looking west across the Millstones site. It is evident from this photograph that other than the contour of the (then) recently created land mound, there were no defensible features on the ground to the west of the site which could be utilised to define the Green Belt boundary adjacent to the approved development site, UDP allocation reference WR2/7.

We wish to emphasise however that a planning application had been granted for the creation of the landscaped mound (Planning Application Reference B/94/0109/PR). The letter by Smeeden Foreman which forms Appendix 10 of our client's letter of the 1st August 2017 outlines the purpose of this feature and we reassert our clients comment within the same, that the design and creation of this feature was far more involved than simply forming a bund and planting trees.

It is therefore apparent that at the time the current Green Belt boundary was established by the adoption of the UDP in December 2000, the Council simply drew a line on a plan in an attempt to reflect the extent of the planning approval B/95/0224/PR (site allocation WR2/7) which now forms the Millstones development.

However, due to the large scale of the UDP Inset Map (1: 10,000) and as the Council were not working to physical features on the ground to define the Green Belt boundary, the exact location in which the Green Belt boundary lies in that location cannot be categorically established. Indeed, **the line on the map at a scale of 1: 10,000 could be anything from 3m to 5m in width.**

The photograph at Appendix 5 of our client's letter of 1<sup>st</sup> August 2017 shows a view looking west from the Millstones site on 29<sup>th</sup> July of this year. It is evident from this photograph that **there has been a significant and categorical change in physical features**, with a densely wooded area now present on the western boundary of the site which could be utilised to form an enduring and defensible Green Belt boundary in this location.

As identified above, it is our view that the landscaped mound, which now provides an established woodland edge, would create a logical and an entirely more appropriate boundary to the Green Belt in this location.

Paragraph 85 of the National Planning Policy Framework identifies that when defining boundaries, local planning authorities should *'define boundaries clearly, using physical features that are readily recognisable and likely to be permanent'*.

This densely wooded area has the same characteristics as, and merges into, the woodland containing the existing Millstones development to the north, which the Council inadvertently allocated as part of the Millstones Housing Allocation reference WR2/7 upon the adoption of the UDP, but are now proposing to return to the Green Belt via map GBA.55.

The 2015 OS Map, upon which the Council's Online maps are based (a screenshot of which is attached at Appendix 9 of our client's letter of 1st August 2017 and also forms the basis of our client's addendum to their letter reference YLL/BMBC/2017-08.01) clearly identifies the woodland to the north and west of

Millstones. Woodland which the Council are utilising as the Green Belt boundary to the north of the Millstones site. Surely then, in accordance with guidance presented in the NPPF, the Council should also utilise the woodland located to the west of the Millstones site to provide a long term, appropriate, defensible boundary to the Green Belt.

In conclusion, it is our view that compelling evidence has been presented to the Council to demonstrate that an anomaly and change in physical features has taken place at the Millstones, Oxspring site. Similar in character to that of the Land off East End Crescent, Royston. We believe that it would therefore be fair and appropriate to treat the sites similarly and amend the Green Belt boundary at our client's Millstones, Oxspring site accordingly.

Whilst we acknowledge that the Council refer to the recent appeal case at the Millstones, Oxspring site as a reason to retain the current Green Belt boundary, it should be recognised that the appeal decision took account of the Green Belt boundary as defined by the current UDP. The appeal process could not of course be used to amend it. An amendment to the Green Belt boundary is therefore being pursued as part of the emerging Local Plan process.

As part of any review of Green Belt boundary at the Millstones site, as a starting point we would hope that the Council would seek to look at the site with a fresh pair of eyes and take to one side any current lines drawn on a map 17 to 20 years ago.

In doing so the Council would view a site that is currently redundant, has a fully adopted access road leading to it, presently provides an inappropriate Green Belt boundary which is unmarked on the ground and not defined by a strong, enduring, physical or defensible boundary, but has strong robust physical features on its north, west and southern boundaries. Features that would clearly provide a more appropriate, long term, defensible boundary for the Green Belt. We ask that the Council take this important point into consideration prior to making a final decision in respect of the finalisation of the Green Belt boundary in the location of the Millstones, Oxspring site.

Kind regards,

**PAUL BUTLER**  
Director

Cc.

Mr Richard Gilbert - Programme Officer, Barnsley Local Plan Examination

Enc.

More Recent Aerial Photograph of the Site







# **APPENDIX F**



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# Appeal Decision

Site visit made on 2 February 2016

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 February 2016

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**Appeal Ref: APP/R4408/W/15/3134783**

**Land off Huthwaite Lane, near Thurgoland, Huthwaite, South Yorkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Yorkshire Land Limited against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2014/1240, dated 17 October 2014, was refused by notice dated 30 July 2015.
  - The development proposed is the erection of 4 detached dwelling houses with associated access, parking and landscaping.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 detached dwelling houses with associated access, parking and landscaping on land off Huthwaite Lane, near Thurgoland, Huthwaite, South Yorkshire in accordance with the terms of the application, Ref 2014/1240, dated 17 October 2014, subject to the conditions set out in the attached schedule.

## Application for Costs

2. An application for costs was made by Yorkshire Land Limited against Barnsley Metropolitan Borough Council is the subject of a separate Decision.

## Main Issues

3. Whether, having regard to the provisions of the development plan<sup>1</sup> and the National Planning Policy Framework (Framework), the proposed development would constitute unsustainable development.

## Reasons

4. The Core Strategy (CS) settlement hierarchy lists Huthwaite as a village and, as I understand it, the emerging Local Plan continues to list Huthwaite as a village. The CS indicates that within villages, development is likely to occur on small infill sites that are consistent with and sensitive to Green Belt policy.
5. The appeal site is located within the Green Belt, where the Framework says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development except where it comprises limited infilling within villages<sup>2</sup>. The site has a frontage to Huthwaite Lane, it is bounded on its eastern and western sides by residential development and is located within the built-up area of the

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<sup>1</sup> Barnsley Local Development Framework – Core Strategy Adopted 2011 (CS).

<sup>2</sup> Framework paragraph 89 5<sup>th</sup> bullet point.

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village. On these facts and given the scale of the development, I conclude, that this proposal would comprise limited infilling in a village and would not be inappropriate development. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

6. The above conclusion is wholly consistent that of the planning officer contained in a report to the Planning Regulatory Board (PRB) and a conclusion the local planning authority (lpa) does not resile from in its appeal statement. The development would inevitably have some effect on the openness of the Green Belt. However, given that I have concluded that it would represent limited infilling in a village, the effect on openness would not be so significant that it would cause any material harm to the Green Belt.
7. Framework paragraph 6 says that the policies in paragraphs 18 to 219, taken **as a whole constitute the Government's view on what sustainable** development means for the planning system. Paragraph 7 identifies that there are 3 dimensions, to sustainable development; economic, social and environmental. Section 6 of the Framework deals with the delivery of housing. Key objectives that would contribute to the economic and social dimensions include boosting significantly the supply of market housing, delivering a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. These objectives include planning for a mix of housing based on, amongst other things, the needs of different groups.
8. **Lpa's are required to identify and update annually a supply of specific** deliverable sites sufficient to provide 5-years worth of housing against their housing requirements. The appellant submits that there is not a 5-year supply of housing land, a statement which the lpa does not refute. Thus, the provision of 4 dwellings would make a small, but important contribution to the housing needs of this district.
9. This development would provide 4, high-specification 5-bedroom detached dwellings aimed at the executive end of the housing market. Various strategies of the Council identify that housing plays a key role in stimulating and supporting economic growth. The Economic Strategy<sup>3</sup> (ES) acknowledges the need to deliver a step change in the quality and mix of housing available in the district. The ES goes on to identify that an inadequate supply of appropriate development sites and executive housing is an issue to be addressed. Similarly, the Housing Strategy 2014 to 2033 has as a key objective the need to increase the number of larger, 4/5-bedroom, family/higher value homes across the district. The 2014 SHMA<sup>4</sup> refers to the need to provide for executive dwellings to support economic growth. Executive housing is identified as having a role in responding to the need for diversification and expansion of the sub-regional economy. The appellant's submission that the development would assist in achieving these objectives is not challenged by the lpa. Thus, the provision of 4 dwellings of the type and size proposed would make an important, albeit small, contribution to the delivery of a wide choice of high quality homes and meeting the needs of different groups in the community.
10. The Framework does not contain a definition of an inclusive and mixed community and clearly whether this objective is achieved is a matter of informed judgement. Here, the lpa appears to suggest that the contrast

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<sup>3</sup> Growing Barnsley's Economy 2012-2033.

<sup>4</sup> Strategic Housing Market Assessment.

between the existing dwellings to the east and west with the scheme would lack integration thus creating an exclusive community. The implication of this approach is that the type development on the site should reflect the size and type housing around it. In my view what this approach would do is reinforce the nature of the existing community and restrict the creation of a mixed community in terms of family type and size. The introduction of 4, large detached houses into this setting would not conflict with the objective of encouraging inclusivity and would positively contribute to the creation of a mixed community consistent with the Framework.

11. **The lpa's suggestion that Huthwaite, given its lack of services and limited access to public transport, is locationally unsustainable contradicts the identification of Huthwaite as a village in the CS and emerging Local Plan settlement hierarchy where some development is envisaged.** Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Huthwaite the availability of a wide range of services is lacking, there is within 2km a variety of facilities that could provide for the day to day needs of residents. Whilst the bus service to Huthwaite is limited, it appeared to me to run at times that would provide the opportunity to access employment and other services in Barnsley and Penistone by means other than the private car.
12. The lpa does not dispute that the proposed dwellings are of good quality or that there would be unacceptable effects on the living conditions of adjoining residents. I have no reason to disagree with those conclusions. In addition to retaining existing trees and hedging, the submitted scheme includes details of proposed landscaping that would strengthen the existing planting. In terms of visual impact, whilst the proposed layout, with the majority of the houses set back within the plot and the frontage house set at an angle to the road, would result in a change in the appearance of the area it would not unacceptably diminish the spacious character of the immediate area or appear obtrusive and incongruous in the immediate setting.
13. The environmental dimension includes moving to a low carbon economy. In terms of housing, this can be achieved through the minimisation of resource and energy consumption. Here, the appellant proposes to use low carbon energy generators such as solar panels, heat pumps, high standards of insulation and low energy lighting. The appellant also confirms that the homes would be constructed to achieve Level 3 of the Code for Sustainable Homes (CSH), which would consistent with the requirements of CS Policy CSP 2. The CSH has now been superseded and elements of it have been incorporated into the Building Regulations and set to the equivalent of Code Level 4.
14. An ecological appraisal of the site has identified that the existing habitat value of the site is limited. Whilst I appreciate that the value of the site in ecological terms has been diminished by the actions of previous owners, this scheme is accompanied by proposals for the retention, creation and managements of habitats, which would be a benefit. This is a matter that can be covered by way of a planning condition.
15. Access to the site would be from Huthwaite Lane which is an unmade road and in places in poor condition. Subject to the road frontage of the site being resurfaced, the highway authority has no objection to the scheme on highway

safety grounds and I have no reason to disagree with that conclusion. This is a matter that could be dealt with by way of a planning condition.

### **Conclusion**

16. Drawing all these matters together, whether a development is sustainable is a matter that has to be viewed in the round looking at the development plan and the Framework as a whole and balancing harm against benefits. Thus, having regard to all the factors discussed above, I consider that the proposal would not conflict with the relevant policies of the development plan as a whole and Policies CSP 1, CSP 25 and CSP 29 in particular and having regard to the Framework as a whole would comprise sustainable development. In light of these conclusions and having taken all other matters raised into consideration, I conclude that this appeal should be allowed.

### **Conditions**

17. I have imposed a condition specifying the relevant drawings as this provides certainty (2). In the interests of the appearance of the area and protecting the living conditions of existing and proposed residents, conditions relating to: finished levels (3), finishing materials (4), a construction method statement (6), landscaping, the protection of existing trees and boundary treatments (9), 10, 11 & 13), hours of construction (12), the treatment of potential ground contamination (14), controls relating to windows on Plot 3 (18), are all reasonable and necessary. In the interests of providing drainage and the prevention of flooding, a condition relating to foul and surface water drainage (8) is reasonable and necessary. In the interests of highway safety, conditions relating to: the provision of parking and manoeuvring areas (5), site gradients (7), the surfacing of Huthwaite Lane (16) and a restriction on the gating of the access (17) are reasonable and necessary. In the interests of ecology, I consider a condition relating to the implementation of ecological mitigation is reasonable and necessary. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
18. I have not imposed the suggested condition relating to the removal of permitted development rights. Planning Policy Guidance indicates that such a condition should only be used in exceptional circumstances. No such circumstances have been demonstrated here.

*George Baird*

Inspector



## SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans: - Drawing Nos. YLHLBR1 Site Location Plan; 2014/10/01 Plot 1 Dwelling Details; 2014/10/02 Plot 2 Dwelling Details; 2014/10/03 Plot 3 Dwelling Details; 2014/10/04 Rev A Plot 4 Dwelling Details; 2014/10/05 Rev A Proposed Site Layout Drawings and Drawing R/1638/1A Landscape Details.
3. Prior to the commencement of development plans to show the finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. The parking/manoeuvring facilities, shown on the submitted plans, shall be surfaced in a solid bound material (not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
6. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. the parking of vehicles of site operatives and visitors;
  2. means of access for construction traffic;
  3. loading and unloading of plant and materials;
  4. storage of plant and materials used in constructing the development;
  5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  6. wheel washing facilities
  7. measures to control the emission of dust and dirt during construction;
  8. measures to control noise levels during construction.
7. Vehicular and pedestrian gradients within the site shall not exceed 1:12.
8. No development shall take place until:
  - (a) full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the local planning authority;
  - (b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.

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

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority, full details of hard landscaping works. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.
10. The soft landscaping works hereby approved shall be carried out strictly in accordance with FDA Landscaping Plan R/1638/1A as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11. Prior to the commencement of development or other operations being undertaken on site in connection with the development, (i) Tree Protective Barrier details; (ii) a Tree Protection Plan and (iii) a Arboricultural Method Statement prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
12. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 08:00 to 18:00 hours Monday to Friday and 09:00 to 14:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
13. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position of any boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
14. Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Development shall be carried out in accordance with the approved report including any remedial options.

15. Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (revision C), including a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
16. No development shall commence until a detailed scheme for the resurfacing of Huthwaite Lane between Cote Lane and the application site including the full extent of the site frontage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of any dwelling.
17. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access off Huthwaite Lane.
18. All windows on the east facing elevation of the Plot 3 facing the existing dwellings Kinross and Fair View, Cote Lane shall be fitted with obscure glass and retained as such thereafter.

# **APPENDIX G**



# More quality homes needed for town's growing population

By Lynsey Bradford

UP to 25,000 new, better quality homes need to be built in Barnsley to cope with an increase in population across the borough over the next 17 years.

The figures were revealed at a council meeting in which a presentation was given on the Barnsley Housing Strategy and Delivery Plan.

It contains five key objectives to help the council deliver the strategy, which covers the period 2014 to 2033.

Council boss for housing Phillip Spurr said there were clear links between good housing and good health.

He added: "Frankly, there are pockets of poor quality housing in Barnsley and we have some very good quality houses within the borough. We need to tackle the areas of poor quality.

"Quite simply what we need in Barnsley is more houses and we need better quality houses. At this moment in time we have somewhere in the order of 108,000 to 110,000 properties in the borough.

"Between now and 2033 we need somewhere in the order of 20,000 to 25,000 homes and we need to improve the quality of the stock we have got."

He said of the 110,000 homes in Barnsley, roughly two thirds of those were owner-occupied, one fifth are in the social rented sector and about 15 per cent are private-rented homes.

He said one challenge was to maintain and improve the quality of the private sector properties.

He added: "We do face an increasing population and it is estimated it will grow by seven per cent by 2031 and there is a demographic shift in and increasing ageing population, so they are additional challenges we have to face.

"The population will grow and it is expected there will be 17,000 new jobs in the borough.

"This is within the context of a current undersupply of housing so there's a growing indigenous demand but we also want and need and must have people coming into the borough as well.

"These two factors are driving the need for additional housing.

"As an authority we can't do this by ourselves and have to work in partnership.

"We need to make sure every penny we spend is spent wisely and that we get maximum value."

The objectives are: to support new

housing development which creates a thriving and vibrant economy; to ensure the design and delivery of new, high quality, desirable and sustainable homes, to make the best use of/improve existing housing stock in Barnsley, to develop strong resilient communities and to support younger, older and vulnerable people to live independently.

Mr Spurr said the right homes were needed in the right location, as there was a demand for large family homes and high-value executive properties. He said there was also evidence up to 30 per cent of residents were looking outside the borough to meet their housing needs, a 'leak' that must be stopped.

He added: "We've got quite an unbalanced housing stock at the moment 30 percent of properties in the borough are pre 1990 terraced houses often poor quality and we need to rebalance that.

"The vast majority of housing in Barnsley in 2050 is the housing we have now so we need to make sure it is fit for purpose."

Of the 1,800 empty homes across the borough, he estimated between 25 and 30 would be brought back into use every year.