

# **YORKSHIRE LAND**

**Limited**

**CONSULTEE ID: 23082**

## **BARNSLEY LOCAL PLAN EXAMINATION 2018**

### **STATEMENT REGARDING MAIN MATTER 21:**

*“WHETHER OR NOT EXCEPTIONAL CIRCUMSTANCES EXIST TO RELEASE  
LAND FROM THE GREEN BELT FOR ADDITIONAL SAFEGUARDED LAND”*

#### **A BRIEF INTRODUCTION**

Yorkshire Land Limited has been successfully developing in and around Penistone and the Western Villages for over 30 years, during which time it has brought tens of millions of pounds of investment and betterment into the local economy.

The Directors, Mr & Mrs Green, were born, bred and educated in Barnsley in the early 1960's and have gained a vast and valuable experience of the Borough's strengths and weaknesses and are highly knowledgeable of the area's capacity to accommodate housing and employment allocations.

Whilst Yorkshire Land Limited is represented by Peter Brett Associates & PB Planning at Stage 4 of the Barnsley Local Plan Examination in Public and comprehensive Hearing Statements responding to the Main Issues and Questions for Stage 4 have been submitted by these representatives, we provide our own focussed response herein to Main Matter 21 of the Inspector's MIQ's, which serves to substantiate our professional opinion that the Local Plan cannot be found sound unless Main Modifications are made by the appointed Inspector, Mrs Sarah Housden BA (Hons) MRTPL.

*21.1 DO EXCEPTIONAL CIRCUMSTANCES EXIST TO JUSTIFY THE REMOVAL OF THE FOLLOWING AREAS OF LAND FROM THE GREEN BELT AND THEIR IDENTIFICATION AS ADDITIONAL AREAS OF SAFEGUARDED LAND? IF SO, WHAT ARE THEY? CAN LONGER TERM DEVELOPMENT NEEDS BEYOND THE PLAN PERIOD BE IDENTIFIED?*

*URBAN BARNSELEY AND THE PRINCIPAL TOWNS*

*EC2 – LAND TO THE NORTH OF STAINCROSS COMMON*

*EC4 – LAND NORTH OF SHAFTON, CUDWORTH*

*VILLAGES*

*EC7 – LAND AT OXSPRING*

*CA2A – LAND AT CAWTHORNE*

We believe the identification of additional safeguarded land allocations is justified in Principal. However, we consider that most of the existing safeguarded land allocations in the west of the Borough are not viable development sites. It is important to ensure that land is deliverable if it is to be removed from the Green Belt and identified as Safeguarded Land to meet future housing needs.

The existing safeguarded land allocations in the western part of the Borough were adopted within the Unitary Development Plan in December 2000 and many have been identified for in excess of forty years. If these remaining sites were viable development propositions then we believe they would have been delivered during the past 18 years since the adoption of the UDP or at the very least in the past several years, during which time the Council has been unable to demonstrate a five year supply of deliverable housing sites and therefore the presumption in favour of sustainable development permitting the development of safeguarded land has been applicable.

Indeed the recent developments of safeguarded land off Haigh Lane in the village of Hoylandswaine and at Wellthorne Lane in the village of Ingbirchworth serve to evidence our belief that remaining safeguarded land allocations have been developed where the land is deliverable, particularly in the west of the Borough, which represents the strongest housing market area in Barnsley and where there is a strong demand for housing.

In light of the above, we consider that the quantum of additional safeguarded land allocations proposed in the Local Plan to meet future housing needs, particularly around the Penistone Principal Town and the Western Villages, remains insufficient.

## **EC7 – LAND AT OXSPRING**

Site EC7 is a part of one large field parcel which has been split into two site allocations by the Council. The western half of this land parcel is identified as housing site proposal EC6. We identify in our Main Matter 20 Statement why we do not believe the allocation of site EC6 is justified by the evidence.

The boundary between site EC6 and the Safeguarded Land proposal EC7 has no definition on the Ground and is in fact formed by an arbitrary line drawn by the Council on a proposals map.

The topography of Site EC7 (like site EC6) is steeply sloping from the Sheffield Road towards the River Don. The flattest areas of the site, where development would be best placed from a technical point of view if it were to take place, are adjacent the River Don and identified on the Environment Agency Flood Maps to be located within Flood Zones 2 and 3.

The topography of the site would necessitate split level housing, which is not attractive to many of the volume housebuilders given the non-standard house type and abnormal costs associated with delivering this type of property. In addition, due to the steep topography, significant retaining structures would be required across the site, which would have a considerable impact on the landscape and character of the village.

Foul and surface water drainage would be challenging given the steeply sloping nature of the site. Whilst surface water could be discharged to the river, attenuation would need to be provided. In addition, Foul water would need to be pumped back up to Sheffield Road. Both the Foul water Pump and Water attenuation would need to be located outside of the flood zone and at the lowest lying part of the site would therefore be challenging to achieve, if not unviable, considering that the lowest lying areas of EC7 are situated in Flood Zones 2 and 3.

Attached at Appendix A is an annotated version of the Councils Proposals Map for Site Reference EC7, indicating with yellow shading the parts of site EC7 which are in our ownership. We attach a copy of our official Land Registry Plan (Reference SYK293685) at Appendix B. This land forms part of the Rocher Valley which is identified in the Unitary Development Plan (Policy WR2/7) as a pleasant River Valley, an important landscape and ecological feature and a very sensitive area. Aside from being located within Flood Zone 3, these parts of the site are also heavily treed and would be incapable of development.

The Areas of site EC7 in our ownership are also identified as 'Areas of Significant Ecological Value' by the Councils own Ecological Assessment. Please see Appendix C.

We are aware that a large proportion of site EC7 is in the ownership of a Mr and Mrs Horn of Willow Lane Bungalow, which has been included in the EC7 allocation. Land in their ownership is shaded Green on the plan at Appendix A. We have been provided with a copy of a letter written by Mr and Mrs Horn to the Local Plan Programme Officer, making known

their strong opposition to the allocation of significant proportion of site proposal EC7 which is in their ownership. Please find the letter attached at Appendix D.

It is apparent to us that there has been a complete failing on the part of the Council to properly consider the availability and deliverability of the site proposal EC7, prior to identifying land within the Local Plan Examination Consultation 2018. Neither ourselves (or it appears Mr and Mrs Horn) have been contacted by the Council to ascertain the availability of the land for future development.

Access to site EC7 is also severely constrained and technically reliant upon connection through the development of site EC6. However, we do not consider that even this option would be viable as this would require the construction of a new roadway across an ancient section of the packhorse trail (identified as 'willow lane' on any ordnance plan) which forms part of the Trans Pennine Trail Network and Cycle Network Route 62 traversing site EC7. Moreover, there are also significant viability constraints to the access of site EC6 as identified in our Main Matter 20 Statement. If access was not able to be provided to site EC7 through site EC6, then we consider that site EC7 would be a totally unviable proposition in respect of Access. Notwithstanding this, a large part of the proposal is unavailable for development in any event.

Vehicular Access to site EC7 directly from Sheffield Road is simply unviable given the severe differential in levels between the field and the road and whilst a pedestrian access does lead past the frontage of EC7 to connect with the ancient packhorse trail, this would not be viable for upgrade to provide vehicular access to site EC7, given the amenity and recreational value of this ancient section of the trail. Even if this were an option for access, Willow Lane Bungalow would also have to be demolished and the current owners of this property, Mr and Mrs Horn have made known their strong opposition to the allocation of EC7 as set out above. Put simply, the site is not available.

The Barnsley Landscape Character Assessment indicated that landscape type B1: upland Don River Valley has (amongst other things) a largely undeveloped character with pasture occurring on the valley sides and floor up to the water's edge. Management issues and opportunities include: conserve the intimate, rural and undeveloped quality of the valley; Resist the introduction of temporary 'suburban' style boundaries; and Resist development on the floodplain and maintain the rural, undeveloped character of the valley.

Considering the content of the Barnsley Landscape Character Assessment, it is ambiguous that development of site EC7 would be entirely out of character for this part of the River Don Valley and conflict with the landscape and development patterns of Oxspring, resulting in a development that is not in keeping with the existing landscape character of the village and which will adversely affect the sensitive rural setting adjacent to the riverside, Rocher Valley and Willow Bridge, a listed packhorse bridge.

In a recorded interview with members of the Oxspring Neighbourhood Plan Steering Group on 25 November 2014 (available to view on the Oxspring Neighbourhood Plan Website: [www.oxspringplan.org.uk](http://www.oxspringplan.org.uk)) a senior Policy Officer of the Council commented:

*“We’ll be looking at the historical development and form of Oxspring and how to support that, and how not to change it, change the character so it loses what’s important about Oxspring.”*

The development of site EC7 would contravene the form and historical linear pattern of development in Oxspring. Paragraph 4.2 of the Draft Oxspring Neighbourhood Plan (March 2016) identifies “The main village settlement is largely linear in form and lies between Sheffield Road (the B6462) and the route of the Trans Pennine Trail.”

In consideration of the comments made by the Council’s Senior Policy Officer and the recognition within Paragraph 4.2 of the Draft Neighbourhood Plan that Oxspring is a linear village contained between the Sheffield Road and Trans Pennine Trail, we question why the Council would consider allocating development to the north of the Sheffield Road which will change the historical form of development and character of Oxspring.

Importantly, the Council’s sustainability Appraisal Site Assessment Addendum, undertaken by Arup, identifies on page A28 in respect of site EC7 that:

*“The site is greenfield in the village of Oxspring, located to the east of Sheffield Road. The site would result in development occurring on the eastern side of Sheffield Road, whereas currently there are only sporadic buildings and no defined built form.”*

*“The Site Selection Methodology notes that the site is located in an area that is considered to have high landscape sensitivity (e.g. the degree to which a landscape can accommodate change without there being an adverse effect on its character); and low landscape capacity (e.g. the ability of the site to accommodate development.)” (Our Emphasis)*

In conclusion, the site is faced with several viability constraints which we do not believe can be overcome. In any event, the owners of a majority of the site, Mr and Mrs Horn have written to the Programme Officer to object to the allocation of their land in EC7. The land in the ownership of Mr and Mrs Horn is shaded Green on the plan attached at Appendix A. The part of the land allocation EC7 in our ownership (shaded yellow on the plan attached at Appendix A) is also incapable of development.

---

**YORKSHIRE LAND Limited**

**PO BOX 785  
HARROGATE  
HG1 9RT**

## **APPENDIX A**



A map of the Oxspring area, showing a red boundary enclosing a region. The region is divided into two parts: a larger yellow area labeled EC6 and a smaller green area labeled EC7. The green area is adjacent to a blue line representing a river or canal. The map includes labels for 'WEST ESCENT', 'EAST ROAD', 'PSALTERS DRIVE', 'SHEFFIELD ROAD', and 'Oxspring'. The map also shows a grid of streets and a river or canal running along the right side.

**WEST  
ESCENT**

**EAST  
ROAD**

**PSALTERS  
DRIVE**

**EC6**

**EC7**

**Oxspring**

**SHEFFIELD  
ROAD**

## **APPENDIX B**



H.M. LAND REGISTRY		TITLE NUMBER <b>SYK293685</b>	
ORDNANCE SURVEY PLAN REFERENCE	SE2602 SE2702	SECTION	Scale 1/1250 Enlarged from 1/2500
COUNTY SOUTH YORKSHIRE	DISTRICT BARNESLEY	© Crown copyright, 1996	



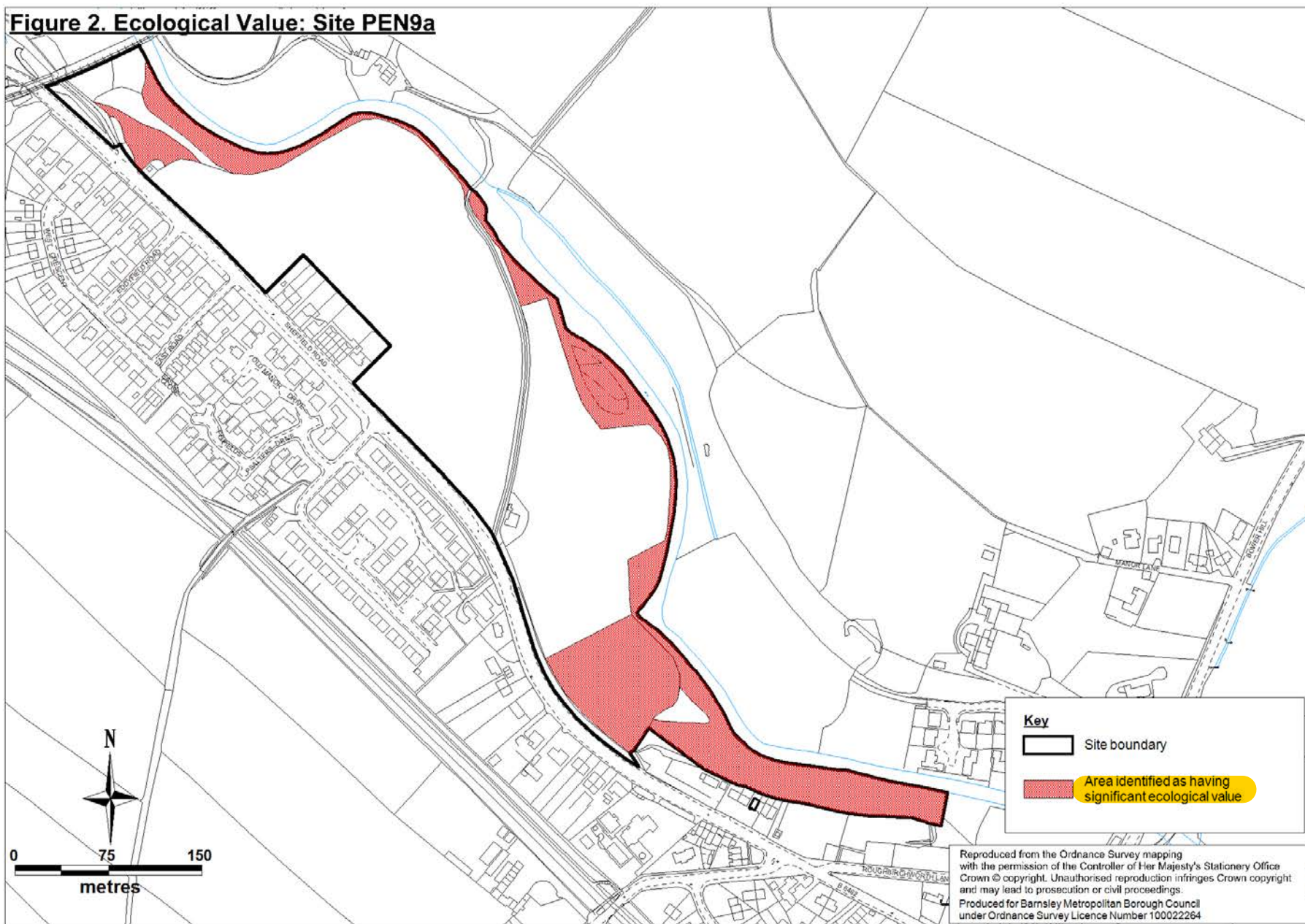
FILED PLAN  
H.M. LAND REGISTRY  
12/96

This official copy issued on 11 May 2007 shows the state of this title plan on 10 May 2007 at 16:04:57. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans. This title is dealt with by Land Registry, Nottingham East Office. © Crown Copyright. Produced by Land Registry. Reproduction in whole or part is prohibited without the prior written permission of Ordnance Survey. Licence number 100026316.



## **APPENDIX C**

**Figure 2. Ecological Value: Site PEN9a**



Site PEN9A. Land at Penistone

## **APPENDIX D**

Mr and Mrs Horn  
Willow Bridge Bungalow  
Sheffield Road  
Oxpring  
S36 8YW

To whom it may concern

My wife and I own and reside at Willow Bridge Bungalow, Oxpring. We also own the adjoining field which is shown to make up a part of the site proposed by Barnsley Council as reference EC7.

I am alarmed and Outraged to find out from a third party earlier this week, that the Council want to remove my land from its Green Belt status and allocate it as safeguarded land for future housing development.

My wife and I strongly oppose to the Council's actions and can confirm that they have not approached us to ask if we would want to see our land developed, which is very bad mannered and a downright liberty to say the least.

We are so strongly opposed to the Council's actions and can confirm that we intend to ask our solicitor if we can add a covenant to our title deeds to prevent future development on the land.

Our land adjoins an ancient packhorse route, is steeply sloping towards the river Don and is home to lots of wildlife, so I am surprised that the Council have chosen this for future development and could not find a more suitable parcel of land for such purposes.

Yours faithfully  
Mr and Mrs Horn  
J A Horn