

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/R4408/W/25/3359917

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Hargreaves Land Limited, G. N. Wright, M. M. Wood, M. J. Wood, and J. D. Wood
Company/Group Name	
Address	C/O Hargreaves Land Limited Suite 1C 14 Kings Street Leeds LS1 2HL
Phone number	07483 113417
Email	craig.woolmer@hsgplc.co.uk
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Matthew Good
Company/Group Name	Pegasus Planning Group Ltd
Address	Pavilion Court Green Lane Green Lane Leeds West Yorkshire LS25 2AF
Phone number	01132878200
Email	matthew.good@pegasusgroup.co.uk
Your reference	P23-1714
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Barnsley Metropolitan Borough Council
LPA reference number	2024/0122
Date of the application	09/02/2024
Did the LPA validate and register your application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	11/12/2024

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Address	Land north of Hemingfield Road Hemingfield Barnsley Grid Ref Easting: 439244 Grid Ref Northing: 401839
Is the appeal site within a Green Belt?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	6.78 hectare(s)
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.	<input checked="" type="checkbox"/>
2. Refused permission to vary or remove a condition(s).	<input type="checkbox"/>
3. Refused prior approval of permitted development rights.	<input type="checkbox"/>

- 4. Granted planning permission for the development subject to conditions to which you object. ☐
- 5. Refused approval of the matters reserved under an outline planning permission. ☐
- 6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
- 7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above). ☐
- 8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐
- 9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

- 1. Written Representations ☐
- 2. Hearing ☐
- 3. Inquiry ☒

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

- i. Review of the Local Plan – how this was undertaken and the evidence base in relation to housing land supply;
- ii. Plan Monitoring – whether the Council has complied with paragraph 78 of the NPPF;
- iii. Five-year housing land supply – the Appellant will demonstrate that the Council is unable to demonstrate a five-year housing land supply and thus the presumption in favour of sustainable development is triggered. Further, the housing land supply position has consistently deteriorated since the Council undertook its review of the Local Plan. The Council's has confirmed its position at a public inquiry recently that it can no longer demonstrate a five-year housing land supply, and the Appellant will also demonstrate that the actual position is significantly worse than the Council suggested in that case. The scale of difference between the Appellant and the LPA will require rigorous testing as it relates to the weight to be applied upon the contribution this site will make in relation to housing land supply;
- iv. Local plan policies - the Appellant will examine the terms of the Local Plan policies and their relationship with the NPPF and demonstrate that the policies which are most important for determining the planning application – to the extent that they may constitute a reason for refusal - are out of date; and,
- v. Comprehensive development – the Appellant will demonstrate that the Council's second reason for refusal relating to the 'potential impact on the comprehensive development' of the wider area of safeguarded land is unsubstantiated.

(a) How many witnesses do you intend to call?

1

(b) How long do they need to give their evidence?

3 days, including site visit.

(c) How long do you estimate the inquiry will last?

3 day(s)

H. FULL STATEMENT OF CASE

☒ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes ☐ No ☒

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes ☒ No ☐

☒ see 'Appeal Documents' section

(b) Have you made a costs application with this appeal? Yes ☐ No ☒

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☒

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☒

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☒

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form). ☐

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☒

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the ☒

LPA.

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA (if required).



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.



09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.



10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.



11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;



(b) all plans sent at outline application stage;



(c) the original outline planning permission.



12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).



14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.



K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr Matthew Good

Date

31/01/2025 15:05:51

Name

Mr Matthew Good

On behalf of

Hargreaves Land Limited, G. N. Wright, M. M. Wood, M. J. Wood, and J. D. Wood

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Appendix 8 - Flood Risk and Drainage Statement.pdf
File name:	Appendix 10 - BMBC Cabinet Paper - Nov 2022.pdf
File name:	Appendix 4 - Landscape Statement.pdf
File name:	Appendix 5 - Ecology Statement.pdf
File name:	R005v8 PL - Statement of Case inc Appendix 1-3.pdf
File name:	Appendix 9 - Archaeology and Heritage Statement.pdf
File name:	Appendix 7 - Noise Statement.pdf
File name:	Appendix 6 - Highways Statement.pdf
File name:	L001v1 Covering Letter.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	S106 Agreement - Hargreaves Land Limited (Land at Hemingfield) - Barnsley MBC (DRAFT - 1) - C 4137-3102-6264 2.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	CD 3.1A - Application Form - February 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	CD 2.2 - Decision Notice dated 11th December 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	CD 3.29 - Site Location Plan - February 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	CD 3.10 - Cover Letter - February 2024.pdf
File name:	CD 3.22 - Noise Impact Assessment - February 2024.pdf
File name:	CD 3.11F - Ground Conditions Desktop Study Part 6 - April 2024.pdf
File name:	CD 3.19 - LVA - non EIA - February 2024.pdf
File name:	CD 3.16 - Health Impact Assessment - February 2024.pdf
File name:	CD 3.15 - FYHLS Assessment - February 2024.pdf
File name:	CD 3.17 - Landscape Visual Assessment - February 2024.pdf

File name:	CD 3.11E - Ground Conditions Desktop Study Part 5 – April 2024.pdf
File name:	CD 3.2 - Air Quality Assessment - February 2024.pdf
File name:	CD 3.12 - Energy and Sustainability Statement - February 2024.pdf
File name:	CD 3.11D - Ground Conditions Desktop Study Part 4 – April 2024.pdf
File name:	CD 3.26 - Travel Plan - February 2024.pdf
File name:	CD 3.8 - Ecological Appraisal - February 2024.pdf
File name:	CD 3.18 - Landscape Character Assessment - 2016 Update.pdf
File name:	CD 3.1A - Application Form - February 2024.pdf
File name:	CD 3.25A -Transport Assessment with Apps 1 to 6 - February 2024.pdf
File name:	CD 3.20 - National Character Area Profile - February 2024.pdf
File name:	CD 3.25B - Transport Assessment Apps 7 to 20 - February 2024.pdf
File name:	CD 3.14 - FRDA - February 2024.pdf
File name:	CD 3.3 - Arboricultural Survey - February 2024.pdf
File name:	CD 3.24 - Statement of Community Involvement - February 2024.pdf
File name:	CD 3.13 - Design and Access Statement - February 2024.pdf
File name:	CD 3.11A - Ground Conditions Desktop Study Part 1 - April 2024.pdf
File name:	CD 3.11B - Ground Conditions Desktop Study Part 2 – April 2024.pdf
File name:	CD 3.11C - Ground Conditions Desktop Study Part 3 – April 2024.pdf
File name:	CD 3.23 - Planning Statement - February 2024.pdf
File name:	CD 3.4 - Archaeology Report - February 2024.pdf
File name:	CD 3.29 - Site Location Plan - February 2024.pdf
File name:	CD 3.37A - Parameters Plan - February 2024.pdf
File name:	CD 3.31 - Baseline Habitat Plan - February 2024.pdf
File name:	CD 3.36A - Illustrative Masterplan - February 2024.pdf
File name:	CD 3.32 - On-site Proposed Habitats - February 2024.pdf
File name:	CD 3.33 - Environmental Designations Plan - February 2024.pdf
File name:	CD 3.35A - Landscape Masterplan - February 2024.pdf
File name:	CD 3.38 - Public Rights of Way Plan - February 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	Question 5b.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
File name:	Question 5c.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	CD 3.39B - Swept Path Analysis of Hemingfield Road Southbound.pdf
File name:	CD 3.40 - Proposed Access Arrangement (RTGI Junction).pdf
File name:	CD 3.1B - Updated Application Form - September 2024.pdf
File name:	CD 3.37B - Parameters Plan - December 2024.pdf
File name:	CD 3.9 - Additional Ecological Surveys Report.pdf
File name:	CD 3.5 - Geophysical Survey - September 2024.pdf
File name:	CD 3.36B - Illustrative Masterplan - December 2024.pdf
File name:	CD 3.6 - WSI - October 2024.pdf
File name:	CD 3.35B - Landscape Masterplan - December 2024.pdf
File name:	CD 3.27 - Transport Technical Note (Response to Highways).pdf
File name:	CD 3.28A - Stage 1 RSA Access with Hemingfield Road with Appendices.pdf
File name:	CD 3.28B - Stage 1 RSA Designer's Response with Appendices.pdf
File name:	CD 3.28C - Stage 1 RSA Designer's Response Barnsley Signed - October 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS

Document Description:	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
File name:	Question 6b.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	CD 3.13 - Design and Access Statement - February 2024.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	R002v6 PL - Statement of Common Ground.pdf
Completed by	MR MATTHEW GOOD
Date	31/01/2025 15:05:51