



Appeal Decision

Site visit made on 31 January 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/R4408/W/23/3324194

210 Carlton Road, Athersley South, Barnsley S71 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ian Hitchen against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0869 was approved on 6 April 2023 and planning permission was granted subject to conditions.
 - The development permitted is the erection of an agricultural storage building.
 - The condition in dispute is No 1 which states that: *Within 3 years of the date of this permission, the agricultural store hereby permitted shall be removed from the site, and all works necessary to reinstate the land to its original condition shall have been carried out.*
 - The reason given for the condition is: In the interest of safeguarding the allocated housing site from permanent development, in accordance with Local Plan Policy H3: Uses on Allocated Housing Sites.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Background and Main Issue

3. Planning permission was granted for an agricultural building, but with a condition which was for a temporary period of 3 years. The appellant seeks to remove the condition that limits the permission for a temporary duration.
4. The main issue is whether the condition is reasonable or necessary in relation to the delivery of housing on allocated sites as set out in Policy H3 of the Barnsley Local Plan (Local Plan).

Reasons

5. The appeal site comprises of an area of agricultural land and buildings to the rear of residential properties on Carlton Road. It forms part of a larger area identified on the Policies Map which Local Plan Policy H3 allocates for residential purposes.
6. This policy states that sites shown as housing sites on the Policies Map will be developed for residential purposes. There is no reference to the sites being 'solely' used for residential purposes and it is also the case that the policy does

not address existing uses. It does however reference other uses that are not residential and the circumstances in which they will be allowed, setting out the need for them to be small scale and ancillary to the housing elements, and the need for them to provide a service or other facility for local residents.

7. The policy therefore limits the uses on allocated housing sites to either residential or a use that complies with both parts of the sub-criteria that are set out in the policy. In this regard, the appeal proposal would not be ancillary to the housing elements and nor would it provide a service or facility for local residents.
8. The purpose of the policy is set out in its supporting text, which states that sites identified for housing are needed to provide new homes. Although, the appeal site does not form a significant part of the overall allocation, and the appellant states that it does not provide any access points, I haven't been provided with any details on how the overall allocation could be developed for residential without the appeal site.
9. Whilst any future residential development would require a willing landowner and the removal of existing buildings, the permanent development proposed would introduce a larger building than the ones it would replace, and this could be prejudicial to the future delivery of housing.
10. I therefore conclude that the disputed condition is reasonable and necessary in the interests of the delivery of housing on allocated sites as set out in Local Plan Policy H3. The removal of the condition would result in a conflict with this Local Plan policy.

Other Matter

11. Reference has been made to discussions during the course of the application, and in particular, on the suggestion and agreement to a temporary approval. Although a significant financial investment would be required to erect the proposed agricultural building, I haven't been provided with details on why the reduced 3 year time period would be unworkable.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR