



Appeal Decision

Site visit made on 28 November 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2026

Appeal Ref: APP/R4408/W/25/3372438

81 Swallow Hill Road, Low Barugh, Barnsley S75 1LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by P Needham against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/1056.
 - The development proposed is described as 'application for replacement dwelling at 81 Swallow Hill Road, Mapplewell, and installation of solar pv and an air source heat pump, on previously developed land, where existing access and fw sewer connection remains in situ, and demolition of the existing bungalow.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Needham against Barnsley Metropolitan Borough Council. This application is subject of a separate decision.

Preliminary Matters

3. Additional information in the form of a historic map, CCTV Crawler Report and SafeMove Yorkshire Water Clean + Foul Pipes plan were submitted with the appeal which I understand were not before the Council at the time it made its decision. Given the nature of the reasons for refusal, accepting this information may prejudice the interests of the interested parties. Furthermore, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised planning applications. As such, I have proceeded to determine the appeal on the basis of the information before the Council when it made its decision.

Main Issues

4. The main issues in the appeal are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt and, if so;
 - The effect on the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on trees;

- Whether any harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development in the Green Belt

5. The appeal site is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out exceptions whereby development would not be inappropriate. Policy GB1 of the Barnsley Local Plan (BLP) is consistent with the Framework in that it states that Green Belt will be protected from inappropriate development in accordance with national planning policy.

Is the proposed replacement building materially larger than the one it replaces?

6. The description of development is for a replacement dwelling and based on the evidence before me, I have assessed it as such.
7. Paragraph 154 d) of the Framework sets out an exception to inappropriate development being 'the replacement of a building, provided the building is in the same use and not materially larger than the one it replaces'. In this context Policy GB2 of the BLP is consistent with the Framework.
8. The existing building is a modest bungalow, and based on the evidence before me has a floor area of around 86.3sq.m. The proposed replacement dwelling would measure around 269sq.m in area. This represents an increase of around 211.7% in floor area. The existing dwelling is single storey and the proposed dwelling would be two storey and of substantial mass and prominence compared to the existing dwelling.
9. The appellant has put forward a fallback position which includes the approval from the Council confirming that prior approval is not required for single storey rear extensions off the rear of the building, and for an upwards extension across the whole building. The appellant has stated that these extensions if constructed would result in a building measuring 215.6sq.m GIA with the original building being 62.7sq.m GIA.
10. I am mindful of the judgment¹ and whilst the prior approval developments could be carried out lawfully, the comparison must be using the existing and proposed dwellings and should not include the fallback proposals as these do not exist on the site. However, I go on to consider the fallback in the other considerations and very special circumstances section of this decision.
11. Therefore, I consider that whilst the building would be in the same use it would be materially larger than the one it replaces by a significant amount and would not fall within the exception under Paragraph 154 d) of the Framework and would conflict with Policy GB2 of the BLP.

¹ Athlone House Ltd v SSCLG [2015] EWHC 3524 (Admin)

Is the appeal site previously developed land?

12. Paragraph 154 g) of the Framework is applicable here. I have been provided with historic map evidence which shows an L-shaped terrace of several buildings in the corner of the appeal site, demonstrating that the site did have development on it historically. The appellant's evidence demonstrates that there is a multidirectional foul water sewer connection within the site, with manholes at the surface.
13. However, no visible evidence of the previous development remains, and the sewer is underground. The appeal site now appears as an undeveloped parcel of grazing land, with the exception of the dwelling and driveway proposed to be replaced which is beyond the walled boundary of the field. In its glossary, the Framework sets out exclusions to previously developed land which includes, land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. Which I consider to be applicable in this case, therefore the site is not previously developed land for the purposes of paragraph 154 of the Framework.
14. Therefore, the proposals would not fall within any of the exceptions listed in Paragraph 154 of the Framework and would amount to inappropriate development.

Paragraph 155 of the Framework

15. The appellant has stated in evidence that the site should be considered to be grey belt land. Paragraph 155 of the Framework states that the development of homes in the Green Belt should not be regarded as inappropriate development where certain criteria apply. In this case, based on the information before me and my observations on site, I am satisfied that in accordance with glossary definition of grey belt within the Framework, that due to the location of the proposed development it would not contribute strongly to purposes (a), (b) or (d) of including land within the Green Belt as set out in paragraph 143, which aligns with the Green Belt Review findings provided in the appellant's statement of case. It would therefore meet criterion a) of paragraph 155.
16. Having regard to criterion b) which requires there to be a demonstrable unmet need for the type of development proposed, based on the evidence before me, the Council cannot demonstrate a five-year housing land supply and do not dispute this in the evidence. The appellant's evidence states that the Council can demonstrate a 3.1-year housing land supply. However, to my mind, as the proposal is for a replacement dwelling, there would be no net increase in housing to contribute to the Council's housing land supply.
17. Turning to criterion c), which requires that the development be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
18. The appeal site is very rural in nature and is isolated in character. It is located on a narrow country lane with a small number of dwellings and a farmstead accessed off it. There is no footpath to the site, only a small section of footpath in front of the neighbouring dwelling, although the proposal does include installation of a footpath in front of the appeal site. The evidence states that Mappelwell Local Centre is approximately 1km away with Darton Local Centre being approximately 1.5km away and Athersley District Centre approximately 1.9km away.

19. Due to the rural nature of the road serving the site, and absence of a footpath link and lighting, I am not satisfied that safe and suitable access to the site can be achieved for all users. Furthermore, I have limited substantive evidence before me to demonstrate that public transport is a viable option for future users of the proposed development, therefore, there would be reliance on the private car to reach amenities. I acknowledge that suitable parking and cycle parking facilities would be provided at the site, which would be beneficial, however, I do not consider the site to be a sustainable location for the purposes of criterion c) of paragraph 155 and would not meet the requirements of paragraphs 110 and 115 of the Framework.
20. Therefore, as criterion c) is not met, the proposal would not meet the criteria of paragraph 155 of the Framework and would be inappropriate development in the Green Belt.

Openness

21. The appeal site has a very open character and is grazing land. The site is bounded with vegetation, with a dry-stone wall along the front and side boundaries. The existing dwelling is separated by the dry-stone wall and some trees.
22. The proposed development would introduce a large dwelling into the centre of the site which is currently free from development and in use as grazing land. The proposed building would be two storey, with a high, pitched roof, wide frontage and significant depth. The bulk of the building would be further exaggerated by the pitched roofs, albeit hipped, to either side. The proposal would also introduce a small cycle storage shed to the front of the site.
23. The existing dwelling, which is a modest, low profile, bungalow located to the side of the site, is partially concealed, by landscaping.
24. Therefore, due to the openness of the site at present, the proposed development would be of a significant scale in comparison. In my view the combination of height, depth and bulk of the dwelling, would result in a loss of spatial and visual openness, which would cause substantial harm to the openness of the Green Belt.
25. Consequently, in accordance with Paragraph 153 of the Framework, I give this harm substantial weight. The proposal would also be contrary to Policies GB1 and GB3 of the BLP which seek to protect the Green Belt from inappropriate development and to ensure that all changes of use preserve the openness of the Green Belt.

Trees

26. Several trees are shown to be removed from the site, however, the Council argues that there is insufficient justification for the removal of trees T5 and T6 which are category B2 trees, a mature Rowan and mature Lawson Cypress. BS5837:2012² states that trees can offer many benefits including providing visual amenity. The tree survey and constraints plan shows that both trees are located close to a drystone wall, both have minor dieback visible and are both described as poorly located, despite being category B trees. The recommendation for both trees, is to consider removal of the trees in the medium to long term to protect the wall.

² Trees in relation to design, demolition and construction. Recommendations

27. The appellant wishes to remove the trees, due to historic mining in the area and further damage tree roots could do to capped mineshafts, and associated safety concerns such as obscuring future borehole access or emergency works.
28. The Coal Authority's summary of findings shows two mine shafts within the appeal site very close to the existing bungalow, and the proposed mitigation strategy within the Coal Mining Risk Assessment provides recommendations, due to their being a medium risk associated with the development from unrecorded shallow mine workings. However, there is limited substantive evidence before me to demonstrate that the trees are required to be removed due to historic coal mining at the site.
29. The root protection areas of trees T5 and T6 would not be adversely affected by the proposed development, and the trees are some distance away from the proposed dwelling.
30. Therefore, having reviewed information provided, there is limited substantive evidence before me to justify the removal of the trees to accommodate the proposed development. The appellant's evidence states that the matter of trees could have been dealt with by condition, however, this would only be in the event of an approval, and the suggested conditions by the Council relate to the retention of the trees subject of this main issue.
31. The proposed development includes the planting of six native standard trees including three extra heavy standard trees and three standard trees, which would provide some mitigation for the loss of trees and associated loss of biodiversity.
32. Nevertheless, for the above reasons, I conclude that the proposed development would have a harmful effect on trees within the site resulting in their loss. Therefore, the proposal would fail to accord with paragraph 136 of the Framework which states that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Other considerations and Very Special Circumstances

33. My attention has been drawn to two previously approved schemes at the site for prior approval. The first relates to larger home extensions off the rear of the existing property³, the second relates to an extension to create an extra floor on the existing dwelling⁴, which would raise the height of the building. The proposals have been put forward as a fallback position.
34. The appeal proposal has a floor area of 236 sq. m, compared with 215.6sq.m for the existing dwelling with the approved upward and rear extensions, a difference of 20.4sq.m. For a fallback position to carry significant weight, it must be equally or more harmful than the appeal scheme and have a realistic prospect of implementation. As the fallback scheme has the necessary consents, I am satisfied that it could reasonably be carried out and there is a greater than theoretical possibility that the fallback may take place, in line with relevant caselaw⁵.

³ 2024/0270 Proposed Single Storey Rear Extension (Prior Notification Householder) Granted May 2024

⁴ 2024/0450 Demolition of Existing Roof and Construction of new first floor with roof (Prior Notification Householder) Granted July 2024

⁵ Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314

35. However, due to its smaller overall floor area and height, and the established position of the existing dwelling on the developed part of the site, the fallback scheme would have a substantially lesser impact on the visual and spatial openness of the Green Belt than the proposed development. Consequently, the fallback position does not weigh in favour of the proposal.
36. My attention has been drawn to a planning permission⁶ for the demolition of an existing dwelling and its replacement. However, I do not have the full details of the circumstances that led to the proposal being accepted, so cannot be sure that the example is similar or comparable regarding the existing or proposed dwelling, size or site context to the scheme before me. I have accordingly determined the appeal on its own merits.
37. The proposed development includes renewable energy technology, including solar panels and air source heat pumps. There are environmental benefits associated with generating energy on the appeal site for the proposed dwelling. However, due to the size of the proposals being for one dwelling, this benefit would attract modest weight in the overall planning balance.
38. The Council cannot currently demonstrate a 5 year housing land supply, the appellant has stated that this is around 3.1 years and the Council do not dispute this figure. Therefore paragraph 11 d) of the Framework is relevant. However, footnote 7 sets out that planning permission should not be granted where the policies referred to are those in the Framework including land designated as Green Belt provide a strong reason for refusing the development proposed, which is applicable in this case.
39. In this case, as the proposal would not result in a net dwelling as it would be a replacement dwelling and would not make a contribution to the Council's housing land supply therefore, this is a neutral matter in the overall planning balance.
40. The proposal for a self-build property on a site such as this would contribute to maintaining a supply of self-build properties in the Borough, however, due to the small scale of the development providing one dwelling, would only attract modest weight in the overall planning balance.
41. The appellant's statement states that the existing dwelling is cold, poorly insulated, and provides only one bedroom with small internal rooms. Whilst I acknowledge that the dwelling is limited in size and that a replacement building would offer a more modern standard of accommodation, only modest weight is attached to such personal circumstances and they do not outweigh harm identified in the main issues.
42. I am satisfied that the proposed materials for the development would be acceptable together with the proposed tree and hedge planting, and the proposal would be acceptable with regard to highway accessibility and safety, however these matters would attract only modest weight in the overall planning balance due to the scale of the proposals.
43. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of inappropriateness due to the impact on

⁶ Application ref: 2022/1165 Approved with conditions 01.02.2023

the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

44. Having considered all matters raised in support of the proposal, as set out above, these considerations, in combination, amount to modest weight, and therefore do not outweigh the substantial weight given to the harm to the Green Belt and other harm identified to the trees within the appeal site. Therefore, in my view, the very special circumstances required to justify the development do not exist.

Other Matters

45. Regarding the matter of biodiversity net gain (BNG) as required by the provisions of the Environment Act 2021. In order for the site to be exempt from BNG requirements the site must consist of no more than 9 dwellings, be on a site that has an area no larger than 0.5ha and consist exclusively of development that will be for a self-build house. For the proposal to qualify as a self-build house, it must fall under the definition of self-build as set out in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015, and there must be a mechanism to secure it as such. This is best achieved by way of a Planning Obligation, which has not been provided as part of this appeal. However, given my overall conclusion on the main issues, it is not necessary for me to seek such a legal mechanism or to consider this matter in any further detail.
46. The appellant has expressed general dissatisfaction with the Council's handling of the application, particularly regarding decision making. I deal with this in the application for costs, but this is not a significant material consideration in the determination of the appeal.
47. The appellant has expressed, that the existing bungalow would create amenity issues if it was sold separately, due to the shared driveway access. However, this would be a private matter between those parties and is therefore not a significant material consideration in the determination of the appeal.

Conclusion

48. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR