

## **PLANNING BOARD**

- Date and Time:-** Thursday 22 January 2026 at 9.00 a.m.
- Venue:-** Rotherham Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH
- Membership:-** Councillors Mault (Chair), Jackson (Vice-Chair), Adair, Ahmed, Allen, Bacon, Cowen, Currie, Duncan, Elliott, Fisher, Hussain, Sutton, Tarmey and Thorp.

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

### **AGENDA**

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 5)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 27th November, 2025 (Pages 7 - 12)
6. Deferments/Site Visits (information attached) (Pages 13 – 14)
7. Development Proposals (Pages 15 - 40)
8. Updates (Pages 41 - 44)
  - (a) Enforcement Statistics January to December, 2025

**The next meeting of the Planning Board will be held on  
Thursday 5 February 2026 commencing at 9.00 a.m.  
in Rotherham Town Hall.**

A handwritten signature in black ink, appearing to read 'John Edwards', with a stylized, flowing script.

**JOHN EDWARDS,  
Chief Executive.**

## Planning Regulatory Board 'Public Right To Speak'

### REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

If you wish to speak in the meeting, please try to arrive at the venue **ten minutes** before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board clerk (who will have a checklist of names derived from the agenda). The clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

### **YOUR RIGHT TO SPEAK**

The 'right to speak' applies equally to the applicant and to the general public.

You will be invited to speak by the Chairman at the correct interval.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

### **CONDUCT OF COMMITTEE MEETINGS**

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the meeting.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

*Please tick ( ✓ ) which type of interest you have in the appropriate box below:-*

**1. Disclosable Pecuniary**

☐

**2. Personal**

☐

Please give your reason(s) for you Declaring an Interest:-

*(Please continue overleaf if necessary)*

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Governance Adviser prior to the meeting.

Signed:- .....

*(When you have completed this form, please hand it to the Governance Adviser.)*

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**PLANNING BOARD**  
**27th November, 2025**

Present:- Councillor Mault (in the Chair); Councillors Adair, Ahmed, Allen, Bacon, Currie, Duncan, Elliott, Jackson, Tarmey and Thorp.

Apologies for absence were received from Councillors Cowen, Fisher, Hussain and Sutton.

The webcast of the Planning Meeting can be viewed at:-  
<https://rotherham.public-i.tv/core/portal/home>

**39. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items on the agenda to warrant exclusion of the press and public.

**40. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**41. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**42. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH SEPTEMBER, 2025**

**Resolved:-** That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 25<sup>th</sup> September, 2025, be approved as a correct record of the meeting and signed by the Chair.

**43. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended.

**44. DEVELOPMENT PROPOSALS**

**Resolved:-** (1) That, on the development proposal now considered, the requisite notice be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure the following people attended the meeting and spoke about the application below:-

- Change of use of land to dog walking paddocks and training facility including extended car parking area at 4 Blackamoor Road Swinton for Invictus Squad (RB2023/0283)

Mr. D. Malone (Applicant)  
Mr. D. Foss (Objector)

A statement was also read out on behalf of Ms. D. Williams (Supporter).

(2) That application RB2023/0283 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**45. REPORT OF THE ASSISTANT DIRECTOR OF PLANNING, REGENERATION AND TRANSPORTATION SERVICE**

Consideration was given to the report which outlined proposals for the large-scale Solar Farm, designated as a Nationally Significant Infrastructure Project (NSIP), known as Whitestone.

The Whitestone Solar Farm was primarily located within the administrative boundaries of both the City of Doncaster Council (CDC) and Rotherham Borough Council. As such, both Councils were considered host authorities and statutory consultees. Under the Act, a host authority was defined as a local authority within whose area the application land was wholly or partly situated.

Further information was provided on NSIPs and how they were developments of specific types and scales that the Government considered to be of such national importance that consent for their construction was granted at the national level.

On this basis instead of seeking planning permission from the Local Authority, developers must apply to the Planning Inspectorate (PINS) for a Development Consent Order (DCO).

PINS, the Government agency responsible for managing NSIP applications, appointed the Examining Authority (ExA) with the agreement of the relevant Secretary of State to assess the proposal and make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy. Under the Act, the final decision on the application rested with the Secretary of State. If approved, the Secretary of State would issue the DCO. The relevant Local Authority (or Authorities, in the case of cross-boundary applications) would then be responsible for discharging and monitoring the requirements of the DCO and any associated legal agreements.



By way of a presentation the Planning Board were advised:-

- The NSIP Process.
  - . NSIP Overview.
  - . Governing Bodies and Roles.
  - . Six Stage Process.
- Whitestone Proposals.
  - . Project Scope and Location.
  - . Energy Generation Capacity.
  - . Grid Connection and Infrastructure.
  - . Community Environmental Considerations.
- Rotherham Borough Council's Progress to Date.
  - . Active Pre-Application Engagement.
  - . Delegated Decision Making.
  - . Environmental and Consultation Feedback.
  - . Dedicated Page on Website.
  - . Member Briefing Session.
  - . Cumulative Impact – Legal Advice.
- Next Steps.
  - . Stakeholder Engagement.
  - . Awaiting Key Documents.
  - . Drafting Critical Reports.
  - . Transparency and Oversight.

It was further pointed out that to date the Council had actively engaged in the pre-application phase, providing detailed feedback on environmental and technical aspects. The Council had also taken proactive steps to ensure governance arrangements were in place to meet the demanding timelines set by the Planning Inspectorate, including the delegation of responsibilities and the establishment of quarterly reporting to Planning Board.

While the project had evolved in response to initial consultation feedback, concerns remained regarding biodiversity, landscape impact and cultural heritage. The Council would continue to advocate for improvements and safeguards through its contributions to the Local Impact Report (LIR), Statement of Common Ground (SoCG), and ongoing dialogue with the applicant.

As the project progressed towards formal application submission in Spring 2026, the Council remained committed to ensuring that environmental standards were represented, and the development aligned with both national policy and local priorities.

On this basis further reports on progress would be presented to Planning Board on a quarterly basis.

The Chair invited questions which drew attention to:-

- Adequacy of the consultation by Whitestone and whether further evidence was required to confirm the threshold had not been met. Officers were keen to receive any feedback and suggested this be done by residents through their Ward Members for ease of collation.
- Access to the NSIP webpage on the website and inclusion of the details within the Members' Portal. Further information to be shared via the Members' Briefing.
- Complaints by residents of the dates/times of the drop-in sessions and the lack of quality interaction.
- Highway infrastructure and impact on smaller communities such as Treeton who were likely to be affected by three major developments.
- Lobbying Members of Parliament and interested party registration once the application had been accepted.

Officers outlined their ongoing involvement in the technical process particularly around highway infrastructure.

The applicant had also indicated their intention to issue a newsletter once they had evaluated the consultation responses and any changes along with a further newsletter once the application had been accepted.

**Resolved:-** That the update report and presentation be received and the contents noted.

#### 46. UPDATES

The following update information was provided:-

1. Battery Storage Appeals (RB2024/0063 and RB2024/0321) – Moat Lane, Wickersley

Further to Minute No. 7 of the meeting of the Planning Board held on 12<sup>th</sup> June, 2025 where it was agreed the Council could effectively only defend the highways reason for refusal at appeal for both planning applications, an update was provided on the outcome of both appeals.

Whilst submitted together, the appeals were heard separately, the first by way of written representations and the second by public hearing. Both appeals were allowed thus granting planning permission.

The Planning Inspector's conclusions were consistent for both applications and indicated with a scheme for the proposed improvements to the Moat Lane/Green Lane Junction and pedestrian refuge facilities on Green Lane with a plan for construction traffic, there would be no unacceptable impact on safe use of Green Lane. This would be controlled by way of a condition for the applicant to provide a pedestrian refuge.

The requirement of such conditions could embrace the local concerns of residents and the Planning Inspector concluded that the Council failed to provide evidence to substantiate the highway reason for refusal on appeal and that the concerns in relation to construction traffic were capable of being dealt with by conditions.

On this basis an application for costs had been submitted by the applicant. The amount was not yet known, but the Council had the opportunity to challenge the sum should it be deemed unreasonable.

The Planning Board, whilst being disappointed with the decisions, believed there would be some learning from this and where they may be technical considerations for an application this may be overcome by conditions. It was for this reason a costs award had been made.

It was, therefore, suggested that in any similar situations consideration be given to enlisting an independent consultant to assist the Council in defending controversial applications.

Upon reflection and further research, it became clear that the national demand for battery storage had created a stronger presumption in favour of supporting renewable energy projects, increasing the likelihood of success on appeal.

Furthermore it was also noted that, although permission had now been granted, the developer would need to enter into legal agreements with the Highways Authority. At this stage, the Council would carry out road safety audits and review more detailed swept path analysis. The site would be revisited with Highways to assess how the scheme could be managed, whether it was workable and to examine the finer details. These details were not yet fully agreed.

Members welcomed this further update and how the legalities around the public highway would be managed and approved to industry standards.

**PLANNING BOARD - 27/11/25**

2. Planning Board Date Change – January, 2026

Consideration was given to a request for the January, 2026 Planning Board meeting to move on one week from the 15<sup>th</sup> to 22<sup>nd</sup> January, 2026. This would give officers more time in the submitting of applications for the agenda.

This was approved.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
  - (a) Members may require further information which has not previously been obtained.
  - (b) Members may require further discussions between the applicant and officers over a specific issue.
  - (c) Members may require a visit to the site.
  - (d) Members may delegate to the Assistant Director of the Service the detailed wording of a reason for refusal or a planning condition.
  - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Assistant Director of Planning, Regeneration and Transport or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

## **SITE VISITS**

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Assistant Director of Planning, Regeneration and Transport.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chair and Vice-Chair will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chair should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 22<sup>nd</sup> January 2026**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

**INDEX PAGE**

<b>RB2022/1785 Erection of agricultural building for the processing of bees honey and wax at Land to north East Corner of Highfield Lodge Ulley Lane Aughton for Mr J Goodge</b>	<b>Page 17</b>
<b>RB2025/1483 Erection of self build residential dwelling at land adjacent 1 Austen Drive Bramley for Mr M Middleton</b>	<b>Page 26</b>

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**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 22<sup>nd</sup> January 2026**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

<b>Application Number</b>	RB2022/1785 <a href="https://rotherham.planportal.co.uk/?id=RB2022/1785">https://rotherham.planportal.co.uk/?id=RB2022/1785</a>
<b>Proposal and Location</b>	Erection of agricultural building for the processing of bees honey and wax, Land to north East Corner of Highfield Lodge, Ulley Lane, Aughton
<b>Recommendation</b>	Refuse

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The application site is a small field located on the edge of Aughton, accessed off Ulley Lane. The field is currently used partly for bee keeping and partly for equestrian purposes and as such has a mixed use. The existing stables and equestrian use appears to be longstanding and the existing building has been in place since at least 2009.

### Background

No site history

## Proposal

The application seeks full planning permission for the erection of an agricultural building for the processing of bees honey and wax. The building is indicated to be 17.5m in length x 6m in depth with a height 2.8m to the eaves and 3.7m to the ridge.

The submitted details indicate that the construction of the proposed building will be a modular building clad in green corrugated sheeting. The floor plan includes storage areas and a work area.

The applicant's Planning Statement states that:

The proposed unit is to be used for the processing of bee hives for honey and bees wax products. De-capping machinery will be installed for carrying out the extraction of the wax and honey. There will be a clean hygiene area for cleaning and filling jars. Areas to be created for the storage of processed honey and wax products, consumables, containers and tools, also storage for bee keeping safety clothing, associated accessories, and new bee hives. Finished products are sold to retailers and via the internet. The business currently employs up to 4 people during busy periods, all work is carried out during the day.

Equipment used on site is as follows:

- Radial extractor fan
- 3 x Jarring machines
- De-capping machine
- Stainless steel industrial dishwasher
- Stainless steel industrial oven
- 2 x stainless steel industrial boilers
- 2 x stainless steel industrial warming cabinets
- 2 x stainless steel industrial wax melting pans
- Stainless steel industrial mixer

Equipment and products stored/used on site is as follows:

Approximately 750 x hive sections c/w frames new (for sale) and used hives (winter storage) 1m<sup>2</sup> pallets for storage of empty/full honey jars, 25 litre containers of extracted honey/wax, finished products for sale, bee keeping smokers and related tools 200 - 300 bee keeping protective clothing (boxed, various sizes).

Approximately 100 m<sup>2</sup> shelving for work in progress and finished product. 1m<sup>3</sup> caged IBC containing sugar syrup.

Toilet facilities will be provided via a portable chemical toilet, process grey water will be piped to a horizontal flow reed bed water treatment system, only bio-degradable

detergents are used in all processes. Rainwater will discharge to a soak-away subject to percolation test.

Moving production to the site of the bee hives will cut down on transport thus making the business more environmentally friendly in keeping with the business ethos.

Honey & Wax is sourced from a number of Hives across the North of England, including Hives on site.

Following objections from local residents about the number in hives on the site (see objections below) a number have been reduced, helping to minimise the impact of bees upon neighbouring residents.

### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on 27th June 2018.

The application site is allocated for Green Belt purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS 4 'Green Belt'

CS28 'Sustainable Design'

SP2 'Development in the Green Belt'

SP7 'New Agricultural or Forestry Buildings or Structures in the Green Belt'

SP55 'Design Principles'

### **Other Material Considerations**

Supplementary Planning Document - 'Development in the Green Belt'.

This has been subject to public consultation and adopted by the Council in June 2020.

National Planning Practice Guidance (NPPG)

The NPPF (as revised) states that: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

### **Publicity**

The application has been advertised by way of site notice and individual neighbour notification letters to adjacent properties.

4 Letters of objection have been received stating:

- The amount of bees on site are excessive and are causing disturbance and harm to neighbours.
- The building will be predominantly used for online sales, rather than food production.
- The proposed reeds bed waste water treatment system will cause smells.

A petition has been submitted objecting to the application with 39 signatures. The petition states that:

- 1) The already large quantity of bees on this site causes damage to cars, outdoor furniture and washing due to bee 'poo' they release in flight. They also swarm our gardens especially around water features, bird baths and ponds making it difficult to sit outside during the warmer months. They are too close to residential homes.
- 2) The land is classed as Green Belt therefore no building should be erected on it due to it being a commercial enterprise. In doing so could allow further developments spoiling the area to an even greater extent than already exists.
- 3) Production on this site may generate noise which would again spoil the nature of the area and the reason residents enjoy living here.
- 4) The bees used are not native to the country which questions their argument for the bee conservation society stating that local wild bees are in decline. Introducing these non native bees is driving out our local wild bees.

Three requests to speak at the meeting have been received, from the applicant and two objectors.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections due to the limited number of proposed traffic movements

RMBC Environmental Health: Confirmation that they cannot control the number of bee hives on site.

### **Appraisal**

**Where an application is made to a local planning authority for planning permission.....**In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- The principle of the development in the Green Belt
- The design and siting of the building
- Highway impacts
- Other issues raised by objectors
- Very special circumstances to justify inappropriate development and any other harm caused.

#### The principle of the development

The application site is located within the Green Belt where there is a presumption against inappropriate development, which is, by definition harmful to the Green Belt and its openness.

Policy CS4 'Green Belt' states that: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy".

Policy SP2 'Development in the Green Belt' states that: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...All new buildings should be well related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement."

Policy SP7 'New Agricultural or Forestry Buildings or Structures in the Green Belt' states that "Planning applications for new agricultural or forestry buildings or structures must demonstrate that the building or structure is needed, designed and constructed solely for the purposes of agriculture or forestry." The Supplementary Planning Document - 'Development in the Green Belt' reiterates this.

The NPPF at paragraph 154 states that: "Development in the Green Belt is inappropriate unless one of the following exceptions applies: a) buildings for agriculture and forestry."

In terms of the agricultural holding, the site is small at 0.4 hectares as the bee hives are small scale and do not require significant space. In addition, honey from other hives in Northern England and the East Midlands will be processed on site.

It is considered that the processing and jarring of honey and wax would be a manufacturing process, and not an agricultural use, and that it represents a Class E(g)(iii) use (light industrial). A Class E use would not fall within any of the Green Belt exceptions set out in the NPPF and as such would represent inappropriate development in the Green Belt, and the building would impact

on the openness of the Green Belt, and lead to encroachment in the Green Belt.

It is further noted that the majority of the raw materials for the products (honey/wax products etc) would not be generated on the site itself, but would be imported from outside of the application site, and in fact from outside of the Borough. This demonstrates that there is no need for a building in this Green Belt location, as alternative commercial sites would be more appropriate.

The proposed building would introduce a permanent structure into an area currently characterized by open fields and minimal built development. This change would materially reduce the openness of the Green Belt, both visually and spatially, by increasing the built footprint and creating a sense of encroachment into previously undeveloped land. The scale and form of the building, although modest, would nonetheless alter the rural character of the site and diminish its contribution to the Green Belt's fundamental aim of keeping land permanently open. Inappropriate development of this nature is considered harmful by definition, and no very special circumstances have been demonstrated to outweigh this harm.

It is noted that since the original submission the NPPF has been amended to include a new concept of 'Grey Belt' within the Green Belt. Paragraph 155 of the NPPF states that:

*"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed* 56;
- c. The development would be in a sustainable location, with particular reference to* paragraphs 110 and 115 of this Framework<sup>57</sup>; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The land in question falls within a small parcel of land set between the built up settlement of Aston and number of longstanding residential dwellings and industrial type uses to the bottom end of Ulley Lane. It could, therefore, be argued that the land is Grey Belt Land, as it does not strongly contribute to the following Green Belt purposes:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another
- d) to preserve the setting and special character of historic towns

However, for development on Grey Belt land to be appropriate it still has to accord with requirement of paragraph 155(b), that: "There is a demonstrable unmet need for the type of development proposed". In this instance, a small industrial type unit for the processing of honey could be operated from a wide range of small scale industrial units within the Borough for which there is no shortage. There is also a significant amount of industrial land allocated within the Local Plan awaiting development. With this in mind, it is considered that whilst the site could be considered Grey Belt land there is no demonstrable unmet need for an industrial type development, and as such the proposal does not accord with the exception allowed under paragraph 155 of the NPPF, and represents inappropriate development within the Green Belt.

As such the proposal is considered to be inappropriate development in the Green Belt contrary to Local Plan policies CS4, SP2 and SP7 as well as the requirements of the NPPF.

#### Design and siting of the building

In terms of the appearance and siting of the building itself, Local Plan Policy SP7 'New agricultural or Forestry Buildings or Structures in the Green Belt' states that: "All proposals will require careful assessment as to the impact and appropriateness of the development; consideration will be given to the size, scale, position, screening, enclosures, lighting and design of the buildings."

Core Strategy CS28 'Sustainable Design' requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

Local Plan Policy SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environment, and positively contribute to the local character and distinctiveness of an area and the way it functions." "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development"

The Supplementary Planning Guidance 'Development in the Green Belt' states that "Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes."

The design of the building is considered to be acceptable for an agricultural building, notwithstanding the fact that it is considered that the use is not an agricultural one and that insufficient evidence of the need for an agricultural building or any evidence of agricultural activity on site has not been provided.

#### Highway impacts.

The applicant has estimated that the business would involve 3 to 4 employee cars entering/leaving 2 to 3 times each day. Deliveries would be up to 5 times each week via transit size vans.

Whilst Ulley Lane is of a limited width with no public footpath, the level of traffic proposed would not warrant refusal and does not cause significant highway safety concerns.

#### Other issues raised by objectors

A number of objectors have raised concerns about the impact of the existing bees housed on site. This includes harm and distress to neighbouring dwellings as well as the ecological impact of the large number of bees on the area as a whole. The applicant has accepted that the number of bees on site is unacceptable and has voluntarily agreed to reduce the number of hives on site and move them to other sites. It would appear that the reduction in the number of hives on site has taken place since the original submission and the impact of the bees has been reduced.

In terms of the bees not being native, the hives themselves are not part of this application and do not require planning permission in their own right. As such the Council cannot control the type of bee housed in the Hives.

With regard to the proposed reeds bed waste water treatment system causing smells, the exact details could be agreed by way of condition to ensure that no significant harm is caused to neighbouring dwellings.

Finally in terms of the production on this site generating noise to the detriment of the otherwise tranquil area, the proposed processing of honey and wax is a low impact activity that would not require any substantial plant and machinery. Such a light industrial process is appropriate within a reasonable distance of residential dwellings.

#### Very special circumstances to justify inappropriate development and any other harm caused.

Paragraph 153 of the NPPF states that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate) . Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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."

No very special have been put forward by the applicant to overcome the inappropriate nature of the development, and the other harm caused.



**Conclusion**

The proposal is inappropriate development within the Green Belt and has a detrimental impact on the openness of the Green Belt, leading to encroachment.

No very special circumstances have been demonstrated to justify the inappropriate development, and any other harm caused, and the proposal is contrary to Local Plan Policies CS4 'Green Belt', as well as the Council's Supplementary Planning Document – 'Development in the Green Belt,' and to advice contained within the NPPF

**Reason(s) for Refusal**

01

The Council considers that the proposed building would not be used for agricultural purposes but would be a general purpose industrial building falling within Use Class E (g) iii which represents inappropriate development in the Green Belt. The proposed building would have an adverse impact on the openness of the Green Belt, and would not safeguard the countryside from encroachment. The applicant has failed to demonstrate any very special circumstances to justify this inappropriate development and the harm caused to the openness of the Green Belt, and any other harm. As such, the proposal is considered to be contrary to Local Plan Policies CS4 'Green Belt' and SP2 'Development in the Green Belt' as well as the guidance contained within the National Planning Policy Framework (NPPF).

**Informative**

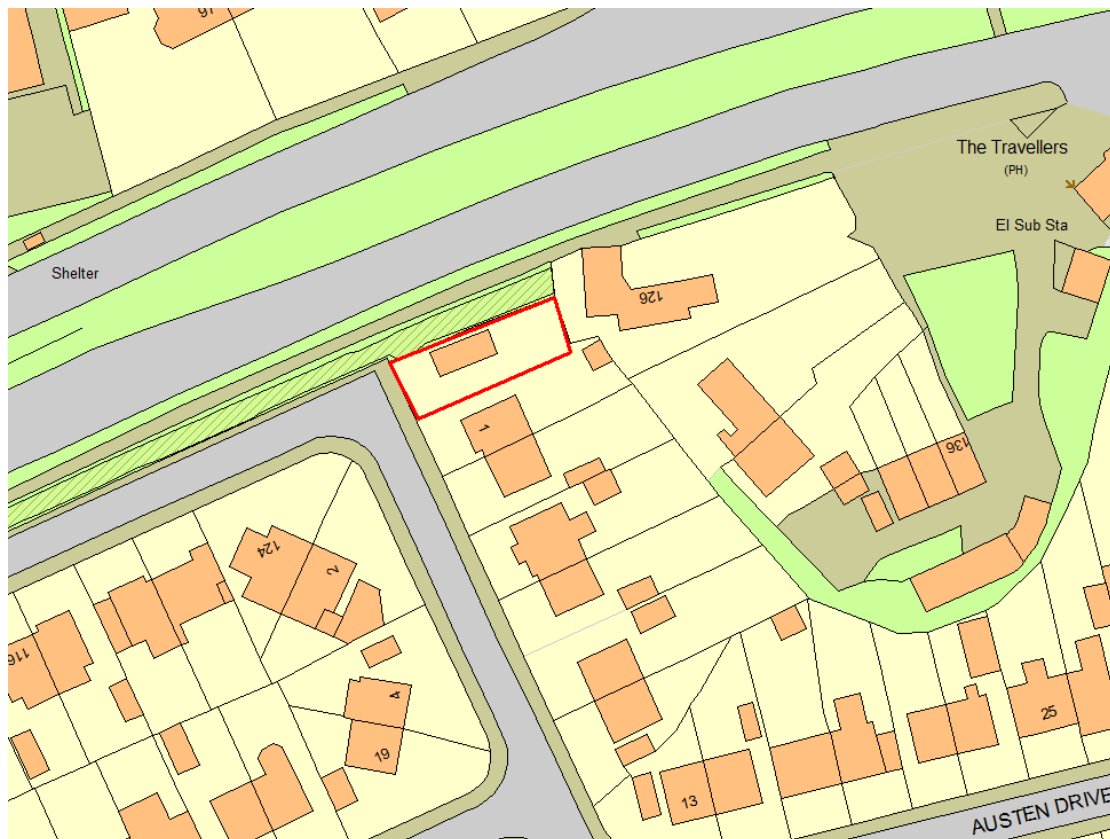
Whilst the applicant has described the building as 'agricultural' the Council does not accept this to be the case and considers that the building would be used for Class E(g)(iii) use (light industrial) purposes.

**POSITIVE AND PROACTIVE STATEMENT**

The applicant did not enter into any pre application discussions with the Local Planning Authority. Discussions during the determination of the application have identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

<b>Application Number</b>	<b>RB2025/1483</b> <a href="https://rotherham.planportal.co.uk/?id=RB2025/1483">https://rotherham.planportal.co.uk/?id=RB2025/1483</a>
<b>Proposal and Location</b>	Erection of self build residential dwelling at Land adjacent 1, Austen Drive, Bramley, Rotherham, S66 2UF
<b>Recommendation</b>	<b>Grant Conditionally Subject to Section 106 Agreement</b>

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The application site is the side garden to 1 Austen Drive, a semi detached dwelling set within a suburban setting. The dwelling includes a large side garden and a detached garage fronts onto Austen drive. The street contains predominately semi detached properties.

### Background

No Relevant Planning History

### CIL

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

## **Proposal**

The application is for the construction of a new self build two storey detached dwelling to the side garden of 1 Austen Drive, with its own highway access.

The new dwelling will measure 6.3m wide by 8.2m deep (Maximum) and be 9.2m high. Following initial pre application advice, the proposal has been reduced in scale and the rear amenity space increased.

The applicant has also provided a plan showing how off street parking can also be provided for the host property.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS7 'Housing Mix and Affordability'

CS14 'Accessible Places and Managing Demand for Travel'

CS28 'Sustainable Design'

CS33 'Presumption in Favour of Sustainable Development'

SP11 'Development in Residential Areas'

SP12 'Development on Residential Garden Areas'

SP26 'Sustainable Transport for Development'

SP33 'Conserving and Enhancing the Natural Environment'

SP52 'Pollution Control'

SP55 'Design Principles'

SP56 'Car Parking Layout'

## **Other Material Considerations**

Council's Car Parking Standards

South Yorkshire Residential Design Guide

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in December 2024. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless

material considerations indicate otherwise” and that it is “a material consideration in planning decisions”.

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. Eleven letters of representation have been received. Comments are summarised below:

- loss of outlook and visual amenity
- Concerns with privacy
- height and positioning would directly obstruct the open view
- Concerns in regards to potential loss of daylight to neighbouring dwellings
- the scale and proximity of this development would result in a substantial negative impact on the character of the area and the sense of openness that currently exists
- concerns that properties surround will feel overshadowed and enclosed
- concerns regarding parking and local traffic congestion
- Concerns in winter months as Austen Drive is not serviced by council gritters, the corner is hazardous during winter months.
- proposed development does not appear to provide adequate off-street parking to accommodate its likely needs
- Increased competition for already limited parking spaces, exacerbate congestion, and create difficulty for residents, visitors, pedestrians, school children and service vehicles
- the proposal would have an unreasonably detrimental effect on residential amenity and local infrastructure
- Out of Keeping with the Existing Street Scene
- Loss of Countryside Views
- Removal of Established Trees - removal would have a detrimental environmental and visual impact
- The development may harm local biodiversity and green space, which are valued by the community
- Removal of existing trees and bushes will have a profound negative environmental impact, leading to increased exposure to traffic fumes and noise pollution, detrimentally affecting the health and well-being of existing residents.
- This bend is already hazardous and is a known blackspot for accidents
- The current state of the road is not suited to accommodate additional vehicles
- Concerns regarding the impact of the construction works themselves. The close proximity to existing homes and the limited space will undoubtedly lead to congestion, blocked access, and increased safety risks for both workers and residents

- Proposed house is out of character with the existing homes in the area, which were built in the 1950s. The modern design will disrupt the visual harmony of the street and making the area look unkempt and less attractive.
- Negatively impact the value of the existing properties in the area
- Upset as was not consulted on the proposal

## Consultations

Environmental Health Services – Raise no objections to the granting of planning permission in a Environmental Health context subject to conditions.

RMBC Transportation Infrastructure Service: Raise no objections to the granting of planning permission in a highways context subject to conditions.

Ecologist: The ecologist notes that the site has some ecology interest however has no concerns subject to condition and a S106 to confirm that the property is a self build and exempt from BNG+10%

RMBC Land Contamination – Raise no objections to the granting of planning permission in a Land Contamination context subject to conditions

RMBC Drainage: Limited information of drainage has been submitted however no concerns with the proposal subject to prior to commencement conditions

Severn Trent Water Ltd 18/11/2025: no comments received

## Appraisal

**Where an application is made to a local planning authority for planning permission.....**In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- Principle
- Design and appearance in the streetscene
- General Amenity
- Highways

- Drainage
- Biodiversity
- Other considerations

### Principle

The site is allocated for residential purposes within the Council's adopted Local Plan.

Policy SP11 'Development in Residential Areas' states that areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area."

Firstly in terms point 'a' the site is limited in size and there is no potential to comprehensively develop a larger area.

In terms of points 'b and c' and the impact on existing properties and the character of the area is considered in subsequent sections of the report.

Overall, the principle of this residential development within an established residential area is acceptable

### Design and appearance in the streetscene

The NPPG notes that: "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."

The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse planning permission for development of poor design."

The NPPF at paragraph 131 states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving

this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area."

Additionally, Local Plan policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

With respect to the layout, 1 Austen Drive formed part of a housing estate, constructed with a predominately semi detached dwelling types. The road consists of semi detached two storey dwellings, a variety of brick types and render are also used in the dwellings.

The proposed site is a rectangular piece of land that currently forms part of the curtilage at No.1. There is a garage on the site and otherwise it consists of garden and some hardstanding.

Although the application proposes a detached dwelling it is considered that the width of the detached dwelling reflects that of the similar semi detached dwellings widths in the area and as such would maintain a similar pattern of development. The proposed dwelling is considered to be of an appropriate scale for this plot and its massing when viewed from Austen Drive is considered to be acceptable within the street scene and the area. The dwelling is to replicate brick work in the area as such would reflect similar properties material pallets in the area. The fenestration is regular and whilst this will be a new build development, it is considered that its form and design are relatively traditional which would fit with the overall character of the area.

Overall, the development accords with the relevant paragraphs of the NPPF, Local Plan policies CS28 'Sustainable Design', SP12 'Development in Residential Gardens' and SP55 'Design Principles'.

Neighbouring amenity

The NPPF at paragraph 127 states developments should create a high standard of amenity for existing and future users. In addition NPPF paragraph 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Policy CS27 'Community Health and Safety' states new development should be appropriate and suitable for its location, by considering, amongst other factors, the impact of existing sources of pollution and the potential for remedial measures to address problems of contamination. Policy SP52 'Pollution Control' states development proposal that are likely to be exposed to pollution will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect amenity.

The proposed dwelling has been designed with no habitable room windows to the side elevations, in order to maintain acceptable level of outlook to habitable room windows. The neighbouring property at No. 126 Bawtry Road is set at a lower level than the application site and appears to have limited amenity space. The area directly adjacent to the boundary does not have any usable amenity space and the elevation facing the application site does not contain habitable room windows. A separation distance of 9 metres is achieved from the rear elevation of the proposed dwelling to the boundary with No. 126. Whilst this is slightly below the 10 metres usually required, in this instance, given the levels, orientation and position of the nearest amenity space, it is not considered that the proposal would result in unacceptable levels of overlooking to this neighbour.

It is noted that there are two windows in the west elevation of no. 126 Bawtry Road adjacent to the application site. The windows host a secondary bedroom window and landing window. No.126 Bawtry Road rear bedroom window is not set directly in line with the application site and is angled both towards the road and away from the application site, as previously stated no. 126 Bawtry Road is set at a lower land level. A distance of 15m will be maintained between the habitable room window in no. 126 Bawtry Road and the proposed dwelling. A distance of 16m is maintained between the non habitable landing window of no.126 Bawtry Road and the proposed dwellings rear elevation. Although the distance between the habitable room windows falls short of the required it is considered due to the changes in land level and no direct relationship and or clear views between the two properties it is considered that the proposal not cause significant impact on the neighbouring property.

There is a side window currently within No. 1 Austen Drive at ground floor level, the agent has agreed to remove this window as a part of this application and this will therefore prevent any loss of light to habitable rooms within this neighbouring property and is secured by condition.

The guidance outlined in the South Yorkshire Residential Design Guide requires a minimum of 12 metres between habitable room windows and gable



side of neighbouring properties. The proposed new dwelling would therefore meet this requirement.

Furthermore, both the proposed new dwelling and the retained host property will be provided with adequate private amenity space, for the enjoyment of future occupants.

Finally, it is noted that permitted development rights would allow for significant extensions to dwelling, which would potentially harm neighbouring amenity, due to the very limited plot size. As such permitted development rights for future extensions and outbuildings are to be removed by condition.

Therefore, the proposal is considered to be in accordance with paragraph 127 of the NPPF and adopted Local Plan policy SP55 'Design Principles'.

### **Highways**

Paragraph 116 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

SP26 'Sustainable Transport for Development' states: "Development proposals will be supported where it can be demonstrated that: a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling..."

SP56 'Car Parking Layout' which states: "In terms of car parking, layouts must be designed to: a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street; b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway."

The proposal involves the formation of a new access, with off street parking to both the new dwelling and the host property.

Both drives will be able to accommodate 2 cars, in line with the Council's minimum requirement.

It is note that an objector has raised concerns about traffic issues caused by the new dwelling. It is not considered that the three-bedroom dwelling would generate excessive additional traffic movements and the adequate on plot

parking will prevent indiscriminate on street parking. As such the proposal is acceptable in terms of highway impacts and parking. Highways officer have raised no concerns subject to condition securing the hardstanding materials and DCR5.

#### Drainage

The site is not in a flood risk area and is less than 1ha therefore a flood risk assessment is not required. Relatively limited drainage information has been submitted with the application.

However, it is not considered that there are any drainage issues that cannot be overcome, subject to conditions.

#### Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because of the declaration on the application form that the development was exempt (as a self build/ custom build property).

A section 106 agreement will be completed to confirm that the property will be constructed as a self build and therefore is exempt from BNG plus 10%.

However, Local plan Policy SP33 states that development should result in no net loss of biodiversity and the NPPF at paragraph 180 (d) states that; Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst others) “d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

The ecologist notes that the site is located within a residential area – comprising unmanaged mature garden and woodland. Due to the nature of the site there is potential for small mammals, birds and common amphibians to be present. In light of this, the ecologist has requested a condition be attached to include bird, bat boxes and hedgehog highways as well as a Construction Environmental Management Plan - Biodiversity (CEMP-B) secured by condition to ensure habitats on site are cleared safely to ensure no small mammals, birds and common amphibians are injured. A condition is recommended to address this.

#### Other considerations

Concerns were raised with regards to the devaluations of neighbouring dwellings as a result of the proposal. House prices are not a material planning consideration and thus hold no weight when determining a planning application.

Concerns relating to the loss of environment on site and removal of trees. There are no trees currently on site. The trees which objectors speak of are not within the red line site boundary and a sufficient distance is achieved to those trees within the highway verge on Bawtry Road. It is considered there will be a loss of garden area on site as a result of the dwelling however the

proposal includes planting within the site to compensate for the loss to the front and rear of the property. A garden area is retained to the rear of the site. A condition will be attached to discharge a landscaping condition as a result of the proposal.

## **Conclusion**

Having regard to the above, the application represents an acceptable form of development which is in keeping with the character of the area. As such the proposal is in accordance with Local Plan policies CS28 Sustainable Design, SP55 'Design Principles', and the provisions of the NPPF.

## **Conditions**

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

AMENDED Existing and Proposed Plans Elevations and Site Plans, EC-75-10A Rev A, received 07 January 2026

AMENDED Proposed Site Location plan, EC-75-20A Rev A, received 07 January 2026

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

04

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

In the interests of highway safety and sustainable drainage.

05

Details of an electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved electric vehicle charging point shall be implemented and made available for use prior to the occupation of the development hereby permitted. The arrangements shall be retained as such thereafter.

Reason

To promote sustainable transport options

06

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D, E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order with or without modification) there shall be no extensions to the dwelling hereby permitted.

Reason

To prevent future extensions harming the amenity of neighbouring residents.

07

Before the development is brought into use, the ground floor kitchen window in the north west elevation of no. 1 Austen Drive shall be removed and placed in the rear elevation of no. 1 Austen Drive.

Reason

In the interests of the amenities of the occupiers of neighbouring properties.

08

Before the development is brought into use, a Landscape scheme along with final boundary treatment, showing location and types of landscape and boundary treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

Drainage

09

The development hereby granted shall not be occupied until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan

Contaminated Land

10

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 187, 196 and 197 of the National Planning Policy Framework, December 2024.

11

If virgin material, subsoil/topsoil materials are required to be imported to site for remedial works, then these materials will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination and will not present a risk to future users of the site and the environment

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 187, 196 and 197 of the National Planning Policy Framework, December 2024.

Biodiversity

12

Prior to the occupation of the dwelling a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented prior to the first dwelling being occupied and thereafter retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken. iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

#### Reason

To ensure no net loss in biodiversity across the site.

13

Notwithstanding the submitted details, no development shall take place (including, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- The times during construction when specialists ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

#### Reason

To ensure no net loss in biodiversity across the site.

#### **Informative**

#### **Drainage**

01

Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

02

Developments should have floor levels set higher than the recorded flood level or a minimum of 300mm above proposed ground level due to surface water flooding.

03

Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

04

Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

05

On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

06

If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

#### Biodiversity

07

The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

08

If a protected species (such as any bat, small mammal, or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

#### Environmental Health

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

#### **POSITIVE AND PROACTIVE STATEMENT**

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.



# ENFORCEMENT STATISTICS

**Jan-Dec 2025**

Year	Complaints	Planning Contravention Notices	Enforcement Notices	Breach of Condition Notices	Temporary Stop Notices	S215 Untidy land	Tree Replacement Notices
<b>2025</b>	<b>388</b>	<b>20</b>	<b>15</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
2024	401	10	13	1	0	0	1
<b>2023</b>	371	15	16	0	0	1	1
<b>2022</b>	310	7	2	2	2	0	0
<b>2021</b>	529	9	23 (9 at one site)	6	2	1	0
<b>2020</b>	453	8	12	6	0	1	2
<b>2019</b>	369	2	14	10	0	2	0
<b>2018</b>	287	2	18	9	0	0	0
<b>2017</b>	308	1	10	3	0	0	0
<b>2016</b>	367	5	12	2	0	0	0
<b>2015</b>	274	0	5	0	0	0	0
<b>2014</b>	295	1	7	0	0	0	0
<b>2013</b>	295	1	16	1	0	0	0

There are a further 49 cases where Enforcement Action has been authorised and are pending.

## Planning Applications submitted as a result of Enforcement.

YEAR	NUMBER OF APPLICATIONS	% OF THESE APPLICATIONS DETERMINED BEING REFUSED	REFUSALS DISMISSED/ALLOWED AT APPEAL
2025	107	29% (25/86)	9/1
2024	110	23%	13/2
2023	126	22%	6/1
2022	62	28%	2/2
2021	85	20%	9/1
2020	76	41%	3/0
2019	57	19%	1/1
2018	45	23%	3/2
2017	56	23%	3/0
			TOTAL: Dismissed 49 Allowed 10 (83% Dismissed)

## Enforcement Notice Appeals.

YEAR	NUMBER OF ENFORCEMENT NOTICE APPEALS	APPEAL DISMISSED	APPEAL ALLOWED	
2025	8	4	0	1 Withdrawn 3 Undetermined
2024	3	0	3	
2023	4	3	0	1 withdrawn
2022	3	2	1	
2021	6	5	1	
2020	5	4	1	
2019	6	4	2	
2018	5	4	1	
TOTAL	40	26	9	74% dismissed