



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0357

To Earthmill Ltd
Marston House
Walkers Court
Audby Lane
Wetherby
LS22 7FD

**Proposal Erection of 1 no. 500Kw wind turbine with a maximum tip height of 67m and associated infrastructure including access track and cables
At New Maythorne Farm, Lower Maythorn Lane, Crow Edge, Holmfirth, HD9 7TW**

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 12 June 2015 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 1 The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed wind turbine would be sited in a prominent, (elevated) isolated and exposed location which would appear as an incongruous and visually intrusive feature, divorced from the host property and in a location which would adversely affect the openness and visual amenities of the Green Belt. Furthermore, the development, due to its scale and siting would not retain and enhance the character of the Landscape Character Area in which it would be located and the harm in these respects and the harm by reason of inappropriateness in this case, are not clearly outweighed by other considerations. Very special circumstances therefore do not exist and the proposal is considered to conflict with CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework

Signed

Head of Planning and Building Control

Dated 13 October 2015

- 2 The proposed siting of the turbine is in close proximity to Grade II listed buildings at Lower Maythorn Farmhouse and the Barn at Lower Maythorn Farm. The positioning of such a large single isolated turbine in close proximity will materially harm the setting of these 17th Century listed buildings contrary to CSP30 and the National Planning Policy Framework.
- 3 The application is not supported by sufficient highways and/or transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway and road safety, contrary to Core Strategy Policy CSP 26, New Development and Highway Improvement.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.