



Notice of Prior Notification Determination

Town & Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 3 Changes of Use

Mr & Mrs R Taylor
C/o Mr N Scanlon
Low Mill Farmhouse
Low Mill Farm
Off Fall Head Lane
Silkstone
Barnsley
S75 4LB

Decision Date: 26/01/2018

Application: 2017/1587

Description: Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of Use).

Land at: Agricultural Building, Land at Low Mill Lane, Off Fall Head Lane, Silkstone, Barnsley, S75 4LB

Prior approval is hereby refused for the development described above, for the following reasons:-

1. Insufficient details have been submitted alongside the application to show that the agricultural building has been used for agriculture, for the purposes of a trade or business, either on 20th March 2013 or when it was last in use before that date. As such, it is the opinion of the Local Planning Authority, that it has not yet been clearly shown that the scheme meets the requirements of Q.1 (a) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
2. The building is very close to a scheduled ancient monument and nearby non-designated heritage assets (not yet fully understood) which is an undesirable location to grant prior approval without a full archaeological and heritage impact assessment. The impact assessment would allow the Council to properly assess the impact of the conversion on archaeological features and their setting
3. Insufficient details have been submitted alongside the application to enable an adequate assessment to be made of the effect of potential contamination on the proposed residential use.

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.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed
Joe Jenkinson
Head of Planning and Building Control



Dated 26 January 2018

Note: This certificate is issued for the purposes of Section 10 of the Planning and Compensation Act 1991.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions 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 twelve weeks 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 given 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.