



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1454

To Mr David Sheppard
Green Frog Power Ltd
Unit 17 The Courtyard
Gorsey Lane
Coleshill
Birmingham
B46 1JA

Proposal Installation of an embedded STOR power plant fuelled on gas or diesel and comprising of 52 containerised engines, ancillary equipment, bunded and fenced area, delivery and parking area and formation of a new access. (Resubmission of 2010/0586)

At Land at Tofts Lane, Barnsley, South Yorkshire, S36 2BS

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 16 March 2012 and described above.

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

- 1 The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposal represents inappropriate development in the Green Belt which would appear as an incongruous and visually intrusive feature, harming the openness and visual amenities of the Green Belt. The proposal comprises a significant encroachment into the Green Belt which is in conflict with one of the purposes of including land in the Green Belt. Overall the proposal would result in significant harm by reason of inappropriateness, encroachment and harm to the visual amenities and openness of the Green Belt which is not clearly outweighed by the proposed benefits of the scheme. The proposal is therefore, in conflict with the National Planning Policy Framework (para's 87 and 88) and Core Strategy Policies CSP34 and CSP29.

Signed *Stephen Moralee*

Assistant Director, Planning and Regulatory Services

Dated 29 August 2012

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.