BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0752

To Mr Phillip Pearce
Willow Farm
Everill Gate Lane
Broomhill
Barnsley
S73 0YQ

Proposal Use of natural pond for public fishing and erection of single storey cafe/shop building with car park.
At Willow Farm, Everill Gate Lane, Broomhill ,Barnsley ,S73 0YQ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 05 November 2013and 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 lies within the Green Belt in the Barnsley Unitary Development Plan and the proposal constitutes inappropriate development. The Local Planning Authority is of the opinion that the considerations put forward do not clearly outweigh the substantial harm that would be caused by reason of inappropriateness combined with the significant harm to the character, openness, visual amenity and permanence of the Green Belt. As such the proposal conflicts with the provisions of the NPPF and Barnsley Core Strategy policies CSP21, CSP34, CSP36 and saved policy GS18 of the UDP.

2 Despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on biodiversity and mitigation measures that are required to offset biodiversity loss as stated within policy CSP36 of the Core Strategy.

Signed

Head of Planning and Building Control

Dated 20 May 2015

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PO Box 634, Barnsley, S70 9FE **Fax: 01226 - 772591**

The proposal also fails to provide sufficient drainage information to demonstrate that during heavy rainfall fish will not be washed into adjecent waterbodies causing habitat damage. Additionally details of the fish species and how they will impact on the ecology of the pond are not provided as well as a amphibian survey. Given that the site of the pond is a designated Nature Conservation Site, the lack of adequate information to assess the impact on biodiversity and ecology is contrary to Policy CSP 36 and paragraphs 109 and 118 of the NPPF.

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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.

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