BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1403

**To** Mr J Lynch
Lynch planning
Consultancy Ltd
1 Fossards Close
Bramham
Leeds
L5236WD

**DESCRIPTION** Erection of 10kW 15m (to hub) wind turbine. (Resubmission, Amended Siting)
**LOCATION** Folly Farm, Folly Lane, Thurlstone, Sheffield, S36 7QF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 17 April 2012 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos BGY_15M_10kW_P_001 REV E, 9624/11/01B, the phase one habitat and protected fauna survey ref 120553) and specifications as approved unless required by any other conditions in this permission.
**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

3 If the wind turbine hereby permitted ceases to be operational for the purposes of generating electricity for a continuous period of 6 months it shall be dismantled and removed from the site within a period of 2 months. The site shall thereafter be restored to its original condition including the removal of the associated concrete base and cabling.
**Reason: To protect the visual amenity of the area and in accordance with CSP6 of the Core Strategy.**

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Regulatory Services

Dated 24 October 2012

**Planning and Regulatory Services** **Telephone: 01226 - 772000**
**PO Box 604, Barnsley, S70 9FE** **Fax: 01226 - 772591**

4 All cables from the turbine shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition within 1 month of the date of commissioning.
**Reason: To minimise the visual impact of the development and in order to accord with CSP6 of the Core Strategy.**

5 The turbine nacelle, blades and mast shall be grey in colour and be retained as such throughout life of the turbine.
**Reason: In the interests of the visual amenities of the locality.**

**Reason(s) for Granting Permission**

1 Unique The proposal complies with policies CSP6, CSP34, CSP37 and CSP40 of the Core Strategy in that the proposal would have no significant impact on the landscape, on residential amenity (by reason of noise or visual impact) and would adhere to the National Planning Policy Framework in that there are considered to be very special circumstances associated with the generation of renewable energy which outweighs harm to the Green Belt and landscape in this case. There are insignificant cumulative visual impacts.

**Informative(s)**

*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 proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845762 6848 or at www.groundstability.com

2 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

**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 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.

**Planning and Regulatory Services** **Telephone: 01226 - 772600**
**PO Box 604, Barnsley, S70 9FE** **Fax: 01226 - 772599**