



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2025/0908

To Axis
Unit 11
Well House Barns Chester Road
Bretton
Chester
Cheshire
CH4 0DH

Proposal Re-engineering and Restoration of Yew Tree Quarry through the importation of non hazardous Excavated Soil Materials

At Stairfoot Brickworks, Wombwell Lane, Stairfoot, Barnsley, S70 3NS

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 17/10/2025 and described above.

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

- 1 The proposal conflicts with Policies WCS1, WCS4 and WCS6 of the Joint Waste Plan and National Waste Policy which require that proposals for additional landfill capacity must demonstrate why they are required, that proposals for waste management do not adversely affect the character of amenity of the surrounding area, will contribute towards the aims of sustainable waste management in line with the waste hierarchy, and not cause harm to access or ecology considerations. In addition, the application and it's supporting Environmental Statement fail to consider all reasonable alternatives, including those recommended in pre application advice and this failing undermines the robustness of the submitted Environmental Statement.
- 2 The proposal conflicts with Local Plan policy T4 and NPPF policy at paragraph 116 which expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. The proposal fails to demonstrate that the proposed delivery and access arrangements can be managed without giving rise to potential highway safety or operational issues.

- 3 Insufficient information has been provided to demonstrate that the proposal will not cause undue inconvenience and safety risks to users of the Trans Pennine Trail by the closures required for the number of vehicles proposed to deliver to the application site, particularly at peak periods of TPT use. As such, the proposal is contrary to Local Plan policy GS2 which indicates we will protect Green Ways and Public Rights of Way from development that may affect their character or function; and to NPPF paragraph 105 which advises that planning decisions should protect and enhance public rights of way.
- 4 Insufficient information has been provided to enable assessment of the biodiversity conditions on the site and to judge if the site can be developed appropriately, or that it accords with the Biodiversity hierarchy, contrary to NPPF Para 193 and Local Plan Policy BIO1 Biodiversity and Geodiversity and the SPD Biodiversity and Geodiversity.
- 5 Insufficient information has been submitted to demonstrate how many trees it is proposed to remove, or if any trees of particular value or merit are to be felled, or if any trees on and off site (including trees protected by a TPO) which are proposed to be retained would be impacted by the proposals. As such the proposal is contrary to Local Plan Policy BIO1 Biodiversity and Geodiversity and the SPD Trees and Hedgerows.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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 any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 15 April 2026



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

