BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0690

To Quod
Quod North
Capitol House
Bond Court
Leeds
LS1 5SP

Proposal Application for the approval of reserved matters for 21 dwellings pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping.

At Land South of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 27 June 2019and 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 submitted reserved matters application is not consistent with the outline planning permission 2017/0088 for 21 dwellings granted on appeal under appeal ref APP/R4408/W/17/3188501 the application must be assessed together with application reference 2019/0689 and facilitates the construction of 30 dwellings on the site in breach of conditions 4 and 12 of the outline planning permission.

2 The layout of the development, considered in isolation, represents a cramped and poorly contrived scheme for 21 dwellings leaving an unnecessary large area of barren land that formed part of the outline planning permission. As such it represents piecemeal development of a poor design that fails to take the opportunities available for providing a comprehensive and quality layout utilising all the available area. As such it is considered contrary to Policies GD1 and D1 of the Local Plan, the Supplementary Planning Document Design of Housing Development and paragraph 130 of the NPPF.

Signed JM Jenkinson Dated 20 May 2020

Joe Jenkinson
Head of Planning and Building Control

CUSTOMER SERVICE EXCELLENCE CSE

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*

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.

If you want to appeal against your local planning authority's decision then you must do so within 6 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.