



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1414

**To** Enzygo Ltd.  
Woodend Lane  
Wotton-under-Edge  
GL12 8AA

**Proposal** Residential development for up to 111 dwellings (Outline with all matters reserved apart from the site access)

**At** Land at Station Road, Wombwell, Barnsley, S73 0BS

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 08 January 2020 and 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 majority of the application site is within Flood Zone 2. Local Plan Policy CC3 and paragraph 157 of the NPPF requires all development to apply a sequential, risk-based approach to locating development. As the Council can demonstrate a rolling supply of housing sites at a lower risk of flooding than the proposed, the sequential test is failed, and the application is refused in accordance with Paragraph 158 of the NPPF and Local Plan Policy CC3.
- 2 There is insufficient information provided with the application to demonstrate how, allowing for the known constraints of the site, the proposed development can deliver a scheme which complies with Local Plan Policies: H6 Housing Mix and Efficient Use of Land, Policy D1 High Quality Design and Place Making and Policy GS1 Green Space and the accompanying guidance contained in the Design of Housing Development SPD, Open Space Provision on New Housing Developments SPD and Parking SPD.
- 3 There is insufficient information provided with the application to demonstrate that the development will not increase flood risk elsewhere within the network contrary to Local Plan Policy CC3.
- 4 There is insufficient information provided with the application to demonstrate that noise levels on the site are at a level suitable, or can be appropriately mitigated to a level suitable, for residential development in accordance with Local Plan Policy Poll1.



- 5 There is insufficient information provided with the application to fully assess the biodiversity value of the site, impacts on habitats and how appropriate mitigation and enhancement can be provided in accordance with Local Plan Policy BIO1 and the accompanying Biodiversity/ Geological Conservation SPD.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 15 April 2020

*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](mailto: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.