



BARNSELEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1179

To England & Lyle Ltd
Morton House
Morton Road
Darlington
Durham
DL1 4PT

Proposal Change of use of domestic double garage to business use.

At 19 April Drive, Barnsley, S Yorks, S71 2PG

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 29 September 2010 and described above.

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

- 1 The property is located within a designated housing policy area within the adopted UDP. Policy H8C 'Home Based Business' requires that to be acceptable home based business uses must be incidental to the residential use and not give rise to activity harmful to the amenity of neighbouring properties or the residential character of the area. In the opinion of the Local Planning Authority the vehicle body shop repair business represents an incompatible industrial use which is materially harmful to the amenities of nearby residents by reason of disturbance generated from noise, fumes/odours associated with repairs and also an increase in vehicle movements to the property. The increased activity at the property is therefore considered to be contrary to the objectives of Policy H8C.

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 09 December 2010

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.