BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/0070

To Mr Philip Pearce
Willow Farm
Everill Gate Lane
Broomhill
Barnsley
S73 04G

Proposal Erection of 1 no. detached dwellinghouse.

At Land adjacent to 104 Everill Gate Lane, Broomhill, Barnsley, S73 0YJ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 26 January 2018and 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 site is considered to be, visually and physically, part of the wider area of land shown as Green Belt wherein it is the policy of the Local Planning Authority not to permit development except in very special circumstances for purposes other than those set out in paragraphs 89 or 90 of the National Planning Policy Framework. Whilst the site does have a current allocation as housing policy area in the approved Barnsley Unitary Development Plan this is the result of a drafting error which has been published in 2016 and is proposed to be amended in the emerging Local Plan The proposed development of a dwelling in such a sensitive location would therefore be contrary to national policy, and to Core Strategy policy CSP34, and detrimental to the openness and character of the Green Belt. Furthermore, in the opinion of the Local Planning Authority no very special circumstances exist that would justify the granting of planning permission in this instance.

2 The proposed detached dwelling, beyond the established linear form of terraced houses would have the detrimental visual effect of extending the limits of the built environment into the adjoining countryside landscape and it would be prominent when viewed from Everill Gate Lane and the nearby Nature Reserves, contrary to Core Strategy Policy CSP 37 Landscape Character.

Signed JM Jenkinson Dated 12 March 2018
Joe Jenkinson
Head of Planning and Building Control

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 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.