



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2008/0170

To Paul Armin
23 Thirlmere,
Spennymore
Co. Durham
DL1B BUE

Proposal Erection of 3 dwellings and Access Road (Reserved Matters)
At 49 Lund Avenue, Barnsley, S71 5NW

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 30 January 2008 and described above.

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

- 1 In the opinion of the Local Planning Authority, the erection of 3 no. 2 storey properties on this site, in close proximity to each other, would be out of character with existing development in the local area which is characterised by bungalows set within relatively large spacious plots. As a consequence the development, if approved, would be contrary to Barnsley Unitary Development Plan Policy H8D and the Councils Supplementary Planning Guidance Notes 2 & 3. Furthermore, the erection of substantial two storey properties on this site would severely affect the openness of the site, and views into and out of the Green belt and surrounding countryside, to the detriment of visual amenity and contrary to Barnsley Unitary Development Plan Policy GS9.
- 2 In the opinion of the Local Planning Authority, the close proximity of the proposed development to the mature trees, subject to a Tree Preservation Order, (TPO No. 2/2007 A1) would be likely to result in damage to the foundations of the new dwellings in the long term, which may result in the need to remove some of the trees contrary to the advice contained in Supplementary Planning Guidance Note 9. The potential loss of any of the trees, which currently make a positive contribution to the local landscape, would materially harm the visual amenity of the area. The proposal is therefore contrary to policy GS22 in the Barnsley Unitary Development Plan.
- 3 The application fails to make provision for the making up of Lund Avenue to the adoption standards of the council as required by condition of the outline consent. As a consequence the proposal will increase traffic movements on a substandard street in a manner prejudicial

Signed

Assistant Director, Planning and Transportation

Dated 25 March 2008

to the free flow of traffic, highway safety and efficient servicing. The proposal is therefore contrary to policy T2 of the UDP

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.