BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0533

To Michael A Clynch
Architect & Town Planner
14 Huddersfield Road
Ingbirchworth
Sheffield
S36 7GF

Proposal Erection of 1 no cottage & formation of driveway.
At Land Adjacent 33 Green Road, Penistone, Sheffield, S36 6BE

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 21 May 2012and 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 proposed development would be contrary to UDP Policy H8D and SPD - Designing New Housing Development, in that the proposed dwelling and private amenity areas would be significantly overshadowed by trees adjacent to the site, which are outside the control of the applicant. The proposed dwelling would therefore suffer form a lack of daylight to habitable rooms and amenity areas, to the detriment of the amenity of future occupiers.

2 In the opinion of the Local Planning Authority, the proposed dwelling would sited too close to trees which provide significant amenity value to the area and adjacent Conservation Area. Due to significant overshadowing of the site, such development would be likely to result in future demand for felling or lopping, which would be detrimental to the visual amenities of the locality, contrary to UDP Policies CSP30 and CSP36 of the Core Strategy and SPD - Designing New Housing Development, and SPD - Trees and Hedgerows.

Signed Stephen Moralee

Assistant Director, Planning and Regulatory Services

Dated 13 July 2012

Planning and Regulatory Services **Telephone: 01226 - 772000**
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3 The proposed development fails to provide sufficient and suitable accommodation within the site for the turning of vehicles in order to allow egress from the site in forward gear. Consequently, the proposal would be likely to result in unacceptable parking, servicing and maneuvering within the highway to the detriment of the safe and free flow of traffic on the highway and contrary to CSP26 of the Core Strategy.

4 In the opinion of the Local Planning Authority, the proposed dwelling would be materially detrimental to the amenities of the occupants of the number 33 Green Road by reason of its overbearing and overshadowing impact to habitable room windows contrary to Unitary Development Plan Policy H8D and SPD - Designing New Residential Development.

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.