BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0395

To Earthmill Ltd
Equinox 3
Audby Lane
Wetherby
West Yorkshire
LS22 7RD

Proposal Installation of wind turbine (24.6 m high to hub).
At Bull Haw Hall Farm, Barnsley Road, Silkstone, Barnsley, S75 4NJ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 30 May 2012and 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 within Green Belt in the adopted Barnsley Unitary Development Plan which remains unchanged in the adopted Core Strategy. In the opinion of the Local Planning Authority, the proposed wind turbine is sited in a prominent (elevated), isolated and exposed location which would appear as an incongruous and visually intrusive feature, harming landscape character and the visual amenities of the Green Belt and local residents and visitors as well as living conditions, and the openness and appearance of the area. The proposed development is neither well designed nor inclusive or in keeping and scale with its location (i.e. appropriate to its context), and is not sensitive to the local character of the countryside. The proposed development does not retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is situated.

Signed Stephen Moralee

Assistant Director, Planning and Regulatory Services

Dated 24 October 2012

Planning and Regulatory Services **Telephone: 01226 - 772000**
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The Council considers that no very special circumstances have been demonstrated in this case which clearly outweighs identified harm and harm by reason of inappropriateness. Accordingly the proposal conflicts with CS policies CSP6, CSP21, CSP29, CSP34, and CSP37, DSP policy SD1, RSS policy ENV10 and NPPF policies relating to protecting Green Belt land, meeting the challenge of climate change, conserving and enhancing the natural environment and requiring good design.

2 As a result of the prominence and proximity of the proposed wind turbine to listed assets at Bull Haw Hall Farm, it may have a negative impact on their current setting and character. Insufficient information has been submitted to assess the effects of the proposed development on these heritage assets. Accordingly the proposal conflicts with CS policies CSP6, CSP29 and CSP30, DSP policy LB1, RSS policy ENV9 and NPPF policies relating to conserving and enhancing the historic environment.

3 A small wind turbine (15m high) has been erected at Roger Royd, approximately 180m from the proposed turbine site. An adequate cumulative landscape and visual impact assessment has not been submitted contrary to CS policies CSP6 and CSP37 and NPPF policies relating to meeting the challenge of climate change.

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.

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