



# BARNSLEY

Metropolitan Borough Council

## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0599

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

**Proposal** Erection of 1 no. bungalow  
**At** Netherfield Farm, Penistone, Sheffield, S36 7BU

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 19 May 2010 and described above.

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

- 1 The site lies within an area designated as Urban Greenspace on the approved Barnsley Unitary Development Plan. UDP Policy GS34 states that such areas will normally remain open and undeveloped and that any proposals for development will be assessed for their effect on the present and potential function of the areas in terms of its recreation, amenity or conservation value. In the opinion of the Local Planning Authority, this open site makes a valuable contribution to the openness of the area and to the appearance of the local environment. In the absence of any justification and alternative provision being made, the proposed development would be contrary to UDP Policy GS34.
- 2 The proposed development would involve the creation of an access on to the A628, a principal route where there is a presumption against the proliferation of individual accesses. The turning manoeuvres of vehicles entering and leaving the site and the possibility of vehicles standing on the highway would lead to conflict and interference with the free flow of traffic on the principal route to the detriment of highway safety and contrary to UDP Policy T2.

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 08 July 2010

- 3 The application site lies within Flood Zone 2 defined by Planning Policy Statement 25 as having a Medium probability of flooding and is also allocated within the Unitary Development Plan as Washlands and subject to policy ES4. Policy ES4 and paragraph E9 of PPS25 requires the submission of a Flood Risk Assessment when development is proposed in such locations. In the absence of a Flood Risk Assessment, the flood risks resulting from the proposed development are unknown, contrary to PPS25 and Policy ES4 of the UDP.
- 4 The proposed layout of the site and the scale and design of the dwelling is considered to be unsatisfactory and would result in harm to the local environment. As such the proposal is contrary to Unitary Development Plan Policies BE6 and H8D and SPG 3 'Infill 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.