



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0725

**To** Gleeson Developments Ltd - Mr Steve Gamble  
6 Europa Court  
Sheffield Business Park  
Sheffield  
South Yorkshire  
S9 1XE

**Proposal:** Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers.

**At:** Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 18 June 2015 and 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 development would be contrary to policy CSP15 of the adopted Core Strategy in that it would not include the provision of any affordable housing and it has not been demonstrated that the provision of affordable housing would make the development unviable.
2	The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.
3	The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and the aspirations of the NPPF.



4	<p>The development would be in conflict with policy CSP40 'Pollution Control and Protection, paragraph 109 of the NPPF and draft allocation policy H3 of the Publication Version of the Local Plan, site AC26, in that plots 202 to 208 would be very close or within the current "odour stand-off" and would be within 50m of a combined sewer outfall and the Bolton-upon-Dearne Waste Water Treatment Works (WWTW) boundary. Insufficient up to date evidence has been provided that these properties would not be detrimentally affected by odour. The proposal fails to make provision for a substantial landscaping buffer between the houses and the WWTW contrary to CSP40 and CSP29.</p>
5	<p>The development would be contrary to saved policies GS10 and DE8 of the Barnsley Unitary Development Plan which states that in areas shown on the proposals map existing uses will normally remain during the plan period and development will normally be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the UDP which proposes development on the land in question. The Council accepts that due to the UDP being adopted in the year 2000 paragraph 14 of the National Planning Policy Framework advises that planning permission should be granted for development unless;</p> <ul style="list-style-type: none"> <li>-- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or</li> <li>-- specific policies in this Framework indicate development should be restricted</li> </ul> <p>However in the opinion of the Local Planning Authority cumulatively, the adverse impact cited in the other reasons for refusal, would significantly and demonstrably outweigh the benefits of the application being granted. In addition, the proposal conflicts with paragraphs 17, 35, 58 and 64 of the NPPF.</p>

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Date 22<sup>nd</sup> November 2016

*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 given 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.