



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/0259

To Mr Ben Gibson
Newett Homes
Thorp Arch
Grange Walton Road
Thorp Arch
Wetherby
LS23 7BA

Proposal Erection of 5 no. dwellings with associated access, parking, landscaping and other infrastructure works

At Land off Dodworth Green Road, Dodworth, Barnsley

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 16/04/2024 and described above.

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

- 1 The proposed development would harmfully impact protected trees by virtue of works and the installation of hardstanding within the root protection areas. To facilitate the development existing valuable Category B and C trees and tree groups would be removed, with added pressure to remove retained trees in the future due to the close proximity of residential dwellings. The development is discordant with Barnsley Local Plan Policy BIO1 and the Section 6 of the adopted Trees and Hedgerow SPD.
- 2 The proposed development would harmfully impact the residential amenity of future residents by virtue of significant overshadowing upon Plots 2 and 3 caused by the retained trees. This is discordant with Paragraphs 6.1 and 6.3 of the adopted Trees and Hedgerow SPD. The application submission fails to include a satisfactory noise impact assessment to address concerns relating to potential noise disturbance associated with nearby commercial uses. The proposal would therefore provide unacceptable levels of residential amenity and is discordant with Barnsley Local Plan Policies GD1 and POLL1.

- 3 The proposed development fails to reinforce or reflect the local building characteristics and would appear as an overdevelopment of the site in comparison to the surrounding built form. The substantial tree loss would significantly alter the appearance of the site, eroding the established character and resulting in the site appearing abnormally urbanised when compared to the adjacent plots. The proposal would significantly reduce the size of the host dwelling's private garden and would have an adverse impact upon its setting. The development is discordant with Paragraph 130 of the National Planning Policy Framework and Barnsley Local Plan Policy D1 and Local Plan Policy H9.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 19 December 2024

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line extending to the right.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.