



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/1415

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

Proposal Loose boxes for agricultural purposes.
At Land at Thurlstone Road, Penistone, Sheffield S36 9EF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 04 December 2019 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 site is set within an area allocated as Green Space within the Barnsley Local Plan where Local Policy GS1 Green Space states that proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless: 'The proposal is for small scale facilities needed to support or improve the proper function of the green space.' The application proposes a substantial building of 5 loose boxes, however there are no livestock on the land at present and there is a currently a large recently built barn on the site which could be utilised for future livestock. Insufficient justification has been provided for the proposed building and as a result, the proposal is not considered essential, nor would provide 'small scale facilities' needed to support or improve the proper function of the green space, contrary to Local Plan Policy GS1.
- 2 In the opinion of the Local Planning Authority, the proposed building is contrary to Local Plan Policy CC3 of the Local Plan, in that the building would be constructed on an area of designated Functional Floodplain (Flood Zone 3b) where only water compatible development or essential infrastructure (subject to the flood risk exception test) will be allowed. Insufficient evidence has been provided to show that the development would not have a harmful effect on the ability of this land to store floodwater nor would be at an unacceptable risk of flooding or would give rise to flooding elsewhere. In addition, the proposal is not considered to be 'essential infrastructure' and is therefore contrary to the NPPF and Local Plan Policy CC3.



3 In the opinion of the Local Planning Authority, the proposed building would be constructed of a substantial construction, constructed entirely of blockwork and clad in timber, with a 'stable' appearance which is not a typical for modern agricultural buildings. The building is of a significant size, scale and design and would appear as a prominent structure from Thurlstone Road and would be unacceptable in terms of visual amenity and design contrary to policy D1 of the Local Plan.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 21 February 2020

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 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.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*

As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*

***delete where inappropriate**

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.