BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0322

To Ms V Simpson
PO Box 288
Barnsley
S704YX

Proposal Mixed use development including commercial space and residential development (Outline).
At The garage, West Road, Pogmoor, S752DR (Site B).

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 20 April 2011and described above.

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

1 The site is designated as an employment policy area in the Barnsley Unitary Development Plan. In accordance with Policy ED7, BA5 and Core Strategy Policy CSP 19 such areas should normally remain in employment use and only in exceptional circumstances will it be acceptable for uses other than those defined in ED7 to be allowed. The criteria for assessing proposed alternative uses in employment policy areas is contained in SPG24: Re-Use of Employment Policy Areas and Core Strategy policy CSP 19. In this case, the proposal would result in the loss of employment potential of the site and restrict the range of uses that could be provided on adjacent sites. Furthermore there is a materially shortage in the supply of employment land in the locality. It is also considered that a range of employment uses could be re-established on the site without causing unacceptable traffic, amenity, pollution or other environmental problems. The proposal is therefore contrary to UDP policies BA5 and ED7, the advice in SPG 24, policy CSP 19 in the Submission Version of the Core Strategy and the Government guidance in PPS 4.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 06 July 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
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2 This application is one of three separate outline applications for part of a wider industrial area/employment land designation. Policies CSP 11 & 12 in the Submission Version of the Core Strategy set out the basis for the distribution of employment land in the Core Strategy period, which will inform the designations in the LDF Sites & Places Development Plan Document. The grant of outline planning permission for piecemeal development is therefore considered premature and contrary to policies CSP 11 & 12 in the Submission Version of the Core Strategy.

3 Given the relationship with adjacent employment uses and the piecemeal nature of the proposal, it is not considered that residential development is appropriate for the context of the site or that adequate levels of amenity would be provided for occupants of the proposed dwellings. In these respects the proposal is contrary to UDP policies H8A, BE6 and ES1 and policies CSP 29 and CSP 40 in the Submission Version of the Core Strategy as well as the Government Guidance in PPS 1 and PPS 3.

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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