BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0561

To JRB Designs Ltd.
1 Saville Street
Cudworth
Barnsley
S72 8LT

Proposal Erection of 1 pair of semi detached dwelling houses with associated parking

At Land of Welland Crescent, Elsecar, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 07 June 2017and 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 In the opinion of the Local Planning Authority, insufficient consideration has been given by the applicant to the impact the proposed development would have on several protected trees and non-protected trees along the site boundary. As it stands the proximity of the proposal to the trees would appear to result in the loss of several of the protected and non-protected trees to the material detriment of the visual amenities of the area contrary to UDP Policy H8D and the SPD Designing New Housing Development. In addition, the proximity of the the proposed dwelling to any remaining trees, and those trees outside the boundary of the site, would result in signiifcant overshadowing of the house and private amenity areas to the detriment of the amenity of future occupiers.

2 In the opinion of the Local Planning Authority the proposed dwellings would be contrary to saved policies H8A and H8D of the Unitary Development Plan, Core Strategy Policy CSP 29 and the Council's Supplementary Planning Document 'Designing New Housing Development' in that its siting and positioning would not reflect the development pattern of the area and, as a consequence, would appear as an unduly intrusive feature in the street scene to the detriment of visual amenity.

3 In the opinion of the Local Planning Authority, the development would be contrary to Core Strategy Policy CSP 29 in that the siting and layout of the scheme proposes that a PROW is diverted to an unacceptable route and of unacceptable width and design, and that the proposal would result in a statutory undertake being unable to access a 450mm combined public sewer which runs through the site.

Signed JM Jenkinson Dated 31 July 2017
Joe Jenkinson
Head of Planning and Building Control

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 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.