



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1551

To John Box Associates
The Annexe
Beverley House
166 Moorgate Road
Rotherham S60 3BE

Proposal Erection of three storey block containing 2 no. commercial units at ground floor level, 2 no. residential flats at first floor and 2 no. flats at second floor level (Resubmission)

At Land off Milton Road, Hoyland, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 07 January 2011 and described above.

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

- 1 In the opinion of the Local Planning Authority the application fails the test of PPS1: 'Delivering Sustainable Development' which states that design which is inappropriate in its context, or which fails to take the opportunity available for improving the character and quality of the area should not be accepted. In this regard the scale of the development is considered to be excessive when viewed in relation to the size of the site. The development has an awkward relationship with adjoining uses and would present itself as a random and incongruous feature within the street scene. The development proposal is therefore considered to be an overdevelopment of the site fails to reflect the context of the site and the immediate locality. As such the proposal is also considered to be contrary to saved UDP policy BE6.
- 2 The development proposal fails to adequately accommodate suitable access, parking and manoeuvring arrangements. The Local Authority does not consider that vehicles would be unable to egress the site in a forward motion. The proposal would therefore give rise to vehicles reversing out onto a classified road (West Street). In addition, there is no provision for refuse and servicing vehicles, leading to vehicles waiting on the highway to the detriment of highway safety and the free flow of traffic. The proposal is therefore considered to be contrary to saved UDP policies T2 and T2a which amongst other things request that all roads, footways, private drives, manoeuvring areas and points of access serving developments must be designed and constructed in accordance with the Council's standards

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 03 March 2011

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.