BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0468

**To** Mr & Mrs Barker
The Potting Shed
Hog Close Lane
Victoria
Holm Firth
West Yorkshire
England
HD9 YTE

**DESCRIPTION** Variation of condition 2 of previously approved application 2007/1594 (Erection of earth sheltered dwelling) to allow extension of part of the rear wall by approx 55cm.

**LOCATION** Pond House, Hog Close Lane, Victoria, Holm Firth, West Yorkshire, England, HD9 YTE

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 26 April 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the 5th December 2010.
**Reason: In order to comply with the provision of Sections 91 and 73 of the Town and Country Planning Act 1990.**

2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation. (Plans received 26 April 2010)
**Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.**

3 Prior to occupation of the dwelling a scheme shall be submitted for the written approval of the Local Planning Authority setting out the opportunity and circumstances by which interested parties may visit the dwelling for educational and study purposes.
**Reason: Permission is only given due to the innovative design and the exceptional circumstance to justify permission. The condition is also in accordance with the applicant's agreement.**

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 15 June 2010

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4 Before the development is brought into use that part of the site to be used by vehicles shall be laid out in accordance with the approved plan, hard surfaced with stone flags (or artificial flags) and shall thereafter be permanently retained for vehicle use.
**Reason: To ensure satisfactory off street parking is provided in the interest of highway safety.**

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with UDP Policy GS7, Development in the Green Belt.**

6 Prior to the occupation of the dwelling hereby approved a drystone wall incorporating curved copings shall be constructed along the frontage of Hog Close Lane. The wall shall be one metre high and constructed 2.5 metres inside the edge of the highway (surfaced portion) and extend from the southern most corner of the site to the existing hedgerow on the frontage.
**Reason: To provide a natural boundary and screening consistent with the locality.**

7 Prior to the occupation of the dwelling a hawthorne hedgerow shall be planted in front of the drystone wall (required by condition 6)
**Reason: To provide a natural boundary and screening consistent with the locality.**

8 Prior to the occupation of the dwelling a hawthorne hedgerow shall be planted along the full length of the site's south-west boundary.
**Reason: To provide a natural boundary and screening consistent with the locality.**

9 The existing hedgerow on the frontage (part) to Hog Close Lane shall be fully retained.
**Reason: To safeguard the appearance of the locality.**

10 Forward invisibility at the site entrance of 2.4m to the site boundaries in each direction shall be permanently provided.
**Reason: In the interest of highway safety.**

11 Construction of the dwelling shall incorporate the energy saving and insulation measures set out in the agents email dated 9th October 2007 on application 2007/1594.
**Reason: The energy efficiency of the design is a factor reinforcing the innovative design and the reason to grant permission.**

12 The external walls of the dwelling shall be constructed of coursed natural (and local) stone using recessed or brushed pointing.
**Reason: To safeguard the appearance of the dwelling.**

13 The garage door hereby approved shall be constructed in timber and permanently stained in a dark wood stain.
**Reason: To safeguard the appearance of the dwelling.**

**Reason(s) for Granting Permission**

1 Unique The decision to grant planning permission has been taken having regard to the policies and planning guidance in the Barnsley UDP set out below and to all relevant considerations and circumstances summarised below:

Policy GS7, GS8, GS9. These policies all restrict development in the Green Belt.

Policy GS13 places conservation enhancement of the landscape as an important consideration.

Policy BE6 Seeks to encourage good standards of design
PPS 7 - "Sustainable Development in Rural Areas"

The policy position would therefore indicate that new residential development unless required for agricultural purposes is not appropriate development in the Green Belt and unless very special circumstances apply then planning permission should be refused. However in this instance the unique and innovative design combined with the minimum harm to the landscape provides a basis for making an exception to normal policy. This approach is referred to in PPS 2 " Development in Rural Areas". Accordingly the recommendations provide the very special circumstances required by policy GS8.

**Informative(s)**

1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

**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.

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