BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/1098

To Mr George Edmund Strawbridge
Sulby Cottage
Bark House Lane
Cawthorne
Barnsley
S75 4AP

Proposal Outline application for one dwelling with all matters reserved

At Sulby Cottage, Bark House Lane, Cawthorne, Barnsley, S75 4AP

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 31/01/2023 and described above.

The reasons for the Council's decision to refuse planning permission are:

1 The site lies within the Green Belt on the approved Barnsley Local Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in paragraphs 149 and 150 of the NPPF. Local Plan Policy GB1 reflects national policy and precludes development for purposes other than agriculture, forestry, essential facilities for sport and recreation, extension or alteration to existing buildings, replacement buildings, limited infilling, limited affordable housing or redevelopment of previously developed land, which preserve the openness of the Green Belt. In the opinion of the LPA the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. In addition there are no very special circumstances put forward to clearly outweigh the harm by inappropriateness and any other harm.

2 In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwellings would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

3 The site is located within a Grade II Registered Park and Garden, and it is considered that the proposed dwelling would fail to respect important views that contribute to the setting of the area contrary to Local Plan Policy HE4 Development affecting Historic Areas or Landscapes.

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4 In the opinion of the Local Planning Authority insufficient information has been provided to fully assess the proposed developments impact on the protected trees and potential wildlife located within the site contrary to Local Plan Policies GD1 General Development, D1 High Quality Design and Place Making and BIO1 Biodiversity and Geodiversity.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 17/03/2023

Joe Jenkinson
Head of Planning, Policy and Building Control

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.

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

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.