



## **TPO REFUSAL**

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1999

APPLICATION NO. 2019/0145

**To** Mr Steven McGuinness  
Noble Construction Ltd  
18 - 24 Faraday Road  
Liverpool  
L13 1EH

In pursuance of its powers under the above-mentioned Act and Regulations the Barnsley Metropolitan Borough Council as the Local Planning Authority hereby refuses consent for the proposals the subject of the plan(s) and application registered by the Council on the 04 February 2019 and therein described as:- Remove Sycamore tree T1 within TPO 8/1990. Acorn Lodge, Pindar Oaks, Upper Sheffield Road, Barnsley, S70 4PL.

The reasons for the Council's decision to refuse consent for the proposal are:-

- 1 In the opinion of the Local Planning Authority, insufficient justification has been submitted to justify the proposed felling of the Sycamore Tree (T1) within TPO 8/1990. The tree contributes positively to the amenity of the locality. Insufficient evidence to demonstrate that the trees removal is required has been put forward and removal of the tree cannot therefore be supported due to the detrimental impact upon the amenity and character of the locality that would result.

*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.*

Signed  
Joe Jenkinson  
Head of Planning and Building Control

Dated 23 May 2019

*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:-**

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 28 days 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 given 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.