



## **REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2024/0089**

**To** Heine Planning Consultancy  
10 Whitehall Drive  
Hartford  
Northwich  
CW8 1SJ

**Proposal** Change of use of land from former allotments to caravan site for gypsy traveller family with associated development including hard standing, boundary wall and gate, and day room (Part Retrospective)

**At** Jimboy Stables, off Mackey Lane, Brierley, Barnsley, S72 9LD

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 11/03/2024 and described above.

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

- 1 The proposed change of use of the land and stationing of caravans and associated outbuildings would constitute inappropriate development, harmful to the character and openness of the Green Belt. No compelling special circumstances have been put forward to outweigh the harm to the Green Belt and, as such, the proposal is contrary to Local Plan Policies GB1 and GB3, the NPPF and Planning Policy for Travellers Sites. In addition, the built development and large stone walls erected around the boundary of the site are imposing and out of character and as such, their appearance is visually jarring and out of context with this Green Belt location, contrary to policy D1 of the Local Plan
- 2 Neither sufficient justification nor an assessment of the loss of the allotment gardens Green Space has been submitted and neither has an appropriate replacement Green Space of equivalent or improved quality, quantity and accessibility been provided. In addition no financial contribution towards the loss of Green Space to potentially outweigh the loss has been proposed by the applicant, therefore the proposal is contrary to Policy Local Plan Policy GS1
- 3 The site is set within the Dearne Valley Green Heart Nature Improvement Area. In the absence of an assessment of the impact of the proposal upon Biodiversity and any mitigation measures, the works are contrary to the aims and objectives of Policy BIO1 Biodiversity and Geodiversity which states that Development will be expected to conserve and enhance the biodiversity and geological features.

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: 1 May 2024

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line extending to the right.

**Garry Hildersley**

Head of Planning, Policy & Building Control  
Growth & Sustainability Directorate

## **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](mailto: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.