



# BARNSLEY

Metropolitan Borough Council

## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0417

To Philip S. Ryley & Co  
Philip S. Ryley & Co.  
Wards End Chambers  
Wards End  
Halifax  
West Yorkshire  
HX1 1BX

**Proposal** Erection of 15Kw, 15m wind turbine

**At** Little Doubting Farm, Hartcliff Hill Road, Penistone, Sheffield, S36 9FS

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 10 May 2011 and described above.

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

- 1 The site is within the Green Belt in the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed turbine is located in a prominent, isolated and exposed location which would appear as an incongruous and visually intrusive feature, harming the visual amenities and openness of the Green Belt and the appearance of the area. The Council considers that no very special circumstances have been demonstrated in this case which clearly outweigh identified harm. Accordingly, the proposal conflicts with policies GS7, GS9 and ES12 of the Barnsley Unitary Development Plan and CSP6 of the Barnsley Core Strategy.
- 2 Insufficient information has been provided to determine whether noise levels from the turbine would be acceptable at the nearest noise-sensitive properties. The application conflicts with policy ES12 of the Unitary Development Plan as insufficient noise information has been submitted in order for the Local Planning Authority to accurately assess the noise impact.

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 04 July 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.