



## **REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

### **APPLICATION NO. 2021/1014**

**To** Assent Planning Consultancy Ltd  
Unit 12A Railway Sawmills  
Burbeary Road  
Lockwood  
Huddersfield  
HD1 3UN

**Proposal:** Extension of yard area to be used for trailer storage purposes  
**At:** Armitage Transport Ltd, Sheffield Road, Hoyland, Barnsley, S74 0DP

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 25/11/2021 and described above.

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

- 1 The proposal is contrary to local plan policies H3 'Uses on allocated housing sites' and the residential allocation policy HS57 in that the proposal is not for residential development, is not ancillary to the housing elements and would not provide a service or other facility for local residents.
- 2 The proposal to extend the haulage yard onto the application site is incompatible with the adjacent residential uses. The proposal will abut the rear gardens of dwellings that front onto Sheffield Road and Tankersley Road, will bring commercial operations closer to residential dwellings during long operating hours and also proposes a 3 metre high earth bund at the bottom of residents gardens that would appear likely to result in loss of vegetation and appear as an intrusive feature in a manner that would be harmful to residential outlook and visual amenity contrary to the requirements of local plan policy GD1 and para 185 of the NPPF.
- 3 The proposal hasn't demonstrated that access to the application site can be secured by lawful means. The proposal doesn't include details of the access to the proposal site. From the very limited information submitted it appears access can only be taken across land which is in unauthorised use in connection with the existing business.
- 4 The development would undermine the strategic objective as set out in the Masterplan Framework for Hoyland West of directing traffic, and in particular commercial traffic and HGVs, away from Sheffield Road to Olympus Way. As a consequence the development would be at odds with the Masterplan Framework and with the NPPF which seeks to ensure that developments function well, add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, and create safe, inclusive and accessible places that promote health and well-being.

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 06/12/2022

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

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.

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within twelve weeks 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.