BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/1449

To Mr Adam Mottram
60 Wath Road
Elsecar
Barnsley
S74 8HR

Proposal: Erection of boundary fence (Retrospective)
At: 60 Wath Road, Elsecar, Barnsley, S74 8HR

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 14 November 2014and described above.

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

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.

1 Due to its prominent location, inappropriate design, materials and height, the siting of the fence is considered to form an incongruous feature that is compatible to the open appearance of the street scene of the Elsecar conservation area and setting of nearby listed buildings (Old Row & Station Row). As such it is considered to be materially detrimental to the preservation of nearby heritage assets contrary to the advice of Core Strategy Policy CSP29 (Design), CSP30 (The Historic Environment) and Supplementary Planning Guidance Note 18 (Walls & Fences).

2 In addition the Local Planning Authority also considers that owing to the height and location the proposed fence would seriously compromise visibility and pedestrian intervisibility at the junction of the Old Row access with Wath Road, the reduction to visibility on the egress (North-Eastern direction) would be significantly restricted to an unacceptable proportion contrary to Highway Safety and the requirements of Core Strategy Policy CSP 26 (New Development and Highway Improvement).

Signed

Head of Planning and Building Control

Dated 08 February 2016

Development Service **Telephone: 01226 - 772000**
PO Box 634, Barnsley, S70 9GG **Fax: 01226 - 772591**

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 12 weeks 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.

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