



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1157

**To** Philip Brown Associates  
74 Park Road  
Rugby  
Warwickshire  
CV21 2QX

**DESCRIPTION** Removal of condition 1 of appeal decision (Ref: APP/R4408/C/07/2048651) to allow permanent use of site for a gypsy family and variation of condition 3 to allow for the stationing of 5 caravans on the site (Part Retrospective)

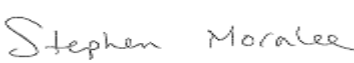
**LOCATION** Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 19 September 2011 and described above.

The approval is subject on compliance with the following conditions:

- 1 The use hereby permitted shall be for a limited period ceasing on the 1st November 2015.  
**Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.**
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.  
**Reason: In accordance with advice in ODPM Circular 01/2006.**
- 3 No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be static caravans) shall be stationed on the site at any time.  
**Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.**
- 4 No commercial activities shall take place on the land, including the storage of materials.  
**Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.**

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed   
Assistant Director, Planning and Regulatory Services

Dated 09 February 2012

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet the requirements set out in (i) and (ii) below:
- i) A landscaping scheme for along the boundaries of the site shall be submitted for the written approval of the Local Planning Authority along with a timetable for its implementation.
  - ii) A scheme for the restoration of the site to its condition before the development granted under the previous permission (ref: MCS/04/2236) took place at the end of the period for which planning permission is granted in condition 1 and a timetable for implementation.
- Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.**

#### **Reason(s) for Granting Permission**

- 1 Unique The proposed development is acceptable to the Local Planning Authority as it is considered that very special circumstances exist to justify departure from current Government Guidance on Green Belts in the form of PPG2 and Barnsley LDF Core Strategy Policy CSP 34. In addition, the development would not affect the amenities of any local residents and or harm highway safety, in accordance with Barnsley LDF Core Strategy Policies CSP 29 and CSP 26.

#### **Informative(s)**

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions 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.