BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0002

To Mr Scholey
Holly Cottage
10 Wharncliffe Court
Chapel Road
Pilley
Barnsley
S75 3AY

Proposal Erection of a detached garage with room above.
At Holly Cottage, 10 Wharncliffe Court, Chapel Road, Pilley, Barnsley, S75 3AY

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 06 January 2011and described above.

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

1 Part of the site lies within Green Belt on the approved Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority the proposed garage/annex would be contrary to Policy GS8E and BE6 of the Unitary Development Plan and the Council's Supplementary Planning Guidance Note 3 & 4 in that its design does not reflect the architecture of the building and vernacular styles in the locality (in terms of ridge height, unsymmetrical fenestration, unbalanced front elevation and external staircase) to the detriment of visual amenity. The position and size of the building also fails to preserve the openness of the Green Belt.

2 In the opinion of the Local Planning Authority, the proposed garage/annex would be capable of being occupied as a separate residential unit. It would be materially detrimental to the host dwelling as a result of overlooking and noise and disturbance. As such, the proposal is contrary to UDP policy H8D and the advice in Supplementary Planning Guidance Note 3 - Infill Residential Development. In addition, a separate residential unit would be defined as inappropriate development in the Green Belt. There are no very special circumstances to outweigh the harm by reason of inappropriateness and the proposal would have a detrimental impact on the openness of the Green Belt, contrary to policies GS8 and GS9 and advice in PPG2 - Green Belts.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 07 February 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **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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