



# BARNSLEY

## Metropolitan Borough Council

### REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/0775

**To** Michael A Clynch  
Architect & Town Planner  
14 Huddersfield Road  
Ingbirchworth  
Sheffield  
S36 7GF

**Proposal** Erection of a two storey extension to dwelling and alteration to access  
**At** Hawthorne House, New Row Lane, Ingbirchworth, Sheffield, S36 7GG

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 15 July 2014 and 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 The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the policy of the Local Planning Authority not to permit development except in very special circumstances for the purposes other than those set out in paragraph 89 of the National Planning Policy Framework. The proposed development would be contrary to national policy and to UDP saved policy GS8E in that the total size of the proposed and previous extensions would exceed the size of the original dwelling to the detriment of the character and openness of the Green Belt, and in the opinion of the Local Planning Authority no very special circumstances exist that would justify the granting of planning permission in this instance.
- 2 The proposed development by reason of its scale and design would be detrimental to the architectural character of Hawthorn House and does not preserve or enhance the setting of the Conservation Area, contrary to Core Strategy Policies CSP29, CSP30 and the advice contained within the National Planning Policy Framework.

Signed   
Signed

Head of Planning, Building Control and Sustainability

Dated 08 September 2014

- 3 The proposed access would generate additional traffic movements and has inadequate visibility splays. Visibility is severely restricted by adjacent trees and walls and would be likely to give rise to conditions of significant detriment to highway safety contrary to policy CSP26 of the Core Strategy.
- 4 In order to gain sufficient visibility to the proposed access, the trees along the boundary of the site, which are protected by a Tree Preservation Order, would need to be removed. The trees are large mature specimens with significant amenity value which must be retained and their removal to provide visibility for a new access would not to acceptable, contrary to CSP36 and the SPD Trees and Hedgerows.

## **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.