BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0054

To Peter Wade Consultancy
Stockrail House
Waggon Lane
Upton
Pontefract
WF9 1FE

Proposal Erection of one detached dwellinghouse.
At 107 Burton Bank Road, Barnsley, S71 2AD

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 19 January 2009and described above.

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

1 In the opinion of the Local Planning Authority the application fails the test of PPS1: 'Delivering Sustainable Development' which states that design which is inappropriate in its context, or which fails to take the opportunity available for improving the character and quality of the area should not be accepted. In this regard it is considered that the site is too small to accommodate a residential property which is in keeping with the character and grain of the surrounding residential environment. When read in the context of the existing street scene and its relationship to adjacent properties it is considered that the proposed dwelling by virtue of its scale, siting and fenestration would form an incongruous feature which would appear out of kilter with the character and appearance of the street scene. As such, the proposal is also contrary to UDP policies H8A 'Existing Residential Areas', H8D 'Infill, Backland & Tandem Residential Development, BE6 'Design Standards' and the Council's Supplementary Planning Guidance Note 3.

2 In addition the Local Planning Authority also considers that the proposal represents an overdevelopment of the site, in that there is insufficient space to provide adequate private amenity space, contrary to UDP Policy H8A and the Council's Supplementary Planning Guidance Note 3.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 10 March 2009

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 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.

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