BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Property
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/0941

To Blik Design
Old Workshop
3 Co-op Lane
Hinchcliffe Mill
Holmfirth
HD9 2ND

Proposal Demolition of existing dwelling and erection of 7no detached dwellings (Outline with all matters reserved)

At 46 Foundry Street, Elsecar, Barnsley, S74 8EQ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 05 September 2018and 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 In the opinion of the Local Planning Authority the proposals would be out of character with the surrounding area by reason of the backland nature of the site and it being an isolated/island form of development that would be visually at odds with its open surroundings on 3 sides including areas of the countryside. In addition it would fail to protect and improve the setting/historic landscape of the adjacent Elsecar Conservation Area and areas falling within the Elsecar Heritage Action Zone due to the number and type of dwellings proposed. Accordingly the development is contrary to Core Strategy policies CSP29, CSP30 and paragraphs 127 (particularly part C) and 130 of the National Planning Policy Framework as it would not achieve the high standards of development that are expected that would respect heritage, townscape and landscape character.

2 The proposed development would give rise to conditions prejudicial to highway safety due to the restricted visibility at the proposed point of access onto Fitzewilliam Street classified road, and its inadequate width would lead to vehicles waiting or reversing out onto Fitzwilland Street. Such conditions would be incompatible with the interests of road safety and the free flow of traffic, contrary to CSP 26.

3 In the opinion of the Local Planning Authority, the proposed development is contrary to saved UDP Policy H8D, Core Strategy Policy CSP29 and the Council's Supplementary Planning Document 'Designing New Housing Development' , and saved UDP Policy H8A in that the proposed dwellings would be materially detrimental to the amenities of the adjacent properties by reason of a disturbance from increased residential activity. The proposal additionally would result in over development of the site, in that there is insufficient space to provide adequate private amenity space, and result in harm to the local environment or the amenities of existing residents, and create traffic problems contrary to the Council's Supplementary Planning Document, Designing New Residential Development and CSP29 of the Core Strategy

4 Despite requests for additional information the applicant has not submitted sufficient details to demonstrate that the site would not be adversely impacted by noise from the railway line and railway station and that it could be developed with appropriate mitigation measures and is therefore contrary to Core Strategy Policy CSP 40.

Signed JM Jenkinson Dated 14 December 2018
Joe Jenkinson
Head of Planning and Building Control

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

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.