



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0221

**To** Tom Warren  
Acorus Rural Property Services  
The Old Market Office  
10 Risbygate Street  
Bury St Edmunds  
IP33 3AA

**Proposal** Change of use of building A and hardstanding areas in agricultural use to a mixed agricultural, class B8 and A1 uses (retrospective)

**At** Anchor Farm, Elmhirst Lane, Dodworth, Barnsley, S75 4LD

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 24 March 2017 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 proposed development site lies within Green Belt in the adopted Barnsley Unitary Development Plan (UDP) and the publication draft Local Plan. The use of the land for outside storage of reclaimed materials is inappropriate in Green Belt and as such is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, the harm by reason of inappropriateness, and other harm, is clearly not outweighed by other considerations and therefore very special circumstances do not exist. The proposed development is therefore considered to be contrary to Barnsley adopted Core Strategy (CS) policies CSP21 and CSP34 and the planning policy statements in the National Planning Policy Framework (NPPF) relating to protecting Green Belt.
- 2 The use of the hardstanding around the buildings is considered to change the character from an agricultural character to a more commercial and industrial one introducing an incongruous feature into an essentially rural area, encroaching and impacting adversely on the character and distinctiveness of the local landscape as well as on the openness of the Green Belt contrary to the purposes of Green Belt and contrary to Core Strategy policies CSP21, CSP34 and CSP37 and the planning policy statements in the NPPF relating to requiring good design, protecting Green Belt land and conserving and enhancing the natural environment.



- 3 The intensification of use of Elmhirst Lane is not considered acceptable in highway terms as it would exacerbate the probability of vehicles meeting and having to perform reversing manoeuvres in direct conflict with any pedestrians, to the detriment of the free and safe flow of traffic. The proposed development would be detrimental in road safety terms and would not be in accordance with Core Strategy Policy CSP 26 New Development and Highway Improvement.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 09 June 2017

*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.