BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0684

To Peter Dimelow
Ashbarn
Finkle Street
Wortley
Sheffield
S35 7DH

Proposal Erection of one detached dwelling with a new access
At The Hawthornes, Chapel Street, Birdwell, Barnsley, S70 5UF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 10 June 2010and 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. The proposal is considered to represent an undesirable form of backland development which would represent an incongruous and intrusive change to the development pattern. As such the proposal is contrary to Unitary Development Plan polices H8D & BE6 & Supplementary Planning Guidance Note 3 'Infill Residential Development'.

2 The proposed dwelling would inevitably bring more noise and potential disturbance to places that residents could reasonably expect to enjoy as generally secluded and quiet. This, combined with the impact of the coming and going of vehicles and pedestrians along the access drive, would be intrusive and potentially annoying to residents. It is considered that the proposal would unacceptably harm the living conditions of neighbours through increased noise and disturbance, contrary to the aims of UDP Policies H8A, H8D, PPS1, PPS3, SPG2, and SPG3.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 20 July 2010

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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