BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0535

To Mrs Sarah McDowall
20 The Walk
Birdwell
Barnsley
S70 5UA

Proposal Erection of 1 no. detached house (Outline seeking approval over appearance and landscaping)

At 20 The Walk, Birdwell, Barnsley, S70 5UA

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 18 July 2019and 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 proposed dwelling would be contrary to NPPF paragraphs 124 and 130, Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making' and 'H9 Protection of Existing Larger Dwellings' and the Council's Supplementary Planning Document 'Designing New Housing Development' in that its set back positioning, cramped layout and other design features would not reflect the established development pattern of the area and would consist of an unnecessary form of 'garden grabbing'. As such, it is considered that the proposals would represent an incongruous and unsympathetic addition to the locality that would be harmful to the character and visual amenity of the street scene.
2	In the opinion of the Local Planning Authority, the position of the proposed dwelling would be materially detrimental to the amenities of the occupants of the adjacent dwelling (18 the Walk), by reason of overbearing impact and overshadowing. The proposal is therefore contrary to Local Plan Policy GD1, the Council's SPD - Design of Housing Development and Paragraph 127 of the NPPF requiring a high standard of amenity for existing and future users.
3	The applicant has not submitted a full Tree Survey to BS5837:2012 or an Arboricultural Impacts plan to enable an adequate assessment to be made of the effect of the proposal on the existing trees and landscaping or for the surveys to inform the layout put forward so as to avoid/minimise any potential impacts.

Signed J M Jenkinson Dated 10 September 2019
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.