BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/1196

To Moreton-Deakin Associates
The Turret
Valley Road
Hebden Bridge
West Yorkshire
HX7 7BZ

Proposal Erection of 2 no. dwellings.
At Land at Park Hollow, Wombwell, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 20 October 2014and 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 felling of the 4 trees, in particular the Silver Maple and Black Poplar on the site frontage, all of which are subject to Tree Preservation Order (TPO No 7/1993), would cause unacceptable visual harm to the street scene. The loss of the trees would materially harm the appearance of the street scene and detract from the quality of the environment, contrary to Core Strategy Policy CSP36, CSP29 and the SPD - Trees and Hedgerows.

2 In the opinion of the Local Planning Authority, the proposed dwellings would sited too close to trees which provide significant amenity value to the area . Due to significant overshadowing of the site, such development would be likely to result in future demand for felling or lopping, which would be detrimental to the visual amenities of the locality and detract from the quality of the environment, contrary to Policy CSP36 of the Core Strategy and SPD - Designing New Housing Development, and SPD - Trees and Hedgerows.

Signed

Service Director Economic Regeneration, Development, Environment & Culture

Dated 01 December 2014

Development Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

3 In the opinion of the Local Planning Authority, the proposal would result in the over-development of the site, in that due to the heavy tree cover and the canal banking to the rear there is insufficient space to provide adequate private amenity space, and any space provided would be subject to heavy overshadowing which would be prejudicial to amenity value, as such the proposal is considered contrary to UDP Policy H8A and the Council's Supplementary Planning Document - Designing New Housing Development.

Development Service **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**

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.

Development Service **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**