BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1187

To Mr & Mrs Bradley
Hill Top Lane
Green Moor
Wortley
Sheffield
S35 7DQ

DESCRIPTION Erection of 15kw wind turbine on a 15m high mast
LOCATION Windy Bank Hall, Green Moor, Sheffield, S35 7DQ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 28 September 2010 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby approved shall be carried out in strict accordance with the plans and specifications received on 21st October 2010 unless prior written consent has been given by the Local Planning Authority to any minor variation. The following plans are hereby approved:

- Proposed Turbine at Windy Bank Hall Hill Top Lane (Ref 9361/10/01) dated September 2010 scale 1:1250;
- The elevation drawing entitled Proven 35-2 on 15m Tower;
- The letter from Eagle Power dated 15th September 2010;
- The Eagle Power Wind Turbine Design and Access Statement;
- Amended Planning Statement received on 19th October 2010;
- The e-mail from Mr Bradley on 12th October 2010 at 14:10 and 17:31;

Reason: For the avoidance of doubt and in accordance with UDP Policy BE6, Design Standards.

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 24 November 2010

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

3 All electric cabling to connect the turbine to the Grid or the dwelling shall be located underground unless otherwise agreed in writing by the Local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 1 month of the date of commissioning of the turbine.
Reason: In order to protect the visual amenity of the surrounding area and in order to comply with Policy ES12 of the UDP.

4 If the wind turbine hereby permitted ceases to be operational for the purposes of generating electricity for a continuous period of 6 months it shall, unless otherwise agreed in writing by the Local Planning Authority, be dismantled and removed from the site within a period of 2 months. The site shall thereafter be restored to its original condition including the removal of the associated concrete base and cabling.
Reason: To protect the visual amenity of the Green Belt and in order to comply with Policy ES12 of the UDP.

5 Unless otherwise agreed in writing by the Local Planning Authority, the turbine blades and turbine head (nacelle) shall have a white finish.
Reason: In the interests of the visual amenity of the locality.

Reason(s) for Granting Permission

1 Unique The decision to grant planning permission has been taken having regard to the policies and proposals in the Barnsley Unitary Development Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:

Policy BE6 - Design Standards
Policy ES12 - Wind Energy Generation
Policy GS7 - Green Belts
Policy GS9 - Green Belts
Policies GS34 and GS35 - Urban Greenspace
Planning Policy Statement 22 - Renewable Energy

The proposal complies with Policy GS9 in that the development does not cause any significant harm to the visual amenity of the Green Belt. It is considered that the harm to the Green Belt is outweighed by the wider environmental benefits associated with PPS22 and the provision of renewable energy and therefore, very special circumstances have been demonstrated. It is also considered that Policy ES12 of the Unitary Development Plan has been satisfied as the turbine would not cause harm to residential amenity.

Informative(s)

1 Defence Estates must be notified of the following:

- The date construction starts and ends
- The maximum height of construction equipment
- The latitude and longitude of the turbine

Defence Estates can be contacted on the following address:

DE Operations North
Safegarding Wind Energy
Kingston Road
Sutton Coldfield
B75 7RL

2 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

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.

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