



Notice of Prior Notification Determination

Town & Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 3 Class Q Changes of Use

Correspondence Address:

Acorus Rural Property Services Ltd.
Oak House
Kingswood Business Park
Holyhead Road
Albrighton, Wolverhampton
West Midlands, WV7 3AU

Decision Date:

12 February 2018

APPLICATION NO:

2017/1720

DESCRIPTION:

Change of use of agricultural building to dwellinghouse (Prior Notification)

LOCATION:

Land at Anchor Farm, Elmhirst Lane, Dodworth, Barnsley, S75 4LD

APPLICANT:

Mr Tom Warren

Prior notification is hereby refused for the development described above, for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal does not meet the requirements of Town and Country Planning General Permitted Development Order 2015(as amended), Schedule 2 Part 3 Class Q and paragraph W, in that the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
2. In the opinion of the Local Planning Authority, as there has not been an “established agricultural unit” (as defined in Para X of Schedule 2 Part 3 of the GPDO 2015 as amended) since 2001, the building subject of this prior notification application is therefore not “ an agricultural building” as defined by Para X of Schedule 2 Part 3 of the GPDO 2015 as amended as there was no agricultural trade or business on the site for the purposes of agriculture, on 20th March 2013
3. In the opinion of the Local Planning Authority there are likely to be unacceptable noise impacts from commercial premises on the intended occupiers of the development.
4. In the opinion of the Local Planning Authority insufficient information has been submitted alongside the application to enable an adequate assessment to be made of the effect of potential contamination on the proposed residential use.



Signed



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 twelve weeks 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 given 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.