BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0260

To Mr Michael Clynch
Michael Clynch Associates
14 Huddersfield Road
Ingbirchworth
Sheffield
S36 7GF

DESCRIPTION Change of use from agricultural and certificated caravan site to a 15 pitch touring caravan site (Resubmission)

LOCATION Land adjacent Ingfield, High Lane, Ingbirchworth, Barnsley, S36 7GG

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 26 February 2009 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 amended plans and specifications received 25/05/2009, unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy GS8 - Development within the Green Belt.

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 17 July 2009

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3 Notwithstanding the details of the application hereby approved, the maximum number of touring caravans allowed at the site shall not exceed 15 at any time.
Reason: 1. In order to prevent overburdening of narrow country lanes that access the site and the risk of use of dangerous junctions for caravan traffic in the interests of highway safety. 2. In order to ensure the openness of the Green Belt would not be significantly harmed.

4 Development shall not commence before arrangements have been entered into to secure the provision of directional signs to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. The works shall include without limitation: -

Provide and erect traffic direction signs to the relevant diagram of the manual for Traffic Signs and Road Markings ("brown signs") to indicate the approved route to the site.
Reason: To mitigate against the effects of the development in the interests of highway safety.

5 This permission relates to touring caravans for holiday occupancy only and shall not be occupied by any person exceeding four consecutive weeks. Any such person shall not return within two weeks of such period.
Reason: The site is in the Green Belt where permanent occupancy would represent unsustainable development contrary to National Planning Policy, PPG2 and PPS7.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to commencement of development.
Reason: In the interests of the visual amenities of the Green Belt and adjacent Ingbirchworth Conservation Area.

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the implementation of the development or in accordance with the programme agreed with the local planning authority; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: In the interests of the visual amenities of the Green Belt and adjacent Ingbirchworth Conservation Area.

8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the Green Belt and adjacent Ingbirchworth Conservation Area.

9 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.

Reason(s) for Granting Permission

1 Unique In the opinion of the Local Planning Authority, it is considered that whilst the proposal would represent inappropriate development in the Green Belt, very special circumstances exist in this case as required by National Planning Policy PPG2 - Green Belts and UDP Policy GS8. Removing existing permitted development rights to hold rallies (paragraph 6 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required) from this certificated site, would lead to improvements to openness, visual amenity, highway safety and residential amenity that would contribute very special circumstances to allowing the proposal. In addition the proposal would consolidate farm diversification for Ingfield Farm supporting the existing business and contributing sustainable rural development in accordance with National Planning Policy, PPS7- Sustainable Development in Rural Areas and UDP Policy ED13. Furthermore proposals would also provide much needed tourist accommodation in the Borough to meet the needs to touring caravans and is considered a suitable site with regards to UDP Policy GS30 on the grounds it would provide a small scale site based on an existing farmstead.

However this is subject to a maximum of 15 pitches in order to protect the openness of the Green Belt and the character and appearance of the adjacent Inbirchworth Conservation Area. In addition to the S106 relinquishing existing rights, conditions will be required to mitigate against the effect of the development from a visual amenity (landscaping) and highway safety point of view.

Informative(s)

1 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.

2 The applicant is advised of the following by Yorkshire Water:-

The local public sewer network does not have capacity to accept any discharge of surface water from the proposed site. The developer is advised to contact with relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be an alternative solution for surface water disposal that is appropriate in this situation.

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.

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