



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/1352

To M A Clynch
14 Huddersfield Road
Ingbirchworth
Sheffield
S36 7GF

Proposal Erection of 3 no. detached dwellings (Outline)

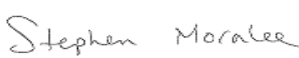
At Hawthorne House, New Row Lane, Ingbirchworth, Barnsley, S36 7GG

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 19 December 2013 and 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 The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Core Strategy Policy CSP 34 reflects national policy guidance and precludes development for purposes other than agriculture, forestry and essential facilities for sport and recreation, which preserve the openness of the Green Belt. In the opinion of the LPA the proposed dwellings constitute inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.
- 2 The proposals fail to satisfy Core Strategy policy 30 'The Historic Environment; s saved UDP policy WR19, and Section 12 of the NPPF, in that it has not been adequately demonstrated that the form of development proposed would be suitable to protect or enhance the character and appearance of the Ingbirchworth Conservation Area. The indicative layout plan shows a typically engineered urbanised scheme containing a regimented positioned of houses, unimaginative house types and a level of development that would substantially alter the character of the site and over dominate the existing historic dwelling 'Hawthorn House'. It has therefore not been adequately demonstrated how this form of development would protect or improve the character and/or appearance of the Conservation Area.

Signed 
Signed

Head of Planning, Building Control and Sustainability

Dated 07 February 2014

- 3 The application fails to demonstrate that harm would not be caused to the trees on the site that are protected by a Tree Preservation Order, which have the potential to be threatened due to the close proximity of the proposed works. It is considered that this could result in further harm being caused to the character and appearance of the Ingbirchworth Conservation Area contrary to Core Strategy policy 30 'The Historic Environment', saved UDP policy WR19, and Section 12 of the NPPF.
- 4 The proposals are contrary to Core Strategy Policy CSP26 'New Development and Highway Improvement' in that the proposed means of access for the development is not of an acceptable design as it not located perpendicular to the highway, fails to provide adequate visibility for vehicles emerging onto the highway, and does not enable the provision of 2 way traffic flows at the access to the site, to the detriment of highway safety.

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.