BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Property
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/0801

To Peter Dimberline RIBA
2 Tipsey Court
Wakefield Road
Staincross
Barnsley
S75 6FZ

Proposal Erection of 1no detached dwelling along with provision of associated detached double garage. Additional plot to previous planning permission 2015/1224 - Erection of 5 no. detached dwellings with detached garages and associated external works and re-modelled access drive

At Plot 6, Former Needlewood Care Home, Keresforth Hill Road, Kingstone, Barnsley, S70 6RF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 11 July 2018and 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. The construction of new buildings is considered inappropriate in the Green Belt. Paragraph 145 of the NPPF sets out exceptions to this, which includes 'partial or complete redevelopment of previously developed land'. However, in this instance it is considered the addition of a 6th dwelling, over and above the 5 already approved on the site, would have a greater impact on the openness of the Green Belt compared with the previous development. As such, the proposal would be contrary to the NPPF and Core Strategy Policy CSP 34 'Protection of Green Belt'.

2 In the opinion of the Local Planning Authority insufficient information has been submitted to enable an assessment to be made of the impact of the development on trees in the form of a tree survey and implications assessment. Any impacts on adjacent trees would give rise to further harm to add to the reasons for not granting planning permission.

3. The South Yorkshire Residential Design Guide states that unadopted shared private drives may give access up to a maximum of 5 dwellings. However, the proposed dwelling would result in 6 dwellings accessed from a private drive and, as such, the proposal would be contrary to the technical design requirements outlined above, as well as Core Strategy Policy CSP 26 'New Development and Highway Improvement' and the Supplementary Planning Document 'Designing New Housing Development'.

Signed JM Jenkinson Dated 18 October 2018
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 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.