BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0791

To Peter Wade Consultancy
Stockrail House
Waggon Lane
Upton
Pontefract
WF9 1FE

Proposal Erection of detached two storey dwellinghouse and associated works

At Land adjacent to 179 Wilthorpe Road, Barnsley, S75 1JR

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 08/10/2020 and described above.

The reasons for the Council's decision to refuse planning permission are:

1. In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Local Plan Policy D1 and the Council's Supplementary Planning Document 'Design of Housing Development' in that is design, position and layout would be inconsistent with the character and development pattern of the area and would as a consequence appear as an unduly intrusive and incongruous feature in the street scene to the detriment of visual amenity.

2. The site, along with the adjacent land, functions as green space and makes a significant contribution to the appearance of the area. Such areas will normally remain open and undeveloped and any proposals for development will be assessed for their effect on the present and potential function of the areas in terms of its recreation, amenity or conservation value. In the opinion of the Local Planning Authority the proposal would result in an unnecessary incursion of the area of green space, which would be harmful its pleasant green open and vegetated character and the visual amenity of the locality. As such the proposal is contrary to Local Plan Policy GS1 which states 'Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed'.

3. In the opinion of the Local Planning Authority, the proposed dwelling would be materially detrimental to the amenities of the future occupants by reason of its limited outlook from the main ground floor habitable rooms and the separation of the private amenity space from the habitable rooms, contrary to Local Plan Policy GD1 and Supplementary Planning Document 'Design of Housing Development'.

4. The proposed development fails to provide sufficient and suitable accommodation within the site for parking and turning of vehicles to enable entrance and exit in a forward gear. Furthermore, the location of the proposal gives rise to road safety concerns given its proximity to the priority junction with ghost island serving Kestrel Road and the potential for driver confusion and possible shunt type collisions. Consequently, the proposal would be detrimental to the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4 and Supplementary Planning Documents 'Design of Housing Development' and 'Parking'.

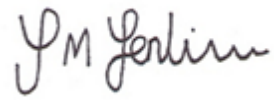
Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

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.*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 11/11/2020



Joe Jenkinson
Head of Planning and Building Control

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.