



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0856

T Montagu Evans
Clarges House
6-12 Clarges Street
London
W1J 8HB

Proposal Change of use of vacant land to form a parking area for buses and cars and associated landscaping works (Resubmission)

At Vacant Land to the North of Wakefield Road Bus Depot, Wakefield Road, Barnsley, S71 1NU.

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 19 July 2011 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The site lies within an area designated as Urban Land to Remain Undeveloped on the approved Barnsley Unitary Development Plan. UDP Policy GS11 states that existing uses will normally remain for the duration of the plan period and that planning permission for the permanent development of such land will only be granted following a review of the UDP, which proposes development. In the opinion of the Local Planning Authority in the absence of any material considerations that would indicate otherwise there would be no justification for departing from Policy and prior to a review the proposed development would be contrary to Policy GS11.
- 2 It is also considered that the addition of 32 buses and 100 members of staff represents a significant intensification to the existing bus depot. Residents are at present experiencing disturbance as a result of the sites operations, the resulting increase in vehicle movements and overall activity at the site would result in additional disturbance which will be materially detrimental to the amenity of the occupiers of adjacent residential properties by reason of noise and general disturbance associated with the day to day operations. As such it is considered to be contrary to the advice of policies BA11/3, ED4 and ED8 which identify the importance of protecting residential amenity.

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 09 September 2011

- 3 It is further considered that the proposal would represent an intrusion into an otherwise open area of land. The car park by its nature would have an industrious appearance by virtue of the amount of hardstanding and associated paraphernalia (lighting columns, 3m fencing etc..) The proposed landscaping strip would provide little meaningful screening/protection from this and as such the development would represents a breach of an established development line appearing at odds with the general character and openness of the locality. This is considered to be contrary to the advice of policy BE6 that developments should form a successful relationship with adjoining uses.

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.