BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/0496

To Michael A Clynch
Architect & Town Planner
14 Huddersfield Road
Ingbirchworth
Sheffield
S36 7GF

Proposal Erection of 1 no. dwellinghouse
At Land adjacent 4 The Walk, Birdwell, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 06 May 2014and 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 erection of a single, isolated, dwelling on the site would be an incongruous form of backland development, incompatible and out of character with the established pattern of development in the area resulting in harm to the local environment. It would be clearly seen as such from the public right of way that runs through the site from The Walk, intruding into the open land around Birdwell. Unlike the two storey stone faced terrace properties on The Walk, the property would be single storey brick built and detached and would not integrate with the generally cohesive existing street scene. The siting and layout of the dwelling would not reflect the building line or have a frontage orientated towards the existing public highway. Consequently the proposed development is contrary to CS policy CSP29, UDP policy H8D, DSAP policy GD1, the Council's SPD - Designing New Housing Development, and the relevant planning policy statements in the NPPF relating to requiring good design.

Signed Stephen Moralee

Head of Planning, Building Control and Sustainability

Dated 04 September 2014

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2 The proposal fails to incorporate adequate on-site facilities to enable a vehicle to turn on the site and in particular when the single parking space is occupied. This would lead to the reversing of vehicles onto the highway which would give rise to conditions detrimental to highway safety.

Furthermore, the proposal does not incorporate adequate facilities for the servicing of the premises, in particular with regard to waste and recycling collections. Containers are likely to be positioned on collection days such as to obstruct the shared access road (public right of way) where it abuts The Walk or the footway on The Walk, which would give rise to conditions detrimental to highway safety.

In both these respects therefore, the proposed development is contrary to CS policies CSP26 and CSP29, UDP policies H8A and H8D, DSAP policy GD1, the Council's SPD - Designing New Housing Development, and the relevant planning policy statements in the NPPF relating to requiring good design.

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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.

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