BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0598

To Mr T Prideaux
15 Brooksfield
South Kirby
Pontefract
WF9 3DL

Proposal Erection of 8 no. apartments
At Land adjacent Wilthorpe Road, Barnsley,

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 19 May 2010and 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 there would be no justification for departing from Policy and prior to a review the proposed development would be contrary to Policy GS11.

2 The proposal is considered to be contrary to UDP policy H8D which identifies that the siting and layout of new development should respect the established character and pattern of development in the area. In this regard it is considered that the development would not only appear detached and at general odds with the established development but would also represent an encroachment within an important and locally recognised open space. As such it is not considered that it would form a meaningful relationship to existing uses.

3 Insufficient details have been submitted to enable an adequate assessment to be made of the access arrangements and their effect on highway safety. The application is therefore considered to be contrary to the advice of UDP policy T2A.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 08 July 2010

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

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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