



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0210

**To** Urbana Town Planning Limited  
Steel City House  
West Street  
Sheffield  
S1 2GQ

**Proposal** Residential development of up to 4no dwellings (Outline With All Matters Reserved)

**At** Land at Bank End Road, Worsbrough, Barnsley, S70 4QH

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 12 March 2020 and 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 In the opinion of the Local Planning Authority the proposal would constitute an unacceptable loss to a high value natural/semi-natural Green Space in an area with an insufficient amount of this type of Green Space and neither does the proposal constitute a small scale facility needed to support the function of that Green Space or provide an appropriate replacement that outweighs the loss of Green Space incurred contrary to Local Plan Policies GS1 and GI1.
- 2 It is the view of the Local Planning Authority that the proposal would cause unavoidable harm to the biodiversity of Bank End Road Escarpment through the felling of up to 24no. mature trees. This harm has not been adequately mitigated or compensated for in the supporting information and nor has an established quantifiable net biodiversity gain been established contrary to Local Plan Policy BIO1 as well as NPPF Paragraph 175 (a) & (d).
- 3 The woodland, though undesignated, is believed to be a relict Ancient Woodland site and a reduction in its size would constitute significant harm contrary to Local Plan Policy BIO1 as well as NPPF Paragraph 175 (a).

- 4 In the opinion of the Local Planning Authority, insufficient evidence has been submitted to justify the proposed felling of up to 24no trees in TPO W1-13 and potentially more to accommodate a suitable means of access to serve the development and to take into account of root and canopy spread and to provide adequate outlook for the dwellings from a residential amenity perspective. The trees occupy a prominent location within the street scene which contributes substantially to the amenity, character and appearance of the locality and, as a result, their removal cannot be supported. The proposal is therefore contrary to Local Plan Policies GD1, D1 and LC1 as well as NPPF Paragraph 130.
- 5 The Preliminary Ecological Appraisal has not been conducted by a suitably qualified ecologist and the quality of its analysis is believed to be insufficient in detail to justify conclusions to be drawn from it that can be relied upon contrary to the SPD Biodiversity and Geodiversity as well as Local Plan Policy BIO1.
- 6 The development is located in a High Risk Coal Mining Area which infers that the development has the potential to be sited above unrecorded mine workings and other geological faults. Without such factors being identified and appropriately mitigated for through a Coal Mining Risk Assessment and an intrusive site investigations report, the development is at risk of becoming an unstable and dangerous structure contrary to Local Plan Policy CL1 - Contaminated and Unstable Land
- 7 The proposal does not conform with other Local Plan Policies, notably GS1, GI1, GD1, D1, LC1 or BIO1 and by consequence does not benefit from Local Plan Policy H4 for residential development on non-allocated sites and is refused permission by consequence.

Signed

Dated 23 April 2020



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 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](mailto: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.