BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0432

To Peter Dimberline
Tipsey Court
Wakefield Road
Staincross
Barnsley, S75 1PD

Proposal Erection of 2 no. detached cottages (Outline)
At Site opposite 3 Darley Yard, off High Street, Worsbrough Bridge, Barnsley, S70 4SB

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 17 April 2012and described above.

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

1 The proposals are considered to be contrary to the advice of policy CSP29 in that the properties would sit in relative isolation to existing properties of Darley Yard. This would be counter to the established and organised building pattern of Darley yard and as such would appear as an ad-hoc form of piecemeal development. As such it is considered that it would present itself as an incongruous and intrusive change to the established local development pattern.

2 In the opinion of the Local Planning Authority, the proposed development would be contrary to Core Strategy Policy CSP29, saved UDP Policy H8D and adopted SPD 'Designing New Housing Development', in that it would be an undesirable form of piecemeal backland development, materially detrimental to the amenities of the adjoining properties from increased residential and vehicular activity in an area which could be reasonably expected to remain secluded and quiet.

3 In the opinion of the Local Planning Authority, the proposals are unacceptable in highway terms. Normally a maximum of five properties can be served off a private drive and this proposal would bring the total number(both residential & Commercial) with access to Darley yard above this figure, access to any additional properties would require an adopted road, which would also require improvements to visibility to High Street over land not in the applicant's control. The proposal is therefore contrary to policy CSP26 and 29 of the Core Strategy.

Signed Stephen Moralee

Assistant Director, Planning and Regulatory Services

Dated 06 June 2012

Planning and Regulatory Services **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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