BARNSLEY
Metropolitan Borough Council

**Growth and Sustainability**
**Regeneration and Culture**
**Planning, Policy and Building Control**

# REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2023/0880**

**To** Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

**Proposal** Development of 1 no. Self-Build Residential Dwelling and associated works

**At** Land to rear of Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 26/10/2023 and described above.

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

1 The site lies within the Green Belt as defined on the approved Barnsley Local Plan Policies map wherein Local Plan Policy GB1 reflects national policy guidance and restricts new development other than in a closed list of exceptions or where very special circumstances are demonstrated. The proposed new dwelling is not infilling in a village in the Green Belt and is considered to constitute inappropriate development contrary to policy and harmful to the Green Belt as set out in NPPF at paragraphs 152 and 153. Furthermore, the application has not demonstrated very special circumstances that would clearly outweigh both the harm to the Green Belt by inappropriateness and the other harms resulting from the proposal.

2 The design of the proposed three storey dwelling lacks detailing to reduce the impact of the height and mass of the building and results in a design which has a height, massing and vertical emphasis which would be incongruent in the street scene which is characterised by one and two storey houses. In addition, the proposed integral double garage is over dominant of the front elevation, results in an unsatisfactory appearance of the proposed dwelling and is contrary to the guidance in the SPD Design of Housing Development. Overall, the design is considered to result in a dwelling which would have an unacceptable appearance in the street scene, contrary to Local Plan Policy D1 and the SPD Design of Housing Development.

3 The proposed development is not located in a sustainable location, with access to local facilities, services, shopping and work almost certainly to be by private car for any occupiers. This is not in accordance with the sustainable transport objectives of Local Plan Policy T3 or the NPPF to promote walking, cycling and public transport use.



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4 The application is not supported by appropriate evidence to demonstrate that the proposal will not have an adverse impact on protected species on and in the vicinity of the application site and accordingly is in conflict with Local Plan Policy BIO1 and the SPD Biodiversity and Geodiversity.

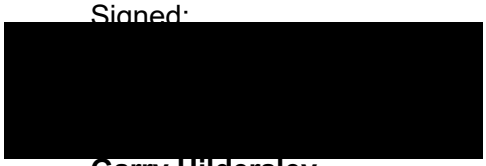
Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed: Dated: 29 February 2024



**Garry Hildersley**
Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

**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 six 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) 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.