



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0238

To SEA Planning
5A Hall Annex
Newton Chambers Road
Thorncliffe Park
Chapeltown
Sheffield, S35 2PH

Proposal Erection of 1 no. detached dwelling (Outline)
At Land adj to 188-198 Barnsley Road, Dodworth, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 04 March 2010 and 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 Greenspace on the approved Barnsley Unitary Development Plan. UDP Policy GS34 states that such areas will normally remain open and undeveloped and that any proposals for development will be assessed for their effect on the present and potential function of the areas in terms of its recreation, amenity or conservation value. In the opinion of the Local Planning Authority, the site makes a useful contribution to the recreation and the appearance of the local environment, and in the absence of any alternative provision being made, the proposed development would be contrary to UDP Policy GS34.
- 2 The proposed development would result in the use of a substandard access, which fails to meet the Council's recommended standards in terms of width, alignment and visibility. In the opinion of the Local Planning Authority, the proposal would be contrary to UDP Policies T2A and H8A. In addition the site is inaccessible to service and emergency vehicles.
- 3 The site lies within An Air Quality Management Area where air quality standards are not being met or are unlikely to be met. The reason for this declaration along the M1 corridor is due to high levels of nitrogen dioxide (NO₂). Due to the site's close proximity to the motorway and plans to extend the motorway, occupants of the dwelling would suffer from poor air quality. In addition the site suffers from noise exposure levels which exceed those set out in PPG24.

NOTES:-

Signed *Stephen Moralee*

Assistant Director, Planning and Transportation

Dated 19 April 2010

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.