BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0086

To Peter Dimberline RIBA
2 Tipsey Court
Wakefield Road
Staincross
Barnsley
S75 6FZ

Proposal Erection of 1 no. detached dwelling with attached garage.
At Land adjacent Top House, Top Row, Ardsley, Barnsley, S71 5RJ

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 06 February 2013and 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 proposed garage would be sited between the house and the road in an overly prominent position and would as a consequence appear as an unduly intrusive feature in the street scene to the detriment of visual amenity, contrary to CSP 29, H8D, H8F, SPD 'House Extensions' and the South Yorkshire Residential Design Guide..

2 In the opinion of the Local Planning Authority, the close proximity of the garage to the mature trees, subject to a Tree Preservation Order, would be likely to result in root loss and damage to the tree. The loss or damage of the tree, which makes a positive contribution to the local townscape, would materially harm the visual amenity of the area, contrary to CSP 29.

Signed Stephen Moralee

Assistant Director, Planning and Regulatory Services

Dated 12 March 2013

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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