



## **REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0008

**To** Murdoch Planning Ltd  
PO Box 71  
Icminster  
TA19 0WF

**Proposal** Change of use of land to a private gypsy and traveller site comprising of 11 no. pitches.  
(Resubmission)

**At** Land to the South of Middlecliffe Lane, Little Houghton, Barnsley

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 23 January 2018 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 The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt. Furthermore, the proposed development would harm an important view/vista of the village of Middlecliff. Due regard has been given to the National Policy for Traveller Sites, which reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the insufficiently detailed very special circumstances case put forward. Accordingly the proposal is contrary to the NPPF, Core Strategy Policy CSP34 Protection of the Green Belt and CSP29 Design
- 2 The proposal is contrary to policy CSP18 of the adopted Core Strategy as the site, which is not within an existing urban area does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area.



- 3 The proposal is to access the site via an unmade track which would not be suitable for any intensification of use taking into the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. Furthermore there is also the potential for pedestrian safety to be compromised. Therefore, the proposed development is considered unacceptable on highway safety grounds and would be contrary to Core Strategy policy CSP26 New Development and Highway Improvement.
- 4 Due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site it is considered that the increase in noise and disturbance levels arising from the development would adversely affect the residents of the existing properties close to the site due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use. Therefore, the proposals would be contrary to Core Strategy policy CSP40 Pollution Control and Protection
- 5 Insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from a contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Therefore, the proposals would be contrary to Core Strategy policies CSP39 Contaminated and Unstable Land and CSP 36 Biodiversity and Geodiversity.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 23 May 2018

*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 the Council to grant permission for the proposed development subject to conditions 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 given 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.