BARNSLEY
Metropolitan Borough Council

# REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0293

**To** Mr Ryan Link
71 Park Drive
Sprotbrough
Doncaster
DN5 7LP

**Proposal** Erection of 2 no. detached dwellings and garages
**At** 19 Turnesc Grove, Thurnscoe, Rotherham, S63 0TY

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 05 March 2009and described above.

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

1 The proposed layout fails to take proper account of the mature birch and chestnut trees which fall within and along the site boundary and it is considered that the proposal would in result in the loss of all of these trees including the chestnut, which is now the subject of Tree Preservation Order Barnsley Metropolitan Borough Council No 14/ 2009 . The chestnut (T1) and the birches are prominent and valuable features of the site which contribute significantly to the character and visual amenities of the locality and their loss would be to the detriment of same, contrary Barnsley Unitary Development Plan Policy GS22 and the guidance contained in SPG9.

2 The design of the proposed dwellings nor their siting reflects the dominant building form or positioning in the area which would result in the dwellings appearing as incongruous additions to the Turnesc Grove street scene, contrary to Barnsley Unitary Development Plan Policy H8D and the guidance contained in SPG3.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 21 April 2009

**Planning and Transportation Service** **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.

**Planning and Transportation Service** **Telephone: 01226 - 772600**
**PO Box 604, Barnsley, S70 9FE** **Fax: 01226 - 772599**