

Town and Country Planning Act 1971
Town and Country Planning General Development Order 1973

11-20**Refusal of planning permission**

Name and address of applicant

DALES PROPERTIES LIMITED
BARCLAYS BANK CHAMBERS
KIRKGATE
SILSDEN
KEIGHLEY

Name and address of agent (if any)

DAVID WILKINSON
CHARTERED SURVEYORS
28 KIRKGATE
SILSDEN
KEIGHLEY

24 September 1984

Part I - Particulars of application

Date of application:

13 APRIL 1984

Application no

84/6/02257

Particulars and location of development:

Extraction of Middleton grit blockstone for sawing off site at Horn Crag Quarry, Fishbeck Lane, Cringles, Silsden, Keighley.

Part II - Particulars of decision

The West Yorkshire Metropolitan County Council

hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that in terms of Structure Plan Policies N21, 23, 36 and 39 permission has been refused for the carrying out of the development deferred to in Part 1 hereof for the following reasons:

1. The application site includes and the proposed development indicates, quarry workings in close proximity to ground water supplies which provide the sole potable water supply to neighbouring dwellinghouses. It is considered that there is a high probability that the proposed quarry workings will lead, directly or indirectly, to the pollution of those supplies and also of other licensed abstractions and boreholes in the area. Few, if any of the measures recommended in the Consultant's report commissioned by the applicants have yet been implemented nor have any formal proposals to alleviate the problems of water supply been advised to the County Council.
2. The site access is unsuitable, being taken from a single track road which has no proper passing places and which joins the primary network, (A6034 Silsden to Addingham) at its northern end at an extremely acute angle with limited visibility, and at its southern end (via Brownbank Lane - itself a minor road of limited width and variable character) - at a restricted junction. Means negotiated for overcoming these problems are not included in this application or any other formal planning submission.

Date 11 September 1984

COUNTY HALL
WAKEFIELD

W Miles
Chief Executive and Clerk

3. The site and its environs are situated within the Green Belt and are part of an area defined as being of High Landscape value. The proposals submitted to mitigate the impact of the operation on the surrounding area are considered to be inadequate in scope, technically incapable of being achieved as described and not capable of implementation within the timescale identified, and would be in themselves obtrusive and unacceptable from a landscape standpoint.
4. The proposed operations of quarrying and working of stone at the site and the traffic generated therefrom would severely damage the amenities of the surrounding area but particularly of adjoining residents, by reason of noise and dust nuisance.

1 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice (Appeals must be made on a form which is obtainable from the Department of the Environment).

* The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a) to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2 If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3 In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

(a) *The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.*

4 Attention is drawn to the fact that any failure to adhere to the details of approved plans and specifications or to comply with conditions attached to the permission constitutes a contravention of the Town and Country Planning Act, 1971. In respect of which enforcement action may be taken.

5 Before carrying out any work in connection with the access or any vehicular crossing in the highway, the Applicant should, in his own interest, ensure that the Authorities responsible for gas, electricity, water, drainage, telephone, etc. are aware of his intention so that they may first carry out their works, if any, and so avoid breaking through newly made surfaces.