

# Rotherham Metropolitan Borough Council

Town and Country Planning Act 1990	Reference RB2020/0642
	Decision Date 19 June 2020
Walsingham Planning Mr B Risk Brandon House King Street Knutsford WA16 6DX	
Description and Location Application to remove condition 04 (No external music to be played outside the premises) imposed by RB2016/1286 at Masons Arms Public House Bawtry Road/Northfield Lane Wickersley Rotherham.	

You are hereby notified that your application for Variation / Non-Compliance of a Condition(s) was **REFUSED** on 19 June 2020.

## **Reason(s) for Refusal:**

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The removal of the condition will have a detrimental impact on the living conditions of nearby residents by reason of increased noise and disturbance as a result of unrestricted music being played outside of the premises at the Masons Arms. Approval would therefore be contrary to the provisions of Policy SP52 Pollution Control.

## POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Whilst discussions during the determination of the application have identified a possible acceptable alternative to this proposal, the applicant has been unwilling to amend the scheme. This was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

Please read the attached NOTES carefully.



<sup>pp</sup>Director of Planning Regeneration & Transport Services

## NOTES

1. Where an application for planning permission is refused or granted subject to conditions, the applicant may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months, unless this is a decision to refuse planning permission for a householder application, then you must do so within 12 weeks of the date of this notice.
  - Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: **0303 444 5000**.
  - The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
2. In certain circumstances a claim for compensation may be made against the Council 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 compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

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