



BARNSLEY

Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0639

To White Agus Partnership
8 Morston Business Park
Whaley Road
Barugh Green
Barnsley
S75 1HQ

Proposal Demolition of existing dwelling and erection of one pair of semi-detached dwellings (Resubmission)

At 38 Chapel Street, Hoyland, Barnsley, S74 0NW

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 04 June 2015 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 In the opinion of the Local Planning Authority, the occupants of the proposed dwellings would not be provided with a sufficient level of rear garden space, the proposal falling well short of the 50 square metre standard required by the adopted Supplementary Planning Document: Designing New Housing Development. As such, the proposed development is also contrary to Core Strategy policy CSP29 and Unitary Development Plan policy H8A, and the fourth core principle in the National Planning Policy Framework and planning policy statements relating to requiring good design, which require high quality design and good standards of amenity for the future occupants of buildings.
- 2 In the opinion of the Local Planning Authority, the design of the proposed properties, specifically the eaves and ridge heights, would be incongruous with the adjacent properties and as a result be detrimental to the character and appearance of the street scene and harmful to the local environment contrary to Core Strategy policy CSP29, Unitary Development Plan policies H8A and H8D, the relevant planning policy statements in the National Planning Policy Framework relating to requiring good design and the Supplementary Planning Document - Designing New Housing Development.

Signed

Head of Planning and Building Control

Dated 02 March 2016

- 3 In the opinion of the Local Planning Authority, the proposed off-street parking layout does not allow for convenient vehicular manoeuvring, which is likely to result in on-street parking or vehicles reversing to and from the highway to the detriment of the free and safe flow of traffic on the highway, contrary to Core Strategy policy CSP26 and Unitary Development Plan policies H8A and H8D.

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.