



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2025/0077

To Mr Matthew Morrisroe
1 Silkstone Lane
Silkstone
Barnsley
S75 4BD

Proposal: Change of use from cafe and takeaway (Class E) to hot food takeaway (Sui Generis).

At: 15 Agnes Road, Barnsley, S70 1NJ

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 13/02/2025 and described above.

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

- 1 The development site is located outside of a designated town centre and within walking distance of schools and other places where children and young people congregate, contrary to paragraph 97(a) of the National Planning Policy Framework, and in the opinion of the local planning authority, the proposal would not enable and support healthy lives and would have an adverse impact on local health, contrary to paragraphs 96(c) and 97(b) of the National Planning Policy Framework. As such, the principle of development is considered unacceptable.
- 2 In the opinion of the local planning authority, insufficient details have been submitted to enable all potential impacts to be fully considered, specifically in relation to residential amenity, health and pollution control, contrary to the Council's Hot Food Takeaways Planning Advice Note and Local Plan Policies GD1 and POLL1.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 8 April 2025

A handwritten signature in black ink, consisting of a stylized, circular scribble followed by a horizontal line extending to the right.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within twelve 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.