



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0921

**To** White Agus Partnership  
Office One  
34 Victoria Road  
Barnsley  
S70 2BU

**Proposal** Erection of 2 no. flats within a new two storey building (Outline seeking approval over layout)

**At** 11A Park Grove, Barnsley, S70 1PY

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 27 August 2019 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 proposed development would represent an unacceptable form of backland development which would not be in keeping with the character of the surrounding area, would not integrate with the existing street scene and would appear cramped and incongruous in the context of its surroundings. Consequently the proposal is contrary to Local Plan Policy D1 and the Supplementary Planning Document (SPD) - Design of Housing Development.
- 2 The proposed building would fail to meet the minimum separation distance of 21m between rear habitable rooms and the minimum 10m to the boundaries of the adjacent private rear garden areas as set out in the Designing New Housing Development SPD. As such, the close relationship to adjacent dwellings and their habitable room windows would harm privacy for existing residents by an unacceptable degree and would mean that the future residents of the flats would suffer from substandard privacy and aspect. The proposal is therefore contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making' and the Design of Housing Development SPD.
- 3 In the opinion of the Local Planning Authority the proposal fails to provide adequate levels of off street parking, resulting in an increased demand for off street parking in an area where on street parking space is already oversubscribed. This would result in further obstructions to the free and safe flow of traffic which would be detrimental to highway safety. The proposal is therefore contrary to Local Plan Policy T4 New Development and Transport Safety and the Council's Parking Supplementary Planning Document.

- 4 In the opinion of the Local Planning Authority, the proposed development would fail to deliver the adequate standards of amenity for future residents by virtue of them not being large enough to satisfy the minimum internal space standards set out in the South Yorkshire Residential Design Guidance, poor outlook and natural daylight levels into the habitable rooms at ground floor level. The proposal is therefore contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making' and the Design of New Housing Development SPD.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 25 September 2019

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

## 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 on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. \*

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. \*

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. \*

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 12 weeks of the date of this notice. \*

As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice. \*

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. \*

**\*delete where inappropriate**

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](mailto: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.