

Appeal deadline 15/11/2021



**BARNLSLEY**  
Metropolitan Borough Council

Place Directorate  
Regeneration and Culture  
Planning and Building Control

*to Appeal*

## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0697

To ABA Design and Build Limited  
66 Low Grange Road  
Thurnscoe  
Rotherham  
S63 0LE

Proposal At Erection of detached outbuilding including double garage to rear/side of dwelling  
1 Hunters Cottage, Pogmoor Lane, Pogmoor, Barnsley, S75 2JS

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 28/07/2020 and described above.

The reasons for the Council's decision to refuse planning permission are:

- In the opinion of the Local Planning Authority the proposed extension would be contrary to Local Plan Policy D1 - High Quality Design and Placemaking as well as the Council's Supplementary Planning Document 'House Extensions and Other Domestic Alterations' in that its cumulative scale and eaves height would be disproportionate to the character of the host property and would as a consequence appear as an unduly intrusive feature in the street scene to the detriment of visual amenity.
- The outbuilding's size is sufficient to enable it to be used as a standalone dwellinghouse which would be unduly harmful to the amenity of the larger host dwelling contrary to LP Policy H9 - Protection of Larger Dwellinghouses. *But yet it is deemed not big enough for a vehicle as per Richard Gillbanks email*
- In the opinion of the Local Planning Authority the proposed outbuilding is intended for a commercial use that does not accord with the curtilage and residential use of the area in which it is situated and shall result in materially detrimental noise impacts that will negatively affect the amenity of neighbouring residents contrary to LP Policies GD1 - General Development and Poll1 - Pollution Control and Protection.

*how - used for storage*

*No waste produced. NONE*

*No Pollution or Noise as it would be general vehicular usage*

PO Box 634, Barnsley, South Yorkshire S70 9GG



## **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 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.

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.

## 13 . Local Character

## Policy D1 High Quality Design and Place Making

## Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

## Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment; *Advised by Planning officer to Move Building*
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas; *email states that Council welcomes the use of Stone in keeping with surrounding area*
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details; *see email*
- Make the best use of high quality materials; *see email*
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

**Policy H9 Protection of Existing Larger Dwellings**

Development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

The loss of existing larger dwellings will be resisted. Support will be given to the re-establishment of Houses in Multiple Occupation into single family sized houses.

- 9.34 As well as provision as part of our housing mix of some new low density, large dwellings and family housing, it is also important to ensure the endurance of existing housing stock of this type. In recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes and an increase in the number of smaller homes contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre. The Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling. In order to further protect larger homes, we will resist the conversion of larger homes into flats and other non self contained housing such as Houses in Multiple Occupation and support their re-introduction into family-sized homes. Where this conflicts with policy GD1, this policy will take precedence if it maintains the existence of a large dwelling. This policy will also take precedence over any infill development that would normally be allowed under the Designing New Housing Development SPD, where that development would have an adverse impact on an existing large house. We will also resist development in gardens of larger dwellings where this will have an adverse impact on the original dwelling and its continued function. The definition of 'larger dwelling' will be contained in the Designing New Housing Development Supplementary Planning Document.

## 6. Policies and Proposals

- 6.6 Development proposals will be assessed against all relevant policies in the Local Plan and Joint Waste Plan. Policy GD1 below will be applied to all development. This policy will be the starting point for making decisions on all proposals including those shown on the Policies Map as Urban Fabric (shown as light grey areas with the notation of no specific allocation).

### Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

- 6.7 Further detail on some of these issues is set out in Policy D1 Design which sets the overarching design principles for the borough, and associated Supplementary Planning Documents on Residential Amenity and the Siting of Buildings, Designing New Housing Development and Advertisements.

## 6. Policies and Proposals

- 6.1 These general policies are intended to guide the location, type and quality of development in the borough. They will be used to make decisions on planning applications together with other policies in this Local Plan, the Joint Waste Plan and the National Planning Policy Framework.
- 6.2 Arrangements for the monitoring of the policies and the key indicators to ensure the policies are working will be set out in the next version of the Local Plan. We will carry out regular monitoring to ensure that the plan is successfully managing change, that its implementation is producing sustainable development and to determine when a review of the Local Plan may be required.
- 6.3 When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development<sup>(2)</sup> contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 6.4 Planning applications that accord with other relevant policies will be approved without delay, unless material considerations indicate otherwise taking into account whether:
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
  - Specific policies in that framework indicate that development should be restricted.

### Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive <sup>eco</sup> approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. <sup>Green Road</sup> <sup>Stone walls</sup> <sup>Stow Park</sup>

- 6.5 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development<sup>(3)</sup>, which is to be seen as a 'golden thread' that runs through plan-making and decision taking. In respect of making planning decisions, development proposals that accord with the development plan should be approved without delay unless there are adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole or specific policies in that framework, indicate that development should be restricted.

<sup>2</sup> Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. The paragraph goes on to set out the roles that the planning system needs to perform in respect of each dimension.

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