



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0169

**To** Peter Thompson  
Architectural Design Consultant  
Linwood  
Barnsley Road  
Dodworth  
Barnsley  
S75 3JR

**Proposal** Erection of two storey rear extension to form ground floor kitchen to proposed restaurant and creation of first floor flat.

**At** 22 Blacker Road, Staincross, Barnsley, S75 6BW

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 02 March 2020 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 The proposed development fails to provide sufficient and suitable accommodation within the site for parking, loading/unloading and turning of vehicles in connection with the use and the additional commercial and residential floorspace generated by the proposal. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4 and the SPD Parking.
- 2 In the opinion of the Local Planning Authority the proposal is contrary to policy GD1 of the Local Plan and the SPD Design of Housing Development in that insufficient separation distance is provided to adjacent existing buildings and the proposed and existing residential units would have substandard outlook from the proposed side facing bedroom windows. In addition, insufficient outdoor amenity space is provided to the proposal and existing residential units, to the detriment of residential amenity.
- 3 In the opinion of the Local Planning Authority, the proposed extension would be materially detrimental to the amenities of the adjoining Church by reason of its large scale and proximity to existing windows resulting in an overbearing and overshadowing impact contrary to Local Plan Policy GD1.

Signed 

Dated 02 July 2020

Joe Jenkinson  
Head of Planning and Building Control

*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 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.

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.