



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0824

To FOB D (UK) Ltd (architects)
72a Water Lane
Wilmslow
Stockport
SK10 5BF
United Kingdom

Proposal: Subdivision of existing terraced dwelling into 2no 1 bedroom apartments

At: 53 James Street ,Worsbrough Dale, Barnsley, S70 4SL

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 12/08/2022 and described above.

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

- 1 The development would represent the undesirable and unnecessary form of subdivision of an existing dwelling which is more suited to use as small dwelling than as flats and would lead to poor standards of residential amenity due to lack of privacy, inadequate external amenity space for two separate dwelling units and lack of in curtilage parking. The loss of such two bedroom dwellings is contrary to the findings of the Barnsley Strategic Housing Market Assessment 2021 which determined that the highest need is for 2 and 3 bedroom dwellings within the Borough and that there is an adequate stock of studio/bedsit flat/apartment single bedroom unit types to cope with the demands forecast. In the opinion of the LPA therefore the proposal is contrary to Local Plan Policy H6 Housing Mix and Efficient Use of Land, GD1 General Development and H4 Residential Development on Small Non-allocated Sites
- 2 In the opinion of the Local Planning Authority, the proposed development does not provide sufficient parking provision contrary to the Council's SPD for Parking which will lead to an over intensification of parking demand within the area, further impacting the existing parking shortfall. This is contrary to Local Plan Policy T4 and is unacceptable in terms of highway safety. Additionally, the proposed development does not include any Electric Vehicle Charging Points and the relationship of the dwellings with unallocated parking on James Street means that the installation of EVCPs for both units is not feasible, contrary to the Sustainable Travel SPD and Local Plan Policy T3: New Development and Sustainable Travel.

- 3 In the opinion of the Local Planning Authority, the proposed development does not provide adequate internal room sizes for the proposed ground floor unit or shared private amenity space, measuring 31sqm which is significantly below the minimum required 60sqm for two flats and is not private for either property with the sole access to the first floor flat through the amenity space and the bedroom window for the ground floor flat facing directly onto the area. This will result in inadequate and inappropriate living conditions for future residents, contrary to the Council's SPD for New Housing Development, the South Yorkshire Residential Design Guide and Local Plan Policy GD1: General Development which seeks to protect the living conditions of future occupants.

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 03/10/2022



Joe Jenkinson
Head of Planning and Building Control

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.

If you want to appeal against your local planning authority's decision, then you must do so within six months 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.