BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0482

To NYP Architectural Services Ltd
BBIC
Innovation Way
Barsnsley
S75 1JL

Proposal Change of use from Dr's surgery to mental health support service providing self-contained accommodation / assisted living with 24 hrs cover and external alterations comprising part demolition of section of building at rear to from new garden area and single infill extension to form office

At 94 Park Grove, Barnsley, S70 1QE

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 17 June 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 Given the poor levels of outlook and inadequate external amenity space the future residents would be subject to an inadequate standard of residential amenity. Furthermore, due to the movements generated by the proposed number of people who would live in the property and the associated carers over a 24 hour period, noise and disturbance would increase to the detriment of the amenity of neighbouring residents. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', the 'Supplementary Planning document 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

2 In the opinion of the Local Planning Authority the proposed use would make a further negative contribution to the concentration of subdivided properties within the immediate area to the detriment of the areas character, contrary to Local Plan Policy D1 and the NPPF.

3 In the opinion of the Local Planning Authority the proposal to change the use of the building to assisted living is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single-family sized houses. The application property has previously been a larger home, is within a predominantly residential area and is capable of becoming a larger home again without significant adaption.

4 In the opinion of the Local Planning Authority the application has failed to demonstrate that the facility is required in the context of Local Plan Policy H6 'Housing Mix and Efficient Use of Land' in that the need has not been established with the Council's Adult Social Services team, is not informed by the local needs assessment (SHMA) and as it is stated that there is no guarantee that the development would be occupied by existing Barnsley residents in order to satisfy any form of local housing need which remains unevidenced.

Signed  Dated 09 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.

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.

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.