



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0344

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

Proposal Demolition of existing garage outbuilding and erection of 2no semi-detached dwellings and associated works including access from Rother Croft (Outline seeking approval over means of access and layout)

At Land to the rear of 55 Market Street (fronting Rother Croft),
Hoyland, Barnsley, S74 0ET

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 12/04/2022 and described above.

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

- 1 In the opinion of the Local Planning Authority, the proposed development will have a detrimental impact on the setting of the existing Larger Dwelling (no. 55 Market Street) in that unit 1 will be positioned at a close distance (9m) from the existing rear elevation which contains habitable room windows and will therefore lead to a loss of outlook and a much greater sense of enclosure to the existing residents, contrary to Local Plan Policy H9: Protection of existing Larger Dwellings and H4: Residential Development on small non-allocated sites.
- 2 In the opinion of the Local Planning Authority, the proposed development represents an undesirable form of development that will be dominated by parked cars to the frontage with very little space for soft landscaping, falling short of the recommended 50/50 split in the Council's SPD: Design of Housing Development. Additionally, the outline proposal represents semi-detached dwellings which does not reflect the prevailing settlement pattern of the area, with all of the properties on Rother Croft comprised of detached properties. As such, the proposal is considered to be of poor design that would be out of keeping with the urban grain of the locality and thereby harmful to the character and appearance of the area and the way it functions, contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Document (SPD) - Design of Housing Development and paragraph 130 of the NPPF.

- 3 In the opinion of the Local Planning Authority, the proposed siting of the dwellings would have a detrimental impact on the residential amenity of the existing neighbouring properties - including the host dwelling - through a significant increase in the amount of overlooking and overshadowing of the property to the West (no. 4 Rother Croft) and a loss of outlook and much greater sense of enclosure to the existing/host dwelling to the East (no. 55 Market Street). This is contrary to Local Plan Policy GD1: General Development and the SPD for Design of Housing Development which seeks to protect the amenity of existing residential dwellings.

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 30/09/2022



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.