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. 2020/1478

To AA2L Ltd
Glendower House
85 Lundhill Road
Wombwell
Barnsley
S73 0RL

Proposal Erection of 4no dwellings and associated works including upgraded access road (Outline seeking approval over means of access, layout, landscaping and scale)

At Land to the rear of 266 Dodworth Road, Barnsley, S70 6PN

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 19/01/2021 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 would result in the intensification of the use of a vehicular access onto Dodworth Road (A628) which is a main arterial route leading from junction 37 of the M1 into Barnsley. Vehicles attempting to take a right turn out of the development would need to negotiate this busy arterial route with limited opportunity do so given that heavy flow at peak times results in limited gaps within the flow of traffic to allow vehicles to cross the carriageway. Vehicles making a right turn into the site would result in traffic blocking back toward the signals at the J37 roundabout which would have a significant impact on the free flow of traffic on this highly sensitive part of the highway network to the detriment of road safety. The proposal is therefore contrary to Local Plan Policies T4 'New development and Transport Safety', GD1 'General Development', D1 'High Quality Design and Place Making' and paragraph 108 of the NPPF.

2 In the opinion of the Local Planning Authority the proposal represents an undesirable form of tandem and backland development that would not benefit from the frontage to the existing public highway, nor reflect the prevailing settlement pattern of the area to the detriment of the character of the area. As such the proposal is considered to be of poor design that would fail to improve the character and quality of the area and the way it functions which is contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 127 of the NPPF.

3 In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity. As such, the proposed development would be contrary to Local Plan Policy GD1 'General Development' and the Council's Supplementary Planning Document 'Design of Housing Development'.

4 In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwellings would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

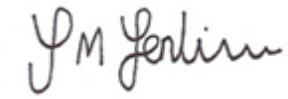
Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

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 09/04/2021



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 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.