



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/1430

**To** Wilby's  
6A Eastgate  
Barnsley  
S70 2EP

**DESCRIPTION** Change of use of building to a hot food takeaway (A5)  
**LOCATION** 15 Cemetery Road, Grimethorpe, Barnsley, S72 7JB

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 25 November 2011 and described above.

The approval is subject on compliance with the following conditions:

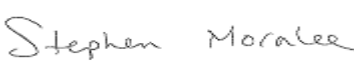
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The hot food takeaway shall operate only between the hours of 10.00am to 11.00pm Mondays through to Saturdays and 10.30am to 10.30pm on Sundays and Bank Holidays  
**Reason: In the interests of residential amenity and in accordance with Barnsley LDF Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 3 Prior to the commencement of the hot food takeaway use, full details of the method of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: In the interests of the amenities of the area and in accordance with Barnsley LDF Core Strategy Policy CSP 40, Pollution Control and Protection.**

### Reason(s) for Granting Permission

- 1 Unique The proposal complies with Barnsley LDF Core Strategy Policy CSP 40 and Barnsley UDP Saved Policy H8B in that it will not adversely affect the amenities of the area or harm highway safety.

### Informative(s)

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed   
Assistant Director, Planning and Regulatory Services

Dated 16 January 2012

- 1 The applicant is advised to contact the Local Planning Authority prior to installing any signage to determine whether or not it requires advertisement consent.
- 2 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

#### **NOTES:-**

#### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

#### **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.