



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/0065

To Peter Thompson
Architectural Design Consultant
Linwood
Barnsley Road
Dodworth
Barnsley
S75 3JR

Proposal Removal of existing outbuildings and erection of detached outbuilding to be used as garage and granny annex

At The Croft, 1 Worsbrough Village, Worsbrough Village Barnsley, S70 5LW

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 09/02/2021 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 detached outbuilding does not constitute an annex that would be ancillary accommodation to the host dwelling (1 The Croft) due to its substantial size, its location in front of the host dwelling where it would be capable of sharing a vehicular access, as well as the number and type of internal rooms that would facilitate independent living and prevent reliance upon the host dwelling, contrary to the requirements of the Supplementary Planning Document (SPD) - House Extensions and LP Policy GD1 - General Development
- 2 The proposed development would be capable of being used as an independent dwellinghouse which would not benefit from adequate levels of private external amenity space as required by the SPD Design of Housing Development and which would significantly and irreversibly erode the curtilage of a larger dwellinghouse (1 The Croft) by means of a 'garden-grab' that would result in the loss of an incidental outbuilding and curtilage along its vehicular access in combination with the introduction of a separate planning unit set opposite within an existing private courtyard. The development would therefore be a significant detrimental impact upon the amenity of existing and future occupants of the site counter to the principles of LP Policies GD1 - General Development and H9 - Protection of Larger Dwellinghouses.

- 3 The increase in roof height and footprint of the building has the potential to affect the setting of a grade II listed building and disturb underground archaeological remains. No information, either in the form of a Desk Based Archaeological Assessment or Heritage Statement, has been provided which would allow the LPA or its consultees to adequately assess the proposal's impact on the identified assets. This situation runs counter to the requirements of NPPF Paragraph 189 as well as LP Policies HE2 - Heritage Statements, LP Policy HE3 - Developments affecting Historic Buildings and HE6 - Archaeology and the application is refused by consequence.
- 4 Mature trees are an asset and their loss or the potential for their loss is to be resisted to ensure that important habitats and biodiversity as well as soft landscaping are retained which are not easily replaced. It is the opinion of the Local Planning Authority that this planning application lacks sufficient detail in respect of the proposal's impact upon the adjacent trees covered by a Tree Preservation Order that would safeguard their retention and it is therefore found to be contrary to LP Policies D1 - High Quality Design and Placemaking as well as BIO1 - Biodiversity and Geodiversity

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 27/05/2021

A handwritten signature in dark ink, appearing to read 'JM Jenkinson', written in a cursive style.

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.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks 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.