BARNSLEY
Metropolitan Borough Council

**Growth and Sustainability**
**Regeneration and Culture**
**Planning, Policy and Building Control**

# REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2022/1036**

**To** Mr Guruinder Singh
134 Rotherham Road
Smithies
Barnsley
S71 1XA

**Proposal:** Change of use of storage unit for a shop to a dwellinghouse.
**At:** 134 Rotherham Road, Smithies, Barnsley, S71 1XA

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 12/10/2022 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

1 The proposal is contrary to Local Plan Policies GD1, D1, H6 as well as NPPF paragraphs 8b and 134 and the Council's SPD: Design of Housing Development which seek for residential development to raise the design standard in the area, contribute to creating mixed and balanced communities and result in high quality standards of living for existing and future communities. The proposed development does not reflect the requirements in the Councils most recent Strategic Housing Market Assessment (SHMA) 2021 has outlined, through a 2020 Housing Survey, that 1-bedroomed flats are the least desirable form of dwelling type in the borough with the current stock (3.6%) exceeding the expectation (2.4%) raised in the SHMA Housing Survey. The agent has not provided any information or evidence which indicates that the Borough's housing needs have acknowledged or formed the basis of the proposed development and that it meets the current or future housing needs of the community. The proposed development therefore does not appropriately successfully contribute to or support the borough's current or future housing needs, does not raise the standard of design in the area and does not support the communities' health from a social perspective and is considered to be unacceptable development.

2 The proposed parking space is in remote and separated from the proposed dwelling, positioned in front of the existing convenience store in what is a shared forecourt area, and would require future residents to leave the application site and walk on the highway at an excessive distance (34m) to reach the parking space. This is considered to be an excessive man-carry-distance as outlined in the SPD: Design of Housing Development and the applicant has failed to demonstrate that the proposed parking bay can be suitably managed to ensure that it will be used solely by residents. The parking arrangement would therefore very likely lead to vehicles indiscriminately parked on the highway in front of the site which is in close proximity to a junction and adjacent to double yellow lines, which is to the detriment of highway safety, contrary to Local Plan Policy T4 and the Council's Parking SPD.

3 The proposed development seeks to form an area of amenity space to the front and side of the building which measures 56sqm which is marginally above the minimum space standards for a residential unit of this size, however the front boundary wall will be lowered to a maximum height of 1.2m resulting in amenity space which is not private, easily viewable from the street and from neighbouring properties, is significantly enclosed by the existing buildings on either side and will be significantly overshadowed. Additionally, the proposed residential unit offers very little outlook with the windows positioned solely on the frontage of the proposed dwelling which faces onto the forecourt of the area of the dwelling, the boundary wall, and the road. The proposed development is therefore contrary to the SPD for New Housing Development and Local Plan Policy GD1 which seeks to protect the amenity of future residents of the proposed unit and produce residential development which is high quality and produces adequate living conditions.

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 15/03/2023



Joe Jenkinson
Head of Planning, Policy 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.