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. 2022/0380

To Mr John Whitham
The Gables
Royston Road
Cudworth
Barnsley
S72 8AA

Proposal Removal of condition 2 of application B/91/0742/CU (Erection of granny flat and private garage) to remove the condition ensuring the use remains incidental to the enjoyment of the main dwelling

At The Gables, Royston Road, Cudworth, Barnsley, S72 8AA

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 26/04/2022 and described above.

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

1 In the opinion of the Local Planning Authority, the proposed removal of the condition which ensures that the granny flat remains incidental to the enjoyment of the main dwelling would be contrary to Local Plan Policy GD1 - General Development and the Supplementary Planning Document - Design of Housing Development in that the use of the granny flat as a separate dwelling would be an undesirable form of backland development, materially detrimental to the amenities of the adjoining properties by reason of loss of privacy from overlooking windows and disturbance from increased residential activity. In addition, the close relationship to The Gables would mean that the proposed separate dwelling itself would suffer from substandard privacy.

2 In the opinion of the Local Planning Authority, the proposal would result in an over development of the site, in that there is insufficient space to provide adequate private amenity space to the proposed separate dwelling, contrary to Local Plan Policy GD1 and the Council's Supplementary Planning Document 'Design of Housing Development' and The South Yorkshire Residential Design Guide.

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-

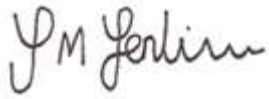
application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

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 01/06/2022



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.