



## **REFUSAL OF PLANNING PERMISSION**

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2025/0385**

**To** Firstplan  
Broadwall House 21  
Broadwall  
London  
SE1 9PL

**Proposal** Erection of restaurant/drive-thru pod (Use Class E(b) and Sui Generis) with refuse area and landscaping, and alterations to existing car parking.

**At** Tesco Supermarket Car Park, Wombwell Lane, Stairfoot, Barnsley, S70 3NS

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 16/05/2025 and described above.

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

- 1 The proposed development constitutes hot food takeaway uses within less than 400m of a primary school and within a ward where data indicates a higher number of overweight children. The development is therefore discordant with Paragraph 97 of the National Planning Policy Framework (December 2024) and the adopted Hot Food Takeaway Planning Advice Note (May 2019).
- 2 The proposed development would detract from appearance of the retail park due to an over-dominating drive-thru design and the lack of active frontage. The noise, vibration and fumes generated by queueing vehicles would also harmfully impact the amenity of existing neighbouring residents. The development conflicts with Barnsley Local Plan (January 2019) Policy GD1: General Development, Policy D1: High Quality Design and Place Making, and Policy POLL1: Pollution Control and Protection.

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: 23 July 2025

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line extending to the right.

**Garry Hildersley**

Head of Planning, Policy & Building Control  
Growth & Sustainability Directorate

## **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](mailto: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.