



## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/1308

**To** Alun Davies  
Belvedere  
12 Booth Street  
Manchester  
M2 4AW

**Proposal** Erection of café/restaurant with drive through facility (Use Classes A3/A5) and associated alterations to site layout

**At** Peel Centre, Harborough Hill Road, Barnsley, S71 1JE

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 16 October 2018 and described above.

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

*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.*

- 1 In the opinion of the Local Planning Authority, the proposal comprises a Town Centre Use as defined in Annex 2 of the NPPF in an out of centre location. No sequential test has been submitted to demonstrate that the proposal could not be located in a more sequentially acceptable location and the application would therefore be considered to have the potential to affect the vitality and viability of the town centre contrary to Local Plan Policy TC1.
- 2 In the opinion of the Local Planning Authority, the proposal is contrary to Local Plan Policy TC4 in that insufficient justification has been provided to demonstrate why the proposal should not meet the minimum size of unit (920sqm) and be restricted to the sale of bulky comparison goods or to satisfactorily demonstrate that the proposal would not adversely affect the role, character and function of the retail park.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 11 February 2019

*Please be aware that the Council monitors construction sites and open land within the vicinity 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

## **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 given 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.