



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0822

To JRB Designs Ltd.
1 Saville Street
Cudworth
Barnsley
S72 8LT

Proposal Conversion of part of existing public house and outbuilding to 3 dwellings including some demolition works

At White Bear Inn, 2 Ballfield Lane, Kexbrough, Barnsley, S75 5EF

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 14/08/2020 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 layout of the proposed development is not up to the standards expected for privacy as the gardens serving plot 1 and 3 are directly overlooked by one another. Specifically, the habitable first floor window on the side elevation of Plot 1 would look partially into the front garden of plot 3 and plot 3's habitable first floor windows on the front elevation would directly overlook into the side garden of plot 1. This relationship would not allow for adequate levels of privacy to be upheld for future residents of the plots which is contrary to SPD: Design of Housing Development and Local Plan Policy GD1: General Development.
2. In the opinion of the Local Planning Authority, the allocated garden space for plot 3 fails to provide the adequate shared private space which is required for a three bedroomed dwelling and does not uphold the external space standards expected for new residential development to the detriment of residential amenity of future occupants, contrary to SPD: Design of Housing Development.
3. The existing site houses a community facility (public house) and insufficient information has been submitted by the applicant which evidences that the existing use is no longer required by an existing or alternative community facility, contrary to Local Plan Policy I2: Educational and Community Facility and therefore in the opinion of the Local Planning Authority its loss is not considered acceptable.

4. It is considered that the proposed layout represents poor design as it fails to take the opportunities available for improving the character and quality of an area and the way it functions. Whilst the site could be utilised as a public house as it is, with vehicular movements associated with this use, the proposed does not take the opportunities to allow for suitable garden areas or appropriate turning facilities within the site which would therefore mean that any vehicles would not be able to enter and leave the site in forward gear. This will likely result in vehicles reversing into the highway, which is close to a junction, and in the opinion of the Local Planning Authority would be of detriment to highway safety, contrary to Local Plan Policy GD1 General Development, T4: New Development and Transport Safety, D1: Design, and the NPPF.

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.

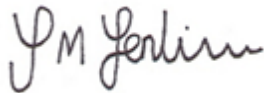
Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 22/09/2020



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 6 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.