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. 2022/1010

To White Agus Partnership
Office One
34 Victoria Road
Barnsley
S70 2BU

Proposal Change of use and alterations to garage to form podiatry business

At 317 Hough Lane, Wombwell, Barnsley, S73 0LR

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 11/10/2022 and described above.

The reasons for the Council's decision to refuse planning permission are:

1 The proposed change of use from a domestic garage to a podiatry business fails to comply with Local Plan Policies GD1 and POLL1 in that it would have an unduly harmful impact on the amenity of the residents of adjacent dwellings by way of increased noise and disturbance.

2 The proposed change of use fails to comply with Local Plan Policy TC1 and paragraph 87 of the NPPF in that the proposal represents a town centre use which is located out of existing town and district centres. No sequential test has been submitted which demonstrates that there are no preferential sites located within a centre location and as such the proposal impacts on the vitality and viability of the centres as there may be a diversion of trade from existing retailers/businesses in the district centre to this business.

3 In the opinion of the Local Planning Authority, the proposed development would fail to provide sufficient parking facilities for the proposed and existing use and would fail to provide on-site turning facilities, which would allow all vehicles to enter and leave in a forward gear. The proposal would result in a significant increase in on-street car parking along nearby streets and would result in vehicles reversing out onto the classified B6096 Hough Lane. The proposal would therefore be detrimental to highway safety contrary to policy T4 'New Development and Transport Safety' of the Local Plan and the Supplementary Planning Document 'Parking'.

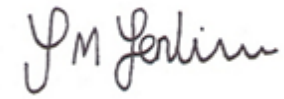
Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application 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 22/11/2022



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.