



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0559

To Miss Jane Bamforth
64 Granville Street
Old Town
Barnsley
S75 2TQ

Proposal Erection of 1no dwelling on land to the rear of 64 Granville Street (Outline with all matters reserved)

At Land to the rear of 64 Granville Street, Old Town, Barnsley, S75 2TQ

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 10/07/2023 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 proposal represents an undesirable form of tandem and backland development that would not benefit from the frontage to the existing public highway, nor reflect the prevailing settlement pattern of the area. As such, the proposal is considered to be of poor design that would be out of keeping with the urban grain of the locality, shoehorned into the site, and thereby harmful to the character and appearance of the area and the way it functions, contrary to Local Plan Policy GD1, Local Plan Policy D1, the Council's Supplementary Planning Documents (SPD) - Designing New Housing Development and paragraph 130 of the NPPF.
- 2 In the opinion of the Local Planning Authority, the proposed dwelling would be materially detrimental to the amenities of the neighbouring residents due to the additional vehicular movements and residential activity in such close proximity to neighbouring dwellings and associated amenity spaces. In addition the position of the dwelling on the plot would be materially detrimental to the amenities of the future occupants due to the lack of light and outlook from habitable room windows. Furthermore, the remaining garden for 64 Granville Street would fall significantly below the required 60m², to the detriment of the residents. As such, the proposal is contrary to Local Plan Policy GD1, SPD 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

- 3 In the opinion of the Local Planning Authority the proposed long and narrow access fails to demonstrate that safe and suitable access can be provided for all users and would result in drivers having to wait on the carriageway when cars are entering and exiting the site at the same time. This is contrary to Local Plan Policy T4 'New Development and Sustainable Travel', Appendix B1.1.20 of the South Yorkshire Residential Design Guide, SPD 'Design of Housing Development' and the NPPF.
- 4 Despite the site falling within the defined Development High Risk Area due to likely historic unrecorded coal workings at shallow depth the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on potential risk to surface stability and public safety contrary to Local Plan Policy GD1.
- 5 In the opinion of the Local Planning Authority the proposed development would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' in that the proposed dwellings would have an adverse impact on the setting of the original dwelling and the size of the remaining garden area.

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: 21 August 2023

Development Management

For and on behalf of Group Leaders,
Andrew Burton and Matthew Smith

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.