



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0743

To MG Architectural Designs Ltd.
The Turbine
Shireoaks Business Park
Coach Close
Worksop
S81 8AP

Proposal Demolition of existing bungalow and erection of 6no bedroom two and a half storey detached dwellinghouse and associated works including erection of a front boundary wall and entrance and exit gates as part of reconfigured access and parking arrangements

At 315 Dodworth Road, Barnsley, S70 6PN

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 09/09/2022 and described above.

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

- 1 In the opinion of the Local Planning Authority the proposed replacement dwelling would be contrary to Local Plan Policy D1 and SPD 'Design of Housing Development' in that its excessive scale, height and design would be out of character with the streetscene and development pattern of the area and would be materially harmful to the visual amenities of the locality in a highly prominent gateway location (the A628 Dodworth Road being the main road between Barnsley Town Centre and M1 Junction 37). Furthermore, the replacement of the existing single storey flat roofed dwelling with a 6 bedroomed 2.5 storey property would constitute a highly incongruous and injurious form of over-development of the site that would be out of scale with its surroundings .
- 2 Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, however, an adequate Coal Mining Risk Assessment has not been submitted alongside the application, therefore, the applicant has not demonstrated that the site is safe, stable and suitable for development, contrary to Local Plan Policy CL1 'Contaminated and Unstable Land' and NPPF paragraphs 183 and 184.

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 03/11/2022

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

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.