

Application Reference Number:		2026/0081	
Application Type:		Change of Use.	
Proposal Description:		Change of use of first and second floors from 2no. flats (Class C3) to one 4-bed HMO (Class C4) (Part Retrospective).	
Location:		70 Pontefract Road, Barnsley, S71 1AB.	
Applicant:		Mr Thomas Molyeux.	
Third-party representations:	None.	Parish:	
		Ward:	Central.

Summary:

The applicant is seeking retrospective planning permission to change the use of the first and second floors from two flats (Use Class C3) to one four-bedroom House of Multiple Occupation (HMO) (Use Class C4).

The retrospective proposal reflects the aims of the Government to boost the supply of homes, to utilise suitable sites within existing settlements for homes, to promote an effective use of land in meeting the need for homes and making as much use as possible of previously developed or brownfield land, to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified need for housing in accordance with Paragraphs 61, 73(d), 124, 125(d) and 128 of the NPPF.

The retrospective proposal would maintain an appropriate mix of homes to meet local housing needs which accords with Local Plan Policy H6 by replacing two flats with a four-bedroom HMO that would not contribute to increased concentrations of such uses in the local area.

The proposal is also considered acceptable regarding its potential impacts on residential amenity, health and pollution control, highway safety, visual amenity, flood risk, and biodiversity and geodiversity, in accordance with Local Plan policies and adopted guidance.

The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

Site Description

This application relates to the first and second floors of a two-storey end-of-terrace property that is in use as a House of Multiple Occupation (HMO) (Class C4). There is a ground floor commercial unit below.

The development site occupies a modest-sized corner plot located at the junction of Pontefract Road with Grove Street and in an area characterised by mixed residential and commercial uses. Oakwell Football Stadium is located to the north-east and Barnsley Town Centre is located to the north-west.

The development site is not located within the Town Centre boundary but does benefit from an edge of Town Centre location that is in short walking distance of a range of local services and amenities and is served by regular public transport services.

On-street parking restrictions are in place along Pontefract Road by virtue of double yellow lines that also extend along Grove Street adjacent to the development site. There are also loading restrictions in place to the front of the development site on Pontefract Road.

The application property is constructed of stone with a pitched dark-coloured slate or concrete-tiled roof. The commercial premises is accessed at ground level off Pontefract Road. The residential units above area accessed to the side off Grove Street. To the rear is an existing hardstanding area which is used for off-street parking and as a refuse storage and collection area served by an existing drop kerb.



Planning History

B/88/1113/BA	Erection of storage and tyre fitting building.	Refused.
B/90/1517/BA	Change of use of ground floor to insurance services.	Approved.
B/91/0415/BA	Change of use of 1st and 2nd floors to offices.	Approved.
B/91/1388/BA	Change of use from 2 flats to 5 bedsits. (1st and 2nd floors).	Refused.

Application B/91/1388/BA was refused for the following reason(s):

- 1. In the opinion of the Local Planning Authority the proposed use, if allowed, would be materially detrimental to road safety, in that there is no on-site parking available specifically reserved for the proposed use. This would result in vehicles parking on adjacent residential streets to the detriment of residential amenity and road safety.*

Proposed Development

The applicant is seeking retrospective planning permission to change the use of the first and second floors from two flats (Use Class C3) to one four-bedroom House of Multiple Occupation (HMO) (Use Class C4).

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy H6: Housing Mix and Efficient Use of Land.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*
- *Policy CC3: Flood Risk.*
- *Policy BIO1: Biodiversity and Geodiversity.*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England

and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 5: Delivering a sufficient supply of homes.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*
- *Section 14: Meeting the challenge of climate change, flooding and coastal change.*
- *Section 15: Conserving and enhancing the natural environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Biodiversity and geodiversity (Adopted March 2024).*
- *Design of housing development (Adopted July 2023).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Other Material Considerations

- *South Yorkshire Residential Design Guide 2011 (SYRDG).*
- *Barnsley Strategic Housing Market Assessment 2021 (SHMA).*
- *Barnsley Housing Strategy 2024–2028.*
- *Amenities Standards for Licensable and Non-Licensable House in Multiple Occupation (2022).*

Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations were received.

Consultations

Case Management Officer	<i>No objection(s).</i>
Local Ward Councillors	<i>No comments received.</i>
Highways Development Control	<i>No objection(s).</i>
Pollution Control	<i>No objection(s).</i>
Safer Communities	<i>No comments received.</i>

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, and it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet the identified housing needs in an area with an appropriate mix of housing types.

Paragraph 73(d) of the NPPF establishes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their planning policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 124 of the NPPF states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst also safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs that can make as much use as possible of previously developed or 'brownfield' Land.

Paragraph 125(d) of the NPPF establishes that planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 128 of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

Local Plan Policy H6: Housing mix and efficient use of land sets out that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and should also be capable of being adapted to meet the changing needs of the population. Development proposals to change

the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

The Design of Housing Development SPD establishes specific guidance in relation to the conversion of buildings to Houses in Multiple Occupation (HMOs), studio apartments or bedsits.

Paragraph 28.1 of the Design of Housing Development SPD sets out that following guidance applies to proposals for the conversion of non-residential buildings or small dwellings. Such proposals would be allowed where the following criteria are satisfied:

- HMOs, studio apartments or bedsits account for less than 10% of the residential properties located on the street in question.
- HMOs, studio apartments or bedsits account for less than 10% of the residential properties within a 50-metre radius of the development site.
- The proposal would not result in three or more HMOs being located immediately adjacent to each other, or the sandwiching of a dwellinghouse between two HMOs.
- The building and curtilage are of sufficient size to provide suitable facilities for residents.
- HMOs should have a shared lounge and dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres).
- Amenity space, external and internal spacing standards, and separation distances should adhere to the requirements within the general criteria.
- No unacceptable noise nuisance for existing neighbouring residents or occupant(s) of the proposed residential unit(s).
- Satisfactory provision should be made for off-street car parking, or, exceptionally, the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off-street car parking.
- The external appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

Regarding the concentration of HMOs, studio apartments and bedsits surrounding the development site, the process for applying the threshold outlined in the Design of Housing Development SPD has been followed with the results as follows.

Within a 50-metre-radius of the development site there are twenty-six residential properties – four of which (including the development site) have been identified as an HMO, studio apartments or bedsit. This equates to approximately 15.38% of the existing housing stock in a 50-metre-radius comprising an HMO, studio apartments or bedsit contrary to Paragraph 28.1.

Pontefract Road extends from the junction with Schwabisch Gmund Way located to the north-west to Pontefract Road Roundabout to the north-east – a distance of approximately 3.9km as the crow flies. It would be unreasonable to consider all residential properties (including HMOs, studio apartments and bedsits) along the full length of Pontefract Road. The LPA has therefore focused on a defined area of Pontefract Road from its junction with Lambra Road to the west and its junction with Oakwell View to the east. Thirty-eight residential properties have been identified along this section of the road with ten (including the development site) identified as an HMO, studio apartment or bedsit. This does equate to approximately 26.32% of the existing housing stock comprising HMOs, studio apartments or bedsits contrary to Paragraph 28.1.

While concentrations of HMOs, studio apartments and bedsits exceed 10% both within a 50-metre-radius and along a defined section of Pontefract Road, the previous use of the first and second floors of the application property was as two flats, which would have contributed to the concentration levels. The proposed change of use to a four-bedroom HMO would not increase concentration levels in this instance and therefore, is considered acceptable, on balance.

Notwithstanding the above, the retrospective proposal would not result in three or more HMOs being located immediately adjacent to each other, nor the sandwiching of a dwellinghouse (Use Class C3) between two HMOs, in accordance with Paragraph 28.1.

Considering the above, the principle of development is considered acceptable subject to assessment of the following matters.

The principle of development is attributed moderate weight in favour of the retrospective proposal in this instance.

Impact on Residential Amenity, Health and Pollution Control

During the application process, amendments were made to the internal layout to address comments received by the Council's Case Management Officer.

The retrospective proposal is contained within the existing footprint of the application property, and no external alterations or extensions were or are required to facilitate the development, and no new windows have been installed with the existing provision being utilised. It is therefore not considered that the retrospective proposal contributes to significantly increased overshadowing, overlooking and loss of privacy, or reduced outlook.

The amended layout indicates that the HMO comprises a lounge, kitchen and dining area, and two bedrooms with en-suites at first-floor level with a further two bedrooms with en-suites at second floor level. All habitable rooms would be served by windows or roof lights providing reasonable access to natural light. All windows at first-floor level would be fire escape windows.

The amended internal layout would comply with the minimum internal spaces' standards established by Table 4A.1 in the SYRDG and the Council's amenities standards for HMOs. The Council's Case Management Officer was consulted on the amendments; and no objections were received.

There is no access to a garden or other private amenity space associated with the development site in this instance. However, the development site is in a sustainable location with access to local green spaces, including the Dearne Valley Country Park to the north-east, which is considered acceptable in this instance, on balance.

The retrospective proposal is not considered to contribute to significant increased levels of noise or disturbance when compared with its previous use as two flats or within the context of the surrounding area which accommodates several commercial premises. Any potential impact on future occupants from the ground floor commercial premises could be addressed by adopting appropriate measures to mitigate any potential impact such as insulation. This would have been considered further during the Building Regulations approval stage for which a completion certificate has been submitted to the LPA to support this planning application.

Considering the above, this is considered to weigh significantly in favour of the proposal, on balance.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Impact on Highways

Paragraph 116 of the NPPF states development should only be prevented and refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

The development site occupies a modest-sized corner plot located at the junction of Pontefract Road with Grove Street and in an area characterised by mixed residential and commercial uses. Oakwell Football Stadium is located to the north-east and Barnsley Town Centre is located to the north-west.

The development site is not located within the Town Centre boundary but does benefit from an edge of Town Centre location that is in short walking distance of a range of local services and amenities and is served by regular public transport services.

On-street parking restrictions are in place along Pontefract Road by virtue of double yellow lines that also extend along Grove Street adjacent to the development site. There are also loading restrictions in place to the front of the development site on Pontefract Road.

Highways Development Control were consulted; and it was established that the Council's adopted Parking SPD recommends one parking space for two-bedroom flats and one parking space for three rooms in an HMO. The retrospective proposal does not therefore result in a change to on-site parking requirements. As such, Highways Development Control colleagues raised no objections.

The LPA has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance.

Consequently, it is not considered that there would be an unacceptable impact on highway safety to otherwise justify the refusal of this application on highways grounds in line with paragraph 116 of the NPPF.

Considering the above, this is considered to weigh significantly in favour of the proposal,

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact on Visual Amenity

No extensions or other external alterations are proposed and therefore it is not considered that the proposal would significantly alter or detract from the character of the street scene or broader locality.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.

Impact on Flood Risk

Paragraph 176 of the NPPF establishes that applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63. Footnote 63 establishes that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in the future; or land that may be subject to other sources of flooding, where development would introduce a more vulnerable use.

In this instance, the development site is located in Flood Zone 1 but when taking into account climate change data it is shown as being at increased risk from flooding between 2070 to 2125. However, it is not considered that the retrospective proposal introduces a more vulnerable use, nor does it meet the other criteria that would otherwise require the application to be supported by a site-specific flood risk assessment.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Paragraph 176 and footnote 63 of the NPPF and Local Plan Policy CC3: Flood Risk and is considered acceptable regarding impact on flood risk.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal is exempt from BNG in this instance.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable regarding impact on biodiversity and geodiversity.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, the retrospective proposal reflects the aims of the Government to boost the supply of homes, to utilise suitable sites within existing settlements for homes, to promote an effective use of land in meeting the need for homes and making as much use as possible of previously developed or brownfield Land, to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified need for housing in accordance with Paragraphs 61, 73(d), 124, 125(d) and 128 of the NPPF.

The retrospective proposal would maintain an appropriate mix of homes to meet local housing needs which accords with Local Plan Policy H6 by replacing two flats with a four-bedroom HMO that would not contribute to increased concentrations of such uses in the local area.

Following amendments, the proposal is considered acceptable regarding its impact upon residential amenity by way of overshadowing, overlooking and loss of privacy, outlook, internal space standards and noise. While the absence of shared private amenity space or balconies provision weighs against the proposal, this is attributed limited weight in this instance because of the limited opportunities and practicality of accommodating such provision and the accessibility of the development site in relation to its locality to nearby local leisure facilities and green spaces. The proposal is therefore considered acceptable, on balance, regarding Local Plan Policies GD1 and POLL1, and is attributed significant weight in favour of the proposal.

The proposal is considered acceptable regarding highway safety because it does not result in further requirements to provide additional off-street parking spaces beyond those available, in accordance with Local Plan Policy T4, and is attributed significant weight in favour of the proposal.

The proposal is considered acceptable regarding its visual amenity impact in accordance with Local Plan Policy D1 and is attributed modest weight in favour of the proposal.

The proposal is considered acceptable regarding its flood risk impact in accordance with Local Plan Policy CC3, Paragraph 176 and footnote 63 of the NPPF, and is attributed modest weight in favour of the proposal.

The proposal is considered acceptable regarding its biodiversity and geodiversity impact according with Local Plan Policy BIO1 and is attributed modest weight in favour of the proposal.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Amendments to the internal layout to address comments from the Council's Case Management Officer.*

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.