

Application reference number	2025/0820
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Application Type	Full planning permission
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Proposal Description:	Change of use from dwellinghouse (Class C3) to 4 Child Children's Home (Class C2)
Location:	18 - 20 Church Street, Royston, Barnsley, S71 4QU

Applicant	Mr Christopher Goundry
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Number of Third Party Reps	Six	Parish:	n/a
		Ward:	Royston

SUMMARY

The proposal seeks full planning permission for the change of use from a C3 dwellinghouse to a C2 children’s home for 4 children.

The proposal conflicts with Local Plan policy H9 which seeks to protect existing larger dwellings like the application property, a four bed dwelling. The proposal will result in the loss of a larger dwelling to a C2 residential institution use.

The proposed use includes a carers rota of two staff 8am to 8pm and two staff 8pm to 8am. At change over periods there will be a level of car manoeuvring and comings and goings that will be materially different from the character of a dwelling and which would cause levels of noise and disturbance what would have a significant adverse effect on neighbouring occupiers. The proposal is therefore contrary to policy GD1

The applicant has been invited to submit parking arrangement details but has declined to provide sufficient details to demonstrate that the parking provision will be satisfactory. There is therefore a lack of information to demonstrate that the parking spaces would be adequately levelled and surfaced in order to be safely useable. The proposal is therefore contrary to policy T3.

The proposal is therefore not considered to be acceptable in policy terms and not to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that the harm generated by the proposal is not outweighed by other material planning considerations. The development would cause an unacceptable level of harm to neighbouring properties, the highway network and to the stock of larger family dwellings.

Recommendation: **REFUSE Planning Permission**

Introduction

- The application proposes to change the use of a larger family dwelling (Use class C3 dwellinghouse) to a 4 child children's home (use class C2).
- The application site is allocated as Urban Fabric in the Local Plan.
- The applicant has sought to address ecology, parking and policy issues.
- There has been no pre application advice.

Site Description

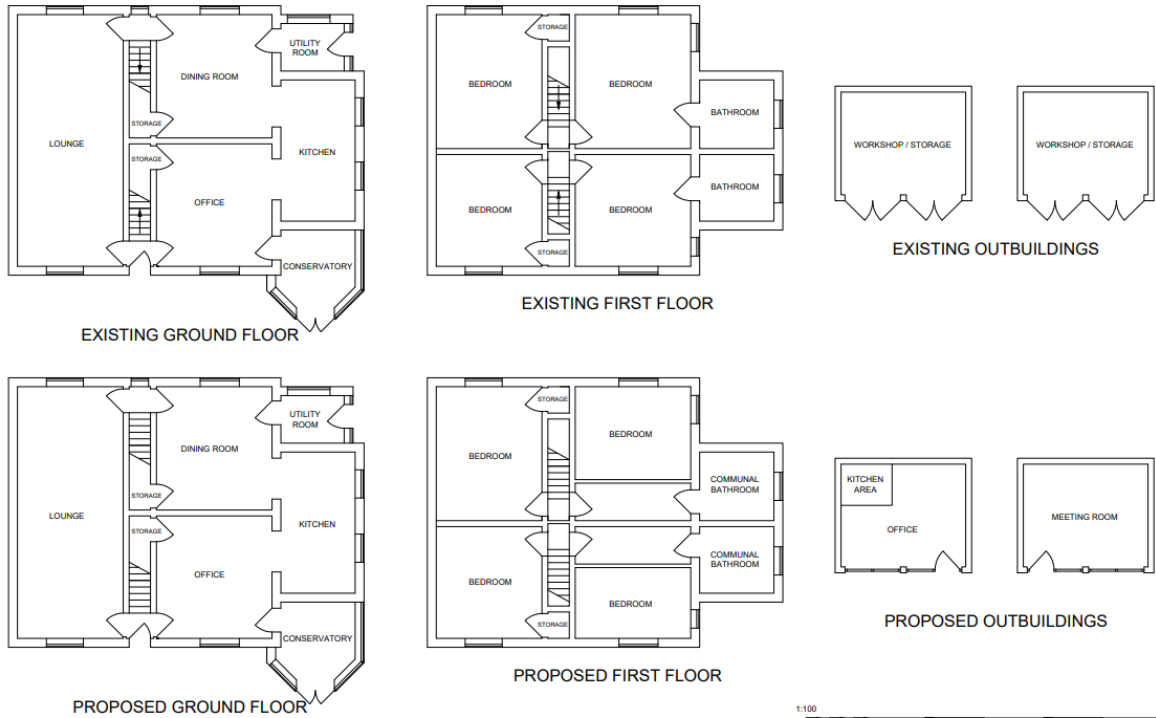
The application relates to a detached 2 storey four bedroom dwelling which was formerly a pair of semi-detached houses. The dwellings address is Church Street from where it is accessed via a private road which also serves a terrace of three dwellings. The access is narrow, has limited visibility onto Church Street (a classified road, the B6132) which has double yellow line parking restrictions in the vicinity). The dwelling also has access off New Street, where there are predominantly terraced houses with no off street parking and one business premise, a carpet shop. New Street also provides access to Royston Cemetery.

Proposal

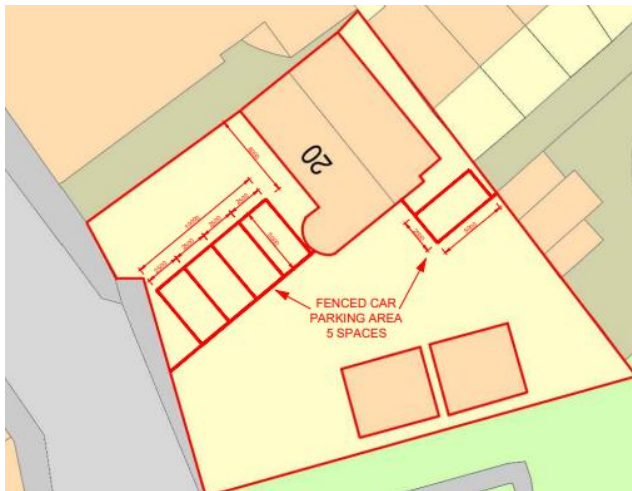
The proposal is for the change of use of a larger family dwelling (Use class C3 dwellinghouse) to a 4 child children's home (use class C2). The submitted application form indicates that there are four spaces currently on site. An amended site plan shows the provision of five parking spaces, four accessed from New Street and one accessed from Church Street.

The planning statement submitted in support of the proposal confirms that the house will accommodate a maximum of four children below 18 years of age and there will always be a minimum of two carers on site at any time during the day and the night. Existing outbuildings on site will be converted to provide an office and a meeting room. The statement indicates that the site is covered in existing grasscrete and there are 5 car parking spaces on site and an amended plan has been submitted to show these spaces. It further states that the development will not involve the creation of additional hardstanding and it is considered the development is exempt from mandatory BNG. However, the application is supported by a BNG part 1 and metric and a PEA. It is also indicated in the planning statement that the proposal will result in the creation of twelve full time jobs.

Existing and proposed floor plans



Parking layout as amended



Google earth extract



Relevant Site History

Application Reference	Application description	Status
2025/1052	Certificate of proposed lawful development for the change of use from dwellinghouse (Use Class C3) to be used as supported living for up to 4 young adults with non-resident carers (Use Class C3b).	Under consideration

2025/1036	Certificate of proposed lawful development for the change of use from dwellinghouse (Use Class C3) to be used as small children's home (maximum 3 children) with non-resident carers (Use Class C2).	Under consideration
2023/0028	Residential development of 2no. dwellings with primary access off New Street (Outline will all matters reserved apart from means of access)	Withdrawn
2017/1121	Residential development of 2no. dwellings with primary access off New Street (Outline will all matters reserved apart from means of access)	Granted
B/00/0535	Outline for residential development	Granted

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering 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. The next review is due to take place in 2027, or earlier, if circumstances require it.

Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy H9 – Protection of Existing Larger Dwellings – we will resist the loss of existing larger dwellings.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking, provision of transport statements and of travel plans.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley

Adopted Supplementary Planning Documents relevant to this application:

Parking
Biodiversity and Geodiversity
Design of housing development

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Paragraph 63 – Within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including for looked after children.

Paragraph 85 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development

Paragraph 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles

Paragraph 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 131 – Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraph 135 Planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Relevant Consultations:

Biodiversity- Recommended the application is deferred for further information.

Highways DC – Initial comments recommended the application is deferred for further information.

- Second comments recommended the application is deferred for further information.
- Final comments in response to an amended parking layout - objection that while the amended parking layout shows that five parking spaces can be provided on site, alleviating concerns at the likelihood of on street parking, details about how the bank of four spaces off Church Street will be provided (including details of levels and surfacing) have not been provided as requested

Drainage – no objection

Pollution control – no objection

South Yorkshire Police – Recommend security conditions which must be met to ensure the safety of children and staff

Ward Councillors – no comments received.

Representations

Neighbour notification letters were sent to nineteen surrounding properties, and a site notice was placed nearby.

Six representations were received from five neighbours. The representations raised the following material planning issues:

- Concerned at potential impact on highway safety from parking and access by staff/visitors using New Street
- Business operated on the street expresses concern since they have regular 26 tonne lorry deliveries and notes there are also visitors to the graveyard who park on the street. Request access should be provided via Church Street only.
- Concerns expressed at the prospect of more foot and vehicular traffic on Church Street and the impact on traffic safety. Request access should be provided via New Street only.
- Concerns expressed that the private drive off Church Street is not suitable for an increase in volume of traffic and at incorrect use of the access by visitors or staff.
- Lack of provision of parking within the site and lack of safe and suitable access
- Noise, disturbance and antisocial behaviour risk from the introduction of a 24/7 institution,
- Concerns at the likelihood of police attending if the children are unruly.
- Harm to residential character and community cohesion
- Inappropriate location for vulnerable children next to a graveyard and a carpet shop
- Concern at lack of suitable outdoor amenity space
- Lack of engagement with residents prior to submission
- The street is busier than the application assumes, photographs submitted showing regular traffic movements, congestion and parking pressure.

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- Impact on property values

Assessment

The main issues for consideration are as follows:

- The principle of the proposed development
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the ecology of the site
- Other issues

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

The application site is located in an area designated as urban fabric in the Local Plan. Policy GD1 indicates that development will be approved subject to assessment of criteria including whether there will be a significant adverse effect on the living conditions and residential amenity of existing and future residents. The application must also be assessed against Policy H9 which indicates that the loss of existing larger dwellings will be resisted. Given that the proposal is for a residential institution use of a larger dwelling, it is clear that the proposal is in conflict with this policy and that the principle of development is not acceptable and considerable weight against the proposal attaches to this material consideration.

Residential Amenity

The proposal includes a staffing rota with two members of staff from 8am to 8pm and two members of staff from 8pm to 8am and a planning statement that advises that together with a manager, there will be a maximum of five vehicles on site at shift changeover. The comings and goings associated with these shift changes, including from the arrival and departure of vehicles, will be significantly different from the characteristics of a typical family house. Those vehicular movements would be likely to result in a higher, more intensified level of noise and disturbance above the everyday comings and goings of a family house on this section of street, such that it would have a significant adverse effect on nearby residents. For this reason, it is concluded that the proposal is contrary to Local Plan policy GD1 and substantial weight against the proposal attaches to this material consideration.

Highway Safety

In the planning statement, the applicant indicates that the site is largely grasscrete and there are currently five parking spaces available. However, the parking layout shown indicates that some of the spaces indicated to be 'currently available' are actually part of a patio and raised borders. In addition, the parking space accessed off New Street currently benefits from space to turn such that the vehicle could both enter and leave Church Street, a classified road, in a forward direction. The recently submitted parking layout now shows this space fenced off such that vehicles would have to either reverse off or on to Church Street which would be detrimental to highway safety. In addition, there is no evidence of grasscrete including on the google earth extract attached above. The applicant has been invited to submit details of the works required to secure appropriate levels and surfacing but has declined to do so. Highways have objected because of the risk that the appropriate parking area will not be provided, with the associated risk if insufficient or substandard parking spaces are provided that there will be overspill parking on New Street, where parking is at a premium, and that inappropriate surfacing materials may be used with the risk of debris or mud being spread onto the public highway. It is concluded that the proposal conflicts with policies T3 and T4 of the Local Plan and significant weight against the proposal attaches to this material consideration.

Impact on Geodiversity and Biodiversity

The applicant has submitted a preliminary ecological appraisal (PEA) and Biodiversity Net Gain (BNG) assessment in support of the proposal. The Ecologist has recommended that the application is deferred for further information as the PEA lacks measures in relation to vegetation clearance to protect wildlife from disturbance; and the BNG assessment lacks detail to properly classify the trees on site. If planning permission were granted, the development would be subject to the statutory BNG gain condition and the decision could also be subject to a condition requiring an updated PEA and an informative advising that the baseline BNG assessment lacks detail.

As the proposal also includes in the PEA recommendations for a low impact lighting scheme, the installation of bird and bat boxes and the provision of suitable planting, limited weight in favour of the proposal attaches to this material consideration.

Any Other Material Planning Considerations

Consideration has been given as to whether either of the concurrent Certificate of Lawful Use (CLU) applications provide a fallback position. This clearly can't be the case for the application for the CLU for a small children's home which has been refused. The application for the CLU for the young adults supported living has been approved. As this application is for a use falling within Class C3b, it retains the use of the property as a dwellinghouse and there is no fall back position establishing the principle of the loss of this larger dwellinghouse.

In response to the comments received from South Yorkshire Police, the applicant has submitted an appeal decision relating to a security measures condition imposed on a similar proposal in Doncaster. The Inspector concluded that the condition was neither reasonable nor necessary in the absence of substantive evidence of heightened risk of attack or threat.

The applicant indicates in the planning statement that 12 full time jobs will be secured and in the submitted staff rota that 10 jobs, some full time and some part time will be secured. Nevertheless, significant weight is given to the economic benefits of the proposal.

None of the other comments raised by neighbours raise issues that lead of any other conclusion on the main matters that have led to the overall recommendation.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. The proposal conflicts with Local Plan policy H9 that seeks to protect larger family dwellings from alternative uses and considerable weight against the proposal attaches to this conflict. The proposal also conflicts with policy GD1 which seeks to protect the living conditions and residential amenity of existing and future residents from development that would have significant adverse effect and substantial weight against the proposal attaches to this material consideration.

Significant weight in favour of the application has been afforded to the potential economic benefits generated by the proposal; and limited weight to both highway safety and biodiversity considerations.

However, it is concluded that the proposal would be contrary to the development plan as a whole and the policies that are most relevant to the assessment of the proposal (most notably policies GD1 and H9. Having balanced all material planning considerations, the negative aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for refusal.

RECOMMENDATION

REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASONS:

REASONS

1. The change of use would result in the loss of a 'larger dwelling' from the housing stock. This would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings', and Supplementary Planning Document 'Design of Housing Development', which state that it is important to ensure the endurance of existing housing stock of this type. In recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes, contributing to the imbalance in the housing stock.
2. The proposed site layout plan includes fencing around a parking space accessed off Church Street, which would remove from that parking space access to turning provision within the site and result in vehicles reversing onto or off the classified Church Street B6132, to the detriment of highway safety and contrary to Local Plan Policy T4 New Development and Highway Improvement and paragraph 115 of the NPPF. The proposed site layout also proposes the provision of four parking spaces off New Street but without sufficient details of levels and materials to ensure that they would remain available for use and not result in:
 - a. parking being displaced onto New Street, where space is at a premium, and
 - b. materials being deposited on the highwayto the detriment of highway safety and contrary to Local Plan policies T3 New Development and Sustainable Travel and T4 New Development and Highway Improvement and NPPF paragraphs 115 and 116.
3. The proposed change of use would be materially detrimental to the amenities of the occupants of the neighbouring dwellings by reason of noise and disturbance generated through the comings and goings particularly of staff members and movements/activities associated with the use including vehicle manoeuvring and parking on New Street where parking is at a premium. This would be contrary to Local Plan Policy GD1 'General Development'.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.