

2025/0675

Mrs Joy Aikhomu

Arley House, 13 The Green, Shafton, Barnsley S72 8PQ

Change of use of the existing dwelling into a 7 bedroom HMO

Site Description

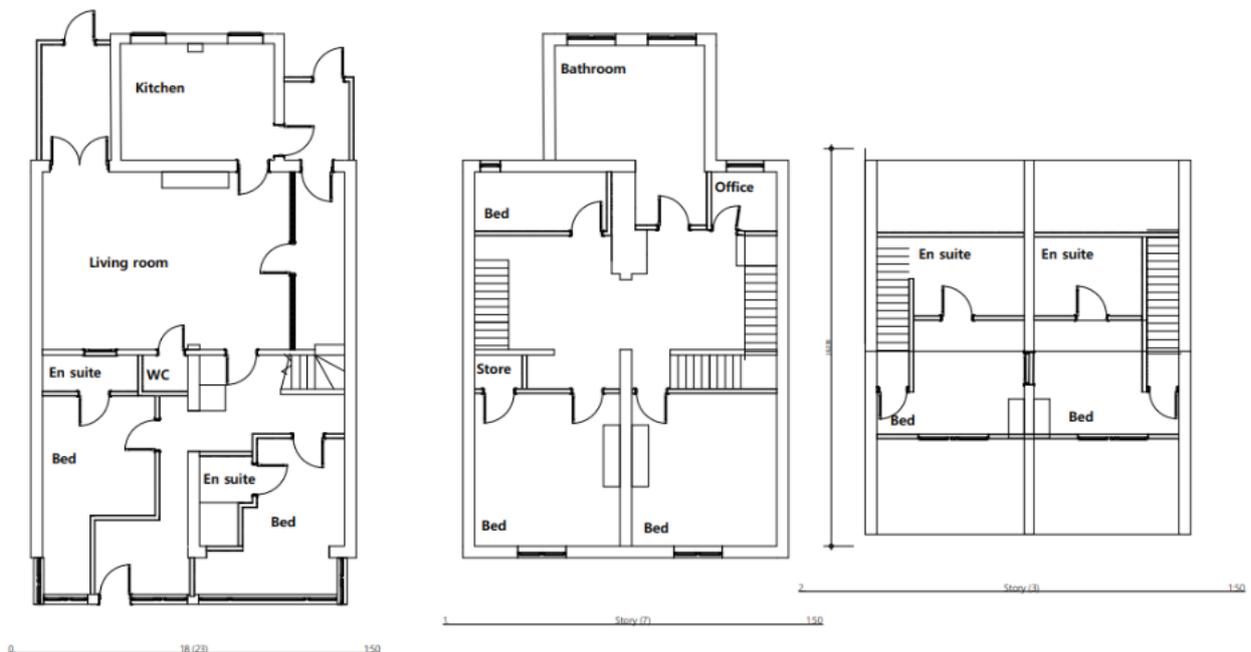
The host property is a mid terraced dwelling located on The Green, Shafton. The property lies within a predominantly residential area characterised by a mix of traditional terraced housing and more modern infill development. To the rear of the property is a small garden area and enclosed courtyard behind the row of terraces which appears to be used informally for parking.

Planning History

There is no relevant planning history.

Proposed Development

The applicant is seeking permission for the change of use of the existing residential dwelling to form a 7 bedroom HMO. The alterations are limited to minor internal changes and the plans are detailed below:



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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 the full Council meeting on 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 Allocation – Urban Fabric - Land within the Settlement with no specific allocation.

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy H9: Protection of Larger Dwellings – The loss of existing larger dwellings will be resisted.

Policy T3: New Development and Sustainable Travel – New development is expected to provide at least the minimum levels of cycle parking.

Policy T4: New Development and Transport Safety – Development is expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Supplementary Planning Documents:

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 most pertinent SPD's in this case are:

- The Design of Housing Development

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

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- Section 12: Achieving well designed places

Consultations

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

Local Ward Councillors – object

Parish Council – object.

Highways – concerns raised with regard to legal rights to use the land at the rear for parking.

Public Health – concerns raised with regard to some room sizes not being compliant for a HMO license.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. 10 letters of objection have been received, details of which are given in the body of the report

Assessment

The main issues for consideration are as follows:

- The acceptability of the alterations
- The impact on visual amenity and character
- The impact on neighbouring residential properties
- The impact on highways safety
- Consideration of representations

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of Development

Local Plan policy H9 'Protection of Existing Larger Dwellings' states the loss of existing larger dwellings will be resisted. SPD 'Design of Housing Development' states that larger dwellings are those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption.

It should be noted that the supporting statement submitted with this application states that the HMO would be for tenants who have special needs and that three staff members would be employed on a full time basis. This type of accommodation would not typically be defined as a HMO however

given the proposed bed numbers would exceed 6, whether a typical HMO or care facility, the proposed use class would be Sui Generis and would still required to be assessed against policy H9 of the Local Plan.

It is acknowledged that the property is capable of accommodating 6 bedrooms and as such Policy H9 applies. In recent years subdivisions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes (or buildings capable of accommodating larger homes) and an increase in the number of smaller units contributing to an imbalance. Such is the problem within the borough that Barnsley now has an article 4 direction to remove PD rights for HMOs across the borough. In order to further protect larger homes, we will resist the conversion of larger homes into flats and other non-self-contained housing such as Houses in Multiple Occupation and support their re-introduction into family-sized homes.

Section 26 of the SPD relates to the conversion of buildings to residential accommodation and outlines acceptable concentration levels of HMO's and Bedsits. In terms of concentration the property is within a row of dwellings and within a densely populated residential area with no other HMOs within this area, so the proposal will not result in an overconcentration of HMOs at this location.

Nevertheless, the creation of a HMO, as proposed, within a property which is capable of accommodating a 4 bedroom plus 'larger home' without significant alteration would be contrary to policy H9 and therefore its conversion would not be acceptable in principle.

Residential Amenity

Although Policy GD1 of the Local Plan does not include reference to any specific space standards, it states that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. The SPD sets out criteria that has to be met in order for such application to be supported. In any case, all new dwellings (including conversions to HMOs) must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. The proposal should therefore meet the internal and external space standards set out in the South Yorkshire Residential Design Guide.

The proposal is for a 7-bedroom HMO. The SYRDG sets out the minimum acceptable internal space standards. The South Yorkshire Residential Design Guide states that the minimum size should 12sqm for a double bedroom or 7sqm for a single bedroom. The proposed floor plans indicate that one of the proposed bedrooms does not meet the minimum space requirements being only 5sqm.

The other 6 bedrooms proposed do meet either the double or single bedroom standard.

The South Yorkshire Design Guide also states that the minimum bathroom size should be 3.5sqm, the en-suite falls short of this requirement however the proposed communal bathroom exceeds this requirement. The kitchen also falls short of the 16sqm requirement, being only 11.5sqm.

The SPD also goes on to state that the external amenity space should be at least 60m². The proposed site plan shows a substandard private rear amenity space to the rear with three parking spaces taking up the majority of the garden.

In conclusion, the proposal does not meet the internal or external special requirements. Consequently, as the proposal does not meet all the space standards in the SYRDG and the SPD, it would be contrary to the requirements of Policies GD1 and D1 of the Local Plan and unacceptable in terms of residential amenity for future occupiers.

As mentioned above, the supporting statement also suggests that there will be three full time staff members employed at the premises. No details have been provided in terms of their roles or

working patterns therefore the LPA cannot assess the full impact of comings/goings on the surrounding residents. Without this information, the proposal does not demonstrate that the proposal would protect neighbour amenity and is therefore contrary to policies GD1 and D1 of the Local Plan.

Visual Amenity

The proposed development would see the conversion of the existing property with no other external changes proposed. As such the proposal would remain residential in appearance and in keeping with the local character of the area. Therefore, the proposal would be considered acceptable in terms of visual amenity in accordance with policy D1 of the Local Plan.

Highway Safety

The property is located within a mixed-use area, immediately adjacent to both the Singing Man public house and the Sandybridge Industrial Estate. Access is provided via a small service road directly off Sandybridge Lane. On-street parking opportunities around The Green are limited.

Limited details have been provided with regard to the operation of the premises. The supporting statement indicates that in addition to the 7 residents, there would also be 3 full time staff. No details, of rotas, shift patterns, job roles have been provided and therefore it is unclear what the actual demand for parking would be and whether the three spaces proposed would be adequate.

The applicant has stated that up to three vehicles could be accommodated on land to the rear of the property. However, it remains unclear whether this land is within the applicant's ownership or whether they hold sufficient legal rights to use it for dedicated parking. No supporting evidence has been provided to confirm this.

Furthermore, the rear access appears narrow and constrained, raising concerns about vehicle manoeuvrability and its suitability for regular use by residents or visitors.

During the site visit, the Case Officer observed that other vehicles were informally using the rear courtyard area for parking. The potential addition of up to three further vehicles could exacerbate existing pressures, leading to conflict and potential highway safety issues on an already constrained access route.

The proposal would therefore be in conflict with policy T4 of the Local Plan.

Representations

A number of representations have been received raising concerns with regard to the following:

- Parking and traffic
- Noise and disturbance
- Pressure on infrastructure
- Loss of family housing
- Unauthorised works taking place

These comments have been addressed through the body of the report. It has been concluded that the proposed development fails to meet the policies and requirements to become a 7 bedroom HMO.

Conclusion

The proposed change of use of the existing dwelling to a 7-bedroom House in Multiple Occupation (HMO) has been assessed against the relevant policies of the Barnsley Local Plan, associated

Supplementary Planning Documents, and the South Yorkshire Residential Design Guide. While the site lies within the Urban Fabric and no external alterations are proposed, the development raises significant concerns in relation to the loss of a larger dwelling, substandard internal and external amenity provision, and unresolved highway safety and parking issues.

The proposal fails to comply with Policy H9 which seeks to protect larger dwellings from conversion, contributing to an imbalance in housing stock across the borough. Furthermore, the internal layout does not meet the minimum space standards and the external amenity space is inadequate. The lack of clarity regarding staff roles, parking arrangements, and legal rights to use the rear land further raises concerns about residential and highway amenity.

In light of these issues, the proposal is considered to be contrary to Policies H9, GD1, D1, and T4 of the Barnsley Local Plan, The Design of Housing SPD and South Yorkshire Residential Design Guide. The application is therefore recommended for refusal.

Recommendation

REFUSE