

Planning Statement

CHANGE OF USE TO A PUBLIC HOUSE (RETROSPECTIVE)

OYLE IN WALL, 6 MARKET STREET, HOYLAND, S74 9QR

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1.0 INTRODUCTION

This statement has been prepared to support the submission of an application for full planning permission for a retrospective change of use of a commercial property to a public house. The site has been operating as a public house successfully and without issue for about 8 years. It has recently come to light following change in the tenancy arrangements that no planning permission had been obtained for the public house use. The applicant (the property freehold owner) was of the understanding that a former tenant had obtained the necessary permission, but this was not the case. The applicant has taken steps to regularise the situation immediately once this became known (unprompted by the LPA), and there has been no deliberate avoidance of planning controls.

The public house is a use that is entirely appropriate for Hoyland town centre, and it contributes positively to the mix of uses and vitality and viability of the town centre. In the 8 years the public house use has been operational, there have been no complaints, and no planning enforcement action has been taken. The use is fully policy compliant and permission is now sought in order to regularise the use.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. It will be demonstrated that the proposal is an appropriate town centre use that enhances vitality and viability. The development also gives rise to no adverse impacts in respect of amenity, environmental or highways considerations.

2.0 THE SITE

The application site is a commercial property that lies to the western side of Market Street, in Hoyland town centre:



The property has been used for a variety of non-retail commercial uses for many years. It is understood that these uses are as follows:

- 1974-November 1978: Bank
- November 1978-August 2006: Estate Agent's office
- August 2006-November 2007: Building contractor's office
- February 2008-July 2016: Training Centre
- July 2016- Present: Public House

The public house use has been operated by three different tenants since 2016. The most recent tenants vacated in September 2023, and it is since then that it came to light that no planning permission is in place for the public house use, despite it being operational for so long. The regularising of this anomaly through the approval of this application will allow the thriving public house to become occupied again so that it can resume its role in making a valuable contribution to the local economy and the vitality and viability of Hoyland centre.

The site lies within the Primary Shopping Area of the District Centre of Hoyland. Nearby uses are typical of the town centre location, with retail, food and drink and leisure premises amongst those in the close vicinity.

3.0 THE PROPOSAL

Full planning permission is sought for the retrospective change of use of the commercial property to a public house. The key elements of the proposal are as follows:

- The application seeks to regularise the public house use that has been operating without issue for about 8 years.
- The public house is currently vacant, but this is a temporary situation arising from a change in tenants. The public house use is viable and successful. The granting of planning permission will be a catalyst for its reopening.
- The public house use is entirely appropriate for this town centre location and does not conflict with any neighbouring uses.
- No physical alterations to the building are necessary.

4.0 PLANNING HISTORY AND PRE-APPLICATION DISCUSSIONS

A search of the Council's online records shows that the planning history for the site is limited to application B/04/0587/HN/AD for signage. This is of no direct relevance to the current application.

Due to the resource pressures faced by the LPA, pre-application discussions have not been requested in this instance. The applicant has, however, enlisted the services of JR Planning to advise on the development.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Barnsley Local Plan which was adopted in January 2019 and the Joint Waste Plan.

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in July 2021 and the suite of documents comprising National Planning Practice Guidance (NPPG). The Council's SPDs are also considered of relevance.

The site is within Hoyland District Centre, a Primary Shopping Area and a Nature Improvement Area as identified under the local plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Barnsley Local Plan

- SD1 Presumption in favour of Sustainable Development
- GD1 General Development
- LG2 The Location of Growth
- TC1 Town Centres
- T3 New Development and Sustainable Travel
- T4 New development and Transport Safety
- D1 High Quality Design and Place Making
- BIO1 Biodiversity and Geodiversity

6.0 ASSESSMENT

Principle of Development / Town Centre

Hoyland is identified as a principal town in the Local Plan. The spatial strategy as set out in the plan directs development towards Urban Barnsley and the principal towns, including Hoyland. In respect of town centres, Hoyland is identified as a District Centre. The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre, new retail and town centre development will also be directed to the District Centres. The identified strategic development direction for Hoyland as set out in the Local Plan is to intensify.

The NPPF also seeks to protect and enhance the vitality and viability of town centres by directing appropriate uses towards them.

The public house is a wholly appropriate use for the town centre that contributes positively to the town centre offer, thereby enhancing vitality and viability. The site is within a Primary Shopping Area, in which retail proposals will be encouraged, but it is not within a Primary Shopping Frontage where non-retail uses are more strictly controlled. There is no policy presumption against non-retail uses that are appropriate for the town centre in this location. It should also be noted that the site has been in commercial but non-retail use since at least 1974. As such, there is absolutely no negative impact on the primary retail function of the town centre as a result of the public house use.

The public house use contributes positively to the local economy by generating jobs as well as linked trips to other town centre businesses. It is fully compatible with existing surrounding uses. Furthermore, the public house provides a valuable community facility and a social space. Indeed, policy E7 of the Local Plan provides an element of protection for existing public houses so it makes sense that new ones in appropriate locations should also receive support.

The public house use is wholly appropriate, in accordance with the spatial strategy and adopted town centre policy. The development is acceptable in principle and accords with policies SD1, GD1, LG2 and TC1, as well as the guidance within sections 6 and 7 of the NPPF.

Character and Appearance

No external alterations have been necessary to facilitate the change of use. There is no impact on the character and visual amenity of the area. Encouraging the reopening of the public house with the granting of planning permission to regularise the use will ensure that it does not become an eyesore by being closed for any longer than necessary. The proposal accords with policy D1 and the NPPF in this respect.

Amenity

Being in the town centre, the public house use is entirely compatible with neighbouring uses. The public house use has been operational for about 8 years without any complaints or issues, and this clearly demonstrates that there are no harmful impacts in respect of noise or disturbance. The use in this location does not have any harmful impact on amenity and is fully policy compliant in this regard.

Highways

The site is within a highly sustainable town centre location and is easily accessible by means other than private car. The public house has operated for several years with no issues in respect of servicing and deliveries.

The proposal gives rise to no issues in respect of highways safety and efficiency and fully accords with local and national policy in respect of highways impacts.

Ecology

The site is within a nature improvement area. Given the small-scale of the site, along with its town centre location, the change of use has had an entirely neutral impact on the biodiversity value of the site. Given that the use has simply changed from one commercial use to another, with no physical alterations or other impacts in relation to nature conservation, it would not be necessary to seek biodiversity net gain in this instance. As the change of use has no negative impact, it is compliant with policy BIO1. The development proposal fully accords with local and national policy in this respect.

7.0 CONCLUSION

The application seeks to regularise the use of the site as a public house, with the use having already taken place for several years. The public house use is wholly appropriate for this town centre location and contributes positively to the local economy and to the vitality and viability of the town centre. The site has been in non-retail use for many years. The change of use is complimentary, rather than harmful, to the primary retail function of the town centre.

The fact that the public house use has operated for about 8 years without issue or complaint clearly demonstrates that the use is also acceptable in respect of amenity, environmental and highways considerations.

Given this, the use is fully policy compliant.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.