

---

**2023/0521**

Mr A Sefton

Conversion from design studio/antiques showroom into a single dwelling (Application to determine if prior approval is required for a proposed change of use)

The Old Chapel, Chapel Street, Ardsley, Barnsley, S71 5AY

---

### **Site Location and Description**

The application relates to The Old Chapel, Ardsley. The stone building is located at the junction of Chapel Street with the A635 Doncaster Road, linking the town centre with the east of the borough. The area is predominantly residential in nature, with a mix of property types and design; there are some sporadic commercial premises located within the vicinity, the nearest being located some 200m to the south-west.

The building has a long-established commercial use as an antiques centre, with the showroom split over the ground floor and mezzanine level.

### **Proposed Development**

This application is to determine whether prior approval is required to change the use from a use falling within Class MA 'Commercial, business and service uses' of the Schedule of the Use Classes Order to dwellinghouse (Class C3) under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal consists of converting the existing building to a 3no bedroom dwelling.

### **Policy Context**

Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order constitutes permitted development. Paragraph MA.1 sets out a number of limitations where development is not permitted.

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.
- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres.
- (d) if land covered by, or within the curtilage of, the building—
  - (i) is or forms part of a site of special scientific interest.
  - (ii) is or forms part of a listed building or land within its curtilage.
  - (iii) is or forms part of a scheduled monument or land within its curtilage.
  - (iv) is or forms part of a safety hazard area; or
  - (v) is or forms part of a military explosives storage area.
- (e) if the building is within—
  - (i) an area of outstanding natural beauty.
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981
  - (iii) the Broads.
  - (iv) a National Park; or

- (v) a World Heritage Site.
  - (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
  - (g) before 1 August 2022, if—
    - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
    - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
- (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
- (a) the following classes of the Schedule as it had effect before 1st September 2020—
    - (i) Class A1 (shops).
    - (ii) Class A2 (financial and professional services).
    - (iii) Class A3 (food and drink).
    - (iv) Class B1 (business).
    - (v) Class D1(a) (non-residential institutions – medical or health services).
    - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre).
    - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink.
  - (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Paragraph MA.2 states that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to.

- (a) transport and highways impacts of the development.
- (b) contamination risks on the site
- (c) flooding risks of the site
- (d) impacts of noise from commercial premises on the intended occupiers of the development.
- (e) where—
  - (i) the building is located in a conservation area, and
  - (ii) the development involves a change of use of the whole or part of the ground floor,
 the impact of that change of use on the character or sustainability of the conservation area.
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
- (h) where the development involves the loss of services provided by—
  - (i) a registered nursery, or
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,
 the impact on the local provision of the type of services lost; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

## Consultations

Contaminated Land – No objections

Drainage – No objections – happy for details to be checked by Building Control

Highways – No objections

Pollution Control – No objections  
Ward Councillors – No comments received.

## **Representations**

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice; no representations have been received.

## **Assessment**

Class MA of the GPDO 2015 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order constitutes permitted development. Exclusions to this are set out in paragraph MA.1 and it is considered that the current proposal meets the relevant criteria set out in that paragraph.

Paragraph MA.2. sets out the criteria the prior notification application can be assessed against. This includes transportation and highways impacts of the development, contamination risk on the site, flooding risks on the site, impacts from noise from commercial premises on the intended occupiers of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouse.

As the building is not within a Conservation Area, or an area the authority considers to be important for general or heavy industry, or waste management, storage and distribution, or a mix of uses, and the building was not a registered nursery or a health centre, parts e, g, and h are not considered to apply in this case. With regards to part (i), the building would be subject to a Building Control application and would have to adhere to the relevant Building Regulations.

The relevant criteria outlined above have been assessed as follows.

### Transport and highways impacts of the development.

It is noted that no off-street parking has been indicated within the curtilage of the building. However, the site is of sufficient size to accommodate 2 no parking spaces for a dwelling of this size. In addition, the building previously accommodated a commercial use; as such, traffic would have been generated through staff and visitors. It is proposed to use the building solely for residential purposes, with the commercial use ceasing. As such, the proposed use would not increase vehicular movements over and above the previous or demand additional parking. Highways officers have been consulted on the application and have raised no objection to the proposal.

### Contamination risks on the site

Given the previous office use and the fact no extensions or increase in footprint is required, it is unlikely that there will be any significant impact in terms of possible contamination risks.

### Flooding risks on the site

The building is located within Flood Zone 1 and is consequently at low risk of flooding therefore a flood risk assessment is not required; Drainage Officers have been consulted on the application and raised no objections.

### Impacts of noise from commercial premises on the intended occupiers of the development

The site fronts onto the busy A635 Doncaster Road, however the immediate neighbouring area is predominantly residential in character with the site surrounded by residential dwellings, with a school and some commercial properties approximately 200m to the south. Regulatory Services have been consulted on the application and have raised no objections and not required any additional noise information; they have requested the inclusion of a condition restricting construction hours to limit the impact on surrounding residents.

#### Adequate natural light in all habitable rooms

The development provides windows to all habitable rooms as indicated on drawings MAS001-004.

#### Conclusion

The proposal meets the requirements of Class MA of the Town and Country Planning General Permitted Development Order 2015 (as amended), as such, a prior notification application is appropriate. The application can only be assessed against the criteria set out in this report and as illustrated above there are no objections on these grounds, as such, prior approval is not required.

#### **Recommendation**

**Prior Approval not required subject to conditions.**