

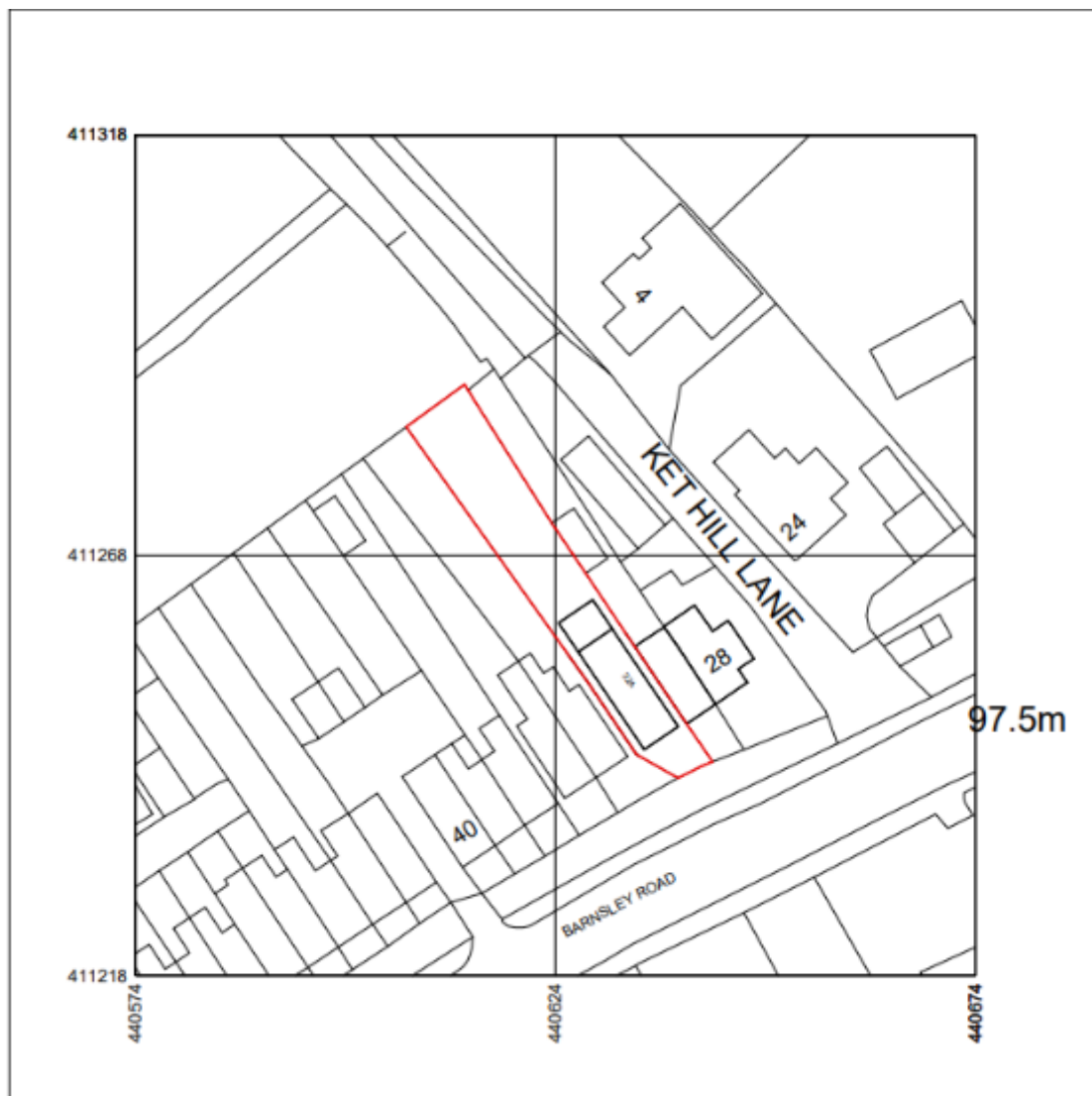
Application Reference Number:		2026/0348	
Application Type:		Full.	
Proposal Description:		Retention of use of existing building as a dwelling (Use Class C3).	
Location:		32A Barnsley Road, Brierley, Barnsley, S72 9LD.	
Applicant:		Mr Tony Murrell.	
Third-party representations:	None.	Parish:	Brierley.
		Ward:	North East.

Summary:	
This proposal for the retention of the use of the existing building as a dwelling (Use Class C3) would support a previously approved scheme for small-scale residential development within an established residential settlement that would aid meeting the Borough's housing needs through an effective use of the existing building and land. This proposal is therefore considered acceptable in principle in accordance with paragraphs 73(d), 124, 125(d) of the NPPF, and Local Plan policies H1, H2, LG2, and H4. The principle of development is attributed great weight in favour of this proposal in accordance with paragraph 73(d) of the NPPF. An assessment has been undertaken in respect of potential impacts on residential amenities, health, and pollution control, visual amenities, highway safety, and biodiversity and geodiversity, insofar as they relate to the use of the existing building only. This proposal is considered acceptable regarding its potential impacts in all respects and is considered acceptable regarding Local Plan policies GD1, POLL1, D1, T3, T4, and BIO1. Moderate and modest weight is attributed in favour of this proposal respectively. For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance. Planning permission should therefore be granted subject to necessary conditions. Recommendation: APPROVE subject to conditions.	

Site Description

This application relates to a generous narrow plot located on the northwest side of Barnsley Road and in an area that is principally residential and is characterised by two-storey detached, semi-detached and terraced dwellinghouses of varying scale and appearance. Allotment gardens are located to the north-west (rear) with Green Belt land beyond. The development site lies to the west of the Brierley Conservation Area boundaries.

The application property is a narrow, two-storey, stone-fronted, detached dwellinghouse constructed of red brickwork with a pitched concrete tiled roof and an integral garage. The dwellinghouse features a single storey projection and a dormer window to the rear.



Planning History

Application Reference	Description	Status
2017/0376	Erection of 1 no. detached dwelling with integral garage.	Approved.
2025/0870	Proposed certificate of lawful development for building.	Approved.

Proposed Development

The applicant is seeking planning permission for the retention of use of existing building as a dwelling (Use Class C3).



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 LG2: The Location of Growth.*
- *Policy H1: The number of New Homes to be Built.*
- *Policy H2: The distribution of New Homes.*
- *Policy H4: Residential Development on Small Non-allocated Sites.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High Quality Design and Place Making.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *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 9: Promoting sustainable travel.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*
- *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).*

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.

A site notice was placed nearby which expired 09th June 2026.

No representations have been received.

Consultations

No statutory or non-statutory consultees were consulted on this application.

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 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 policies and decisions – giving great weight to benefits of using suitable sites within existing settlements for homes.

Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while 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 makes use 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.

Local Plan Policy H1 establishes that the local planning authority will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033.

Local Plan Policy H2 establishes that other settlements are set to accommodate 4% of the borough's housing needs during the period 2014 to 2033 with a total of 801 dwellings.

Local Plan Policy H4: Residential developments on small non-allocated sites establishes proposals for residential development on sites below 0.4ha will be allowed where the proposal would comply with other relevant policies in the Local Plan.

The erection of one detached dwellinghouse with an integral garage was approved under application 2017/0376.

The approved development was not progressed in accordance with the approved plans and as such, to regularise the changes made to the building, a lawful development certificate was submitted under 2025/0870.

Legal colleagues were consulted as part of the lawful development certificate application, and it was determined that the unauthorised works were substantially completed before 25th April 2024, and as such, benefited from the transitional 4-year rule rather than the updated 10-year rule established by Section 171B of the Town and Country Planning Act 1990 (TCPA) (as amended). It was stated that the evidence submitted to support the lawful development certificate application showed the building was completed in 2021 and is therefore, now immune from planning enforcement action. The lawful development certificated was therefore granted. However, it noted that this only covered operational development of a building that had no use because it had not been brought into use or occupied for a period of 10-years or more. It was suggested that planning permission should be obtained for any future use of the building prior to it being brought into use or occupied.

This current application (2026/0348) is the subsequent application to establish the use of the building and seeks planning permission for the retention of the use of the existing building as a dwelling (Use Class C3).

This proposal for the retention of the use of the existing building as a dwelling (Use Class C3) would support a previously approved scheme for small-scale residential development within an established residential settlement that would aid meeting the Borough's housing needs through an effective use of the existing building and land.

This proposal is therefore considered acceptable in principle in accordance with paragraphs 73(d), 124, 125(d) of the NPPF, and Local Plan policies H1, H2, LG2, and H4 subject to the consideration of the following matters.

The principle of development is attributed great weight in favour of this proposal in accordance with paragraph 73(d) of the NPPF.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable degree, for existing and new and future residents, including visual amenity and highway safety.

Impact on Residential Amenity, Health and Pollution Control

Local Plan Policy GD1: General Development, indicates that support will be given to development if there will be no significant adverse impact on the living conditions and residential amenity of existing and future residents, and the development would be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

Local Plan Policy POLL1: Pollution Control and Protection, establishes that support will be given to development if it is demonstrated that proposals would not be likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause nuisance to the natural and built environment or to people.

The South Yorkshire Residential Design Guide (SYRDG) sets out internal space standards for new dwellings. Support will be given to development if the internal space standards are complied with.

The erection of one detached dwellinghouse with an integral garage was approved under application 2017/0376. The approved development was considered acceptable in respect of its potential impact on residential amenity.

The approved development was not progressed in accordance with the approved plans and as such, to regularise the changes made to the building, a lawful development certificate was submitted under 2025/0870. A lawful development certificate was granted, and it was concluded that the development as built is immune from planning enforcement action subject to planning permission being sought to establish the use of the existing building.

This current application (2026/0348) is the subsequent application to establish the use of the building and seeks planning permission for the retention of the use of the existing building as a dwelling (Use Class C3).

An assessment of the potential impacts of this proposal in respect of residential amenity will therefore be undertaken insofar as they relate to the use of the existing building only.

The existing building is located within an established residential settlement. Given that this proposal is to retain the approved dwellinghouse (Use Class C3) use of the approved dwellinghouse (as built), the local planning authority (LPA) has no reason to believe that the previously approved residential use would no longer be suitable within its surroundings or lead to significant detrimental impacts on the amenity of local residents. As such, this element is considered acceptable.

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

This 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, health and pollution control.

Impact on Visual Amenity

Paragraph 135(c) of the NPPF sets out planning policies and decisions should ensure that proposals would be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Local Plan Policy D1: High Quality Design and Placemaking, establishes support would be given to development if proposals would achieve a high quality of design and would respect, take advantage of, and reinforce the distinctive local character and features of Barnsley.

The Design of housing development sets out detailed guidance in support of Local Plan Policy D1.

The erection of one detached dwellinghouse with an integral garage was approved under application 2017/0376. The approved development was considered acceptable in respect of its potential impact on visual amenity.

The approved development was not progressed in accordance with the approved plans and as such, to regularise the changes made to the building, a lawful development certificate was submitted under 2025/0870. A lawful development certificate was granted, and it was concluded that the development as built is immune from planning enforcement action subject to planning permission being sought to establish the use of the existing building.

This current application (2026/0348) is the subsequent application to establish the use of the building and seeks planning permission for the retention of the use of the existing building as a dwelling (Use Class C3).

An assessment of the potential impacts of this proposal in respect of visual amenity will therefore be undertaken insofar as they relate to the use of the existing building only.

The existing building is located within an established residential settlement comprising various house types of varying scale and appearance. As such, the proposed dwellinghouse (Use Class C3) use is considered appropriate and in-keeping with the local area and is therefore acceptable.

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

This proposal is therefore considered to comply with Paragraph 135(c) of the NPPF and Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity.

Impact on Highways

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

The erection of one detached dwellinghouse with an integral garage was approved under application 2017/0376. The approved development was considered acceptable in respect of its potential impact on highway safety.

The approved development was not progressed in accordance with the approved plans and as such, to regularise the changes made to the building, a lawful development certificate was submitted under 2025/0870. A lawful development certificate was granted, and it was concluded that the development as built is immune from planning enforcement action subject to planning permission being sought to establish the use of the existing building.

This current application (2026/0348) is the subsequent application to establish the use of the building and seeks planning permission for the retention of the use of the existing building as a dwelling (Use Class C3).

An assessment of the potential impact of this proposal in respect of highway safety will therefore be undertaken insofar as they relate to the use of the existing building only.

The access and off-street parking arrangements as approved under planning application 2017/0376 have not been implemented in accordance with the approved plans. The integral garage is retained, but a submitted planning statement states that the approved turning area will not be provided. Whilst this is unfortunate, given that the existing building was shown to have been completed in 2021, and confirmed to be immune from planning enforcement action in respect of the operational development of the building, it would also be reasonable to conclude that non-compliance with the approved plans in respect of providing the approved turning area would also now be immune for enforcement action. Nevertheless, should this application be approved, the retention of the integral garage for car parking could be secured by condition.

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

The proposal is therefore considered to comply with Local Plan Policies T3: New Development and Sustainable Travel and T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

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 falls within one of the listed exemptions and is therefore not subject to BNG in this instance.

Evidence submitted as part of a previous lawful development certificate application (2025/0870) also show that the existing building was substantially completed in 2021 which is prior the the requirement for BNG becoming mandatory.

Considering the above, this is considered to weigh modestly in favour of this 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), this proposal is considered in the context of the presumption in favour of sustainable development.

The erection of one detached dwellinghouse with an integral garage was approved under application 2017/0376.

The approved development was not progressed in accordance with the approved plans and as such, to regularise the changes made to the building, a lawful development certificate was submitted under 2025/0870.

Legal colleagues were consulted as part of the lawful development certificate application, and it was determined that the unauthorised works were substantially completed before 25th April 2024, and as such, benefited from the transitional 4-year rule rather than the updated 10-year rule established by Section 171B of the Town and Country Planning Act 1990 (TCPA) (as amended). It was stated that the evidence submitted to support the lawful development certificate application showed the building was completed in 2021 and is therefore, now immune from planning enforcement action. The lawful development certificated was therefore granted. However, it noted that this only covered operational development of a building that had no use because it had not been brought into use or occupied for a period of 10-years or more. It was suggested that planning permission should be obtained for any future use of the building prior to it being brought into use or occupied.

This current application (2026/0348) is the subsequent application to establish the use of the building and seeks planning permission for the retention of the use of the existing building as a dwelling (Use Class C3).

This proposal for the retention of the use of the existing building as a dwelling (Use Class C3) would support a previously approved scheme for small-scale residential development within an established residential settlement that would aid meeting the Borough's housing needs through an effective use of the existing building and land.

This proposal is therefore considered acceptable in principle in accordance with paragraphs 73(d), 124, 125(d) of the NPPF, and Local Plan policies H1, H2, LG2, and H4 subject to the consideration of the following matters.

The principle of development is attributed great weight in favour of this proposal in accordance with paragraph 73(d) of the NPPF.

An assessment has been undertaken in respect of potential impacts on residential amenities, health, and pollution control, visual amenities, highway safety, and biodiversity and geodiversity, insofar as they relate to the use of the existing building only. This proposal is considered acceptable regarding its potential impacts in all respects and is considered acceptable regarding Local Plan policies GD1, POLL1, D1, T3, T4, and BIO1.

For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance.

Planning permission should therefore 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.

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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.