

**Application Reference:** 2025/0877

**Site Address:**

Fox and Hounds, Pontefract Road, Shafton, Barnsley, S72 8QP

**Introduction:**

This application seeks full planning permission for the conversion of former public house to a retail shop on ground floor. The plans have been amended during the course of the application to remove the proposed residential element at first floor and an alteration of the parking to the frontage of the site.

**Relevant Site Characteristics**

The Fox and Hounds is a former public house which is set on Pontefract Road, Shafton. The property is a two storey detached building constructed of brick with render to the frontage/side. The building has been extended previously with flat roof additions and a balcony area to the front. The building has a low brick wall to the front courtyard/beer garden area and a mix of brick and wooden fence boundary treatments. There is also a rear yard area accessed via the junction of Pontefract Road and Weetshaw Close.

The public house does not appear to have operated as a public house since 2024 and appears in need of refurbishment.

Adjacent to the site, to the southeast is a fish and chip shop and a sandwich shop. To the east are commercial buildings, whilst to the north and west are residential properties.



## Site History

Application Reference	Description	Status (Approved/Refused)
B/93/1187/HR/AD	Display of illuminated and non-illuminated signs to public house	Approved
B/96/0069/DE	Refurbishment of public house	Approved
B/96/1374/HR/AD	Display of illuminated signs to public house	Approved

## Proposed Works

This application seeks full planning permission for the conversion of former public house to retail shop on ground floor. The shop floor is set to the frontage of the building and is approximately 130sqm in area, with two store rooms at the rear and a wc. No works are proposed to the first floor as the residential element initially proposed has been removed from the proposal.

The proposal includes a refurbishment of the building externally, with a glazed shop front. The applicant is also proposing 4 parking spaces to the front of the building within the small courtyard area. There will be no changes to the rear yard.

It is proposed that the building will be serviced from the front, with no large delivery vehicles required.

The agent has provided the following justification in summary, in terms of the loss of the Public House use:-

### Cessation of Use and Viability

- 'The premises have not traded as a public house for over two years and have remained vacant during this period.
- The national pub sector continues to experience significant challenges, including reduced customer numbers, increasing operating costs, and changing social habits.
- Patterns of local pub use have shifted, further reducing viability.
- During the extended vacancy, no operators came forward. Multiple estate agents have confirmed that there is no realistic demand for a public house in this location and recommended pursuing a change of use to a more viable commercial use.

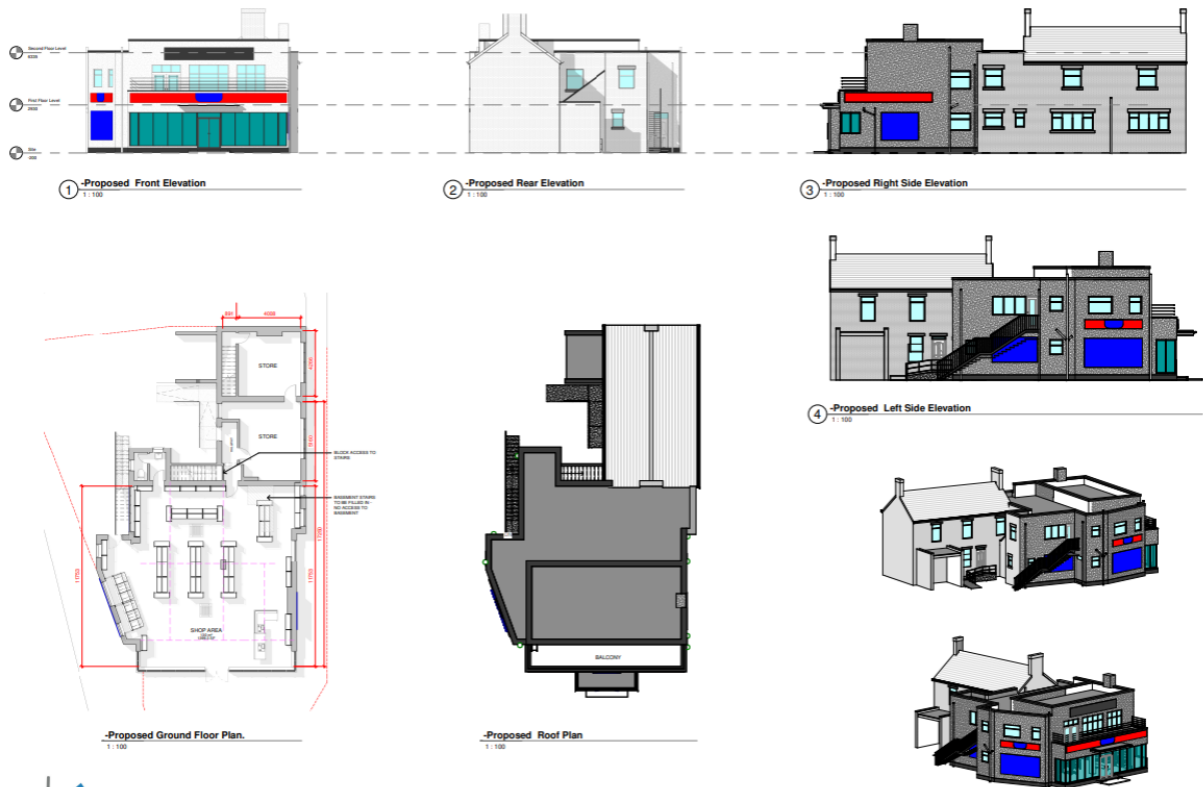
### Availability of Alternative Facilities

The loss of a public house does not leave the surrounding area without social or community facilities. Other licensed premises and community venues are available within the wider Shafton area, ensuring continued access to such amenities.

### Benefits of the Proposed Use

- The proposal will bring a long-vacant building back into sustainable and active use, preventing further deterioration.
- A neighbouring resident has expressed concerns that the prolonged vacancy is negatively affecting local property values; re-occupation will therefore deliver environmental and community benefits.





## 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 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.

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

- Policy GD1 'General Development'
- Policy I2 'Educational and Community Facilities'
- Policy TC1 'Town Centres'
- Policy TC3 'Thresholds for Impact Assessments'
- Policy TC5 'Small Local Shops'
- Policy T3 'New Development and Sustainable Travel'
- Policy T4 'New development and Transport Safety'
- Policy D1 'Design'
- Poll1 'Pollution Control and Protection'

## Relevant Supplementary Planning Documents

- Parking

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It 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. This 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 which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 6 - Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting Sustainable Transport

Section 12 - Achieving well-designed places

Paragraph 98.- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services

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.

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 it into account when taking decisions.

## **Consultations**

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

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 also posted at the site.

The following comments have been received as a result of the first and second round of consultations for the amended proposals:-

First Consultation (which included the residential use at first floor):- 4 x Objections to the initial proposal for the residential use and shop use

- Impact on Highway Safety
- Cars will park on the grassed area which is council owned and will become an eyesore
- Not enough parking for shop and flat and existing businesses, including the fish and chip shop scaffolding company and mechanical business
- At school opening and closing times, parents also use the cul de sac as a drop off and collection point.
- The turning area to the parking is not sufficient
- Too many shops in a small village
- There are already 3 stores
- We need another pub or takeaway
- The flat has been rumoured to be identified as a HMO

Second Consultation: 2x Objections to the amended proposal for the shop use and formation of 4 parking spaces, removal of residential use at first floor:-

- No need for further shops in Shafton
- Concerns regarding congestion
- Work has already commenced, and boxes fitted for parcels and mail
- The amendments do not look at all feasible and cannot fit 4 cars at the front of the
- This property does not have enough parking space at all for the proposed flats , any staff etc

## **Consultee responses**

Highways – No objections subject to amended plans

Pollution Control – No objections subject to condition

Ward Cllrs – No comments received

Drainage – No objections details to be checked by Building Control

Yorkshire Water - No comments received

CAMRA – Objects to the loss of the Public House

Parish Council – No comments received

## **Planning Assessment**

## Principle

The site is within an area of Urban Fabric, shown as light grey areas with the notation of no specific allocation within the Local Plan Proposals Maps. Policy GD1 of the Local Plan is the starting point for making decisions on all proposals including those shown on the Policies Map as Urban Fabric. In particular relevance to this proposal, Policy GD1 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;

They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

In addition to the above, the impact of the proposal upon the Highway network and the loss of the Public House use and the impact of the proposed retail use, must be considered which are assessed below.

## Proposed Retail Use

Policy TC1 Town Centres Support will be given to maintaining and enhancing the vitality and viability of the hierarchy of centres specified within the Local Plan. Shafton is classed as part of the principal town of Cudworth. Cudworth is also classified as a District Centre, where shopping/retail uses are expected and small local shops should be assessed against policy TC5 of the Local Plan. In terms of Local Shop provision, the proposed shop floor is small at 130sqm and falls under the threshold of 500sqm to require an impact assessment set out within Policy TC3 Thresholds for Impact Assessments. Outside the centres identified within the Local Plan, proposals for small local shops will be considered in the context of Local Plan policy TC5.

Policy TC5 Small Local Shops states that 'Outside existing centres small shops that meet the daily shopping needs of a local community will be permitted where: The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.'

Local shops perform an important role in meeting the day-to-day needs of communities. They are a vital part of creating sustainable communities, reducing the need for people to travel. The Local Plan states that we will encourage small shops where it can be shown that they meet a local need. Small shops are defined as units having a gross floor area of 500 sqm or less which is the case with this proposal. The applicant has stated that the shop is intended to serve local needs, with the potential addition of a Post Office use which is not currently available within Shafton. The supporting text also states that developments allowed under this policy must not include large, dedicated car parks, which is also the case in this instance, the proposed shop would serve local day-to-day needs, rather than attracting customers from some distance away.

Objections have been received with regard to the oversupply of small shops within the area, however there are only three other small convenience stores within the area which would not be considered an oversupply when compared to similar areas within the borough, and in addition, the potential for the proposed Post Office use within the shop would provide a further service not found within the Shafton area, with the nearest being within the District Centre of

Cudworth. Taking into account the above and assessment against Local Plan policy, the impact of this small scale retail use is considered to be moderate.

### Loss of Public House and Community Facilities

Paragraph 98 of the NPPF states:- 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'

In terms of Local Policy, Policy I2 of the Local Plan - Educational and Community Facilities, states that 'we will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship, should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility.'

Policy E7 of the Local Plan relates to loss of community facilities in villages, which is not of relevance in this instance as Shafton is not classed in the local plan as a village, it is classed as part of the principal town of Cudworth.

The agent has provided further information to justify the loss of the public house and states that 'the premises have not traded as a public house for over two years and have remained vacant during this period and during the extended vacancy, no operators came forward. Multiple estate agents have confirmed that there is no realistic demand for a public house in this location and recommended pursuing a change of use to a more viable commercial use.'

In terms of other local public house facilities, a search online of the local public houses within walking distance of the site has been conducted, to assess the ability of local residents to access further public houses in the area.

The following drinking establishments remain open in Shafton:-

- Shafton Working Mens Club – approx. 3 minute walk from the site, 0.1miles
- The Singing Man Shafton – approx. 17 minute walk from the site, 0.8miles

There are also other drinking establishments and other services within nearby Cudworth, which is a District Centre, which is an approx. 23 minute walk and 1 mile from the site.

The above shows that there are other public houses within a reasonable walking distance and a reasonable distance to travel by car or public transport, therefore, the loss of The Fox and Hounds would not result in a significant detriment to the supply of drinking establishments in the area.

In addition to the above, Policy I2 in the Local Plan states that community facilities should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility. Other community facilities are listed as:- 'New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'

In this instance, the proposal would result in a change of use of the building into a smaller local shop which is listed as a 'community facility', with the potential to provide Post Office services, which are currently not available within the Shafton Area, and would be of benefit to the wider community. The proposal will also bring back into the building and preventing further deterioration or potential for antisocial behaviour.

This is considered to be reasonable justification in order to allow for the re-use of the public house for an alternative community facility, in compliance with Local Plan Policy I2 and paragraph 98 of the NPPF. The impact due to the loss of the public house is considered to be moderate.

#### Visual Amenity

Policy D1 of the adopted Barnsley Local Plan states that 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 features of Barnsley. Policy D1 also sets out a number of design principles that new development should adhere to in terms of its layout and design.

The proposal involves the replacement of the frontage of the building with a glazed shop front, no other alterations are proposed, with a general refurbishment of the building. The proposal would improve the appearance of the vacant building with new glazing and courtyard parking area. Overall the proposal is acceptable in terms of visual amenity and design and in accordance with Local Plan Policy D1. The improved visual amenity and impact upon the street scene is considered to be significant.

#### Impact on Residential Amenity

The previous use of the building as a public house which was open late into the evening. The Pollution Control Officer has been consulted and has stated 'This development has a low potential to have an adverse impact on the health and quality of life of those living and/or working in the locality regarding pollution. The distance between the application site and the nearest sensitive receptor is far enough for the risk to be low and the type of application is unlikely to produce significant levels of noise.'

The applicant has states that the use would be carried out from Monday to Thursday: 06:00 – 23:00, Friday to Sunday: 06:00 – 24:00 which is considered to be acceptable given the previous use and the small scale nature of this retail use. The proposal also does not require large deliveries or servicing, with the shop being stocked from a local cash and carry.

Given the previous use, it is not felt that there would be a significant loss of privacy to adjacent dwellings, nor is the change of use significant in terms of increased activity/disturbance, as the building has a permitted commercial use. The scheme is therefore not considered to be

detrimental to residential amenity in accordance with policy GD1 and POLL1 of the Local Plan. The impact upon residential amenity is considered to be moderate.

### Highways

Concerns have been raised by residents with regard to a lack of parking at the site, conflict with adjacent uses and intensification of the use on the site and its impact upon Highway Safety. The site is located within Shafton in a predominantly residential area, served from Weetshaw Close which is a blocked cul de sac with no through route. The Highways Officer originally raised concerns with regard to the extent of the initial proposal, with the proposed 3 bed apartment at first floor, together with the shop use and lack of parking/servicing arrangements. The plans have been amended and the Highways Officer has been consulted on the amended proposal, which includes the removal of the first floor residential accommodation and the addition of 4 parking spaces to the site frontage. The Highways Officer has stated that 'Further to the applicant's recent submission of an amended layout drawing and Parking Statement, the parking provision for the proposed use has increased to 4 spaces, of adequate size (5mx2.5m) in accordance with the requirements set out within Barnsley's Parking SPD.

The applicant has also confirmed that deliveries will be carried out via a staff member to a cash and carry and as such no large vehicles are expected.' There is currently a low wall along the site boundary where the new parking area is proposed and Highways would expect this to remain in situ to prevent vehicles from accessing or egressing directly from Pontefract Road.

Given the amended layout and increase in parking provision, the Highways Officer has no objections to the proposal and there should be no significant impact upon highway safety in accordance with policy T4 of the Local Plan and the Parking SPD. As a result the impact upon Highways is considered to be moderate.

### Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant site specific policy, relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be an acceptable and justified form of development.

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

**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 objections, 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.**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

*Removal of residential element at first floor*  
*Additional justification for the loss of the Public House*  
*Amendment to parking areas*

**Recommendation:- Approve with conditions**

