

Full application for C3 use of dwelling as a C4 HMO.

Address: 206 Sheffield Road, Barnsley, South Yorks, S70 4PD

Applicant: Aspire Property Group.



Photo: Applicant's own photo.

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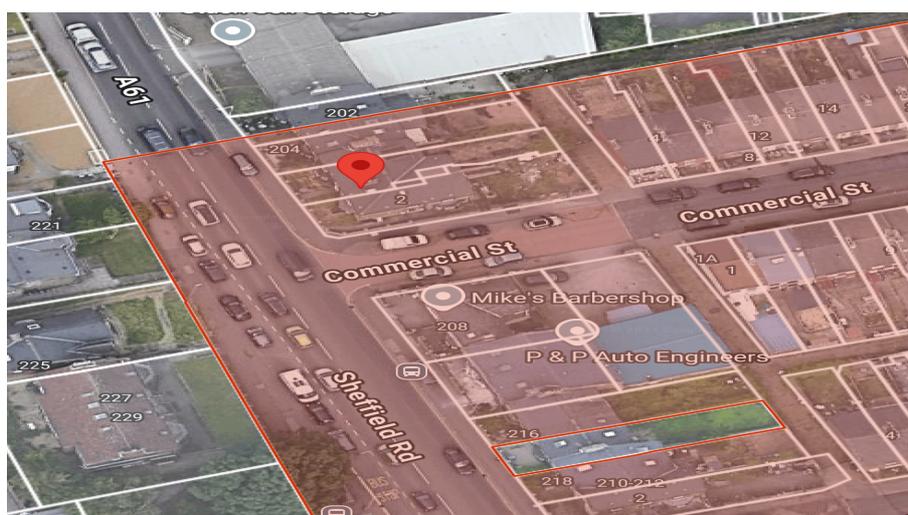
## Executive Summary:

Visionary PlanningUK has been appointed by Aspire Property Group to submit an application for full planning in respect of 206 Sheffield Road, Barnsley S70 4PD.

The dwelling currently comprises a 3 bedroom terraced property situated in a row of terraced properties in a densely populated area. It is located in a highly sustainable location with public transport within easy walking distance. There is a small outdoor area to the rear used as amenity space for the occupants.

The location falls within an Article 4 area which precludes C4 small HMO's uses being implemented without either the benefit of planning permission or, a Lawful Use Certificate.

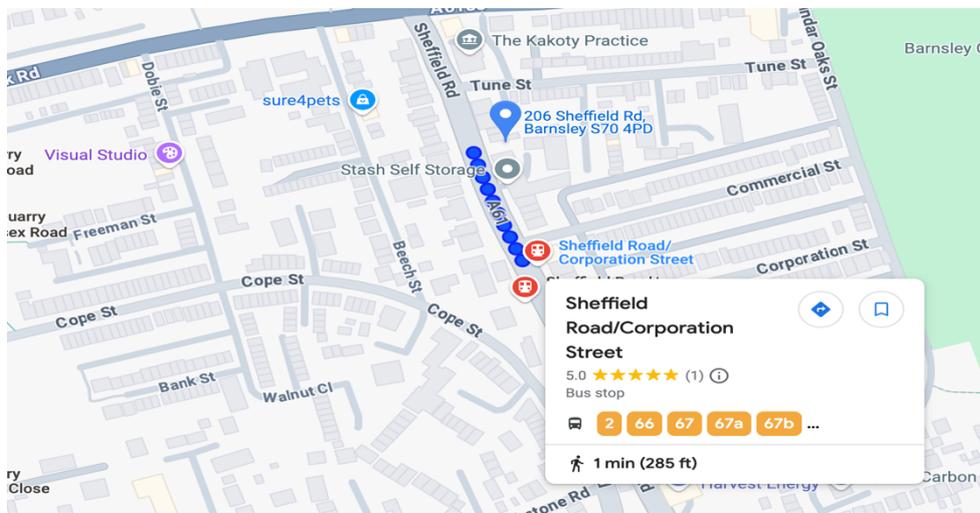
On May 14 2020, The Council issued an Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, effective from 24 June 2021. This direction prohibits the change of use from a dwelling house (C3) to an HMO (Class C4) as permitted development.



Site location. Nimbus Maps



206 Sheffield Road, Barnsley.



The site is considered to be in a sustainable location with a bus stop within one minute walk.

### 1. Matters Pursuant to the application

1.1. The applicant is seeking approval to change the use of the existing 3 bed dwelling into a 5 bed roomed house in multiple occupation (HMO). Up to 5 residents will live in the property, living separate with a communal living room and kitchen/ dining room. There will be 5 bedrooms proposed over 3 floors, 1 bathroom and 3 en-suite bedrooms, utility and storage as well as a bike store.

There is no onsite parking, however the occupants will not have cars and there is a bus stop within one minute walk. Moreover, as confirmed by the Rugg Report (referred to in this statement) HMO occupants are highly unlikely to own cars.

### Summation of Case

1.2 The change of use from a single dwelling (C3) to a small C4 HMO for 5 persons does not normally represent a material change from the existing use unless there is an extant Article 4 Direction.



## 2. Background to Houses in Multiple Occupations

2.1 On the 6th April 2010, the Government brought in legislation introducing a new use Class, C4, to deal with small houses in multiple occupations. Small HMOs are occupied as their main residence by between 3 and 6 unrelated persons. Where a property is occupied by a single person or a family, and in certain other circumstances, it will generally still fall within Use Class C3.

2.2 On 7 September 2010, Grant Shapps stated that:

*'The definition of a small HMO (the C4 use class) will remain and permitted development rights will be extended to allow all changes between the C4 and C3 classes without the need for planning applications. In areas where there is a need to control HMO development, local authorities will be able to use an Article 4 direction to remove these permitted development rights and require planning applications for such changes of use'*

*'These proposals will mean that any change of use between dwelling houses and small HMOs will be able to happen without planning permission unless the local council believes there is problem with such development in a particular area. In these areas they will be able to use article 4 powers to require planning permission.'*

2.3 The ability to change the use of the property from C3 to C4 is set out within the General Permitted Development Order 2015 which has sought to bring together all the recent changes to permitted development. However, where an Article 4 is extant, pertaining to HMO's then the change of use requires full planning consent.



## Planning Policy

### 3.0 National Planning Policy Framework (In precis format where applicable).

3.1 Chapter 2 – Achieving sustainable development states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are 3 overarching objectives, which are independent and need to be pursued in mutually supportive ways, those being, economic, social and environmental.

3.2 Para 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

The presumption in favour of sustainable development

Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.3 The NPPF in Chapter 5 – Delivering a sufficient supply of homes goes on to say:



60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

#### 3.4 Chapter 11 Making effective use of land states:

123. 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, in a way that makes as much use as possible of previously-developed or 'brownfield' land(44).

(44) Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

124. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains.

3.5 Chapter 12 Para 130 of the NPPF Achieving Well Designed Places sets out the way planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;



- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.6 Decision-making NPPG July 2018 The NPPG para 38 strengthens the previous NPPG paras 186 and 187 emphasising that LPA's should look for solutions rather than problems stating:

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

3.7 It is considered that the proposal accords in full with the NPPF policies as above.



## Local Plan Policy

### Barnsley Local Plan Adopted 2019

Pertinent policy:

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H9 'Protection of Existing Larger Dwellings'

T3 'New Development and Sustainable Travel'.

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

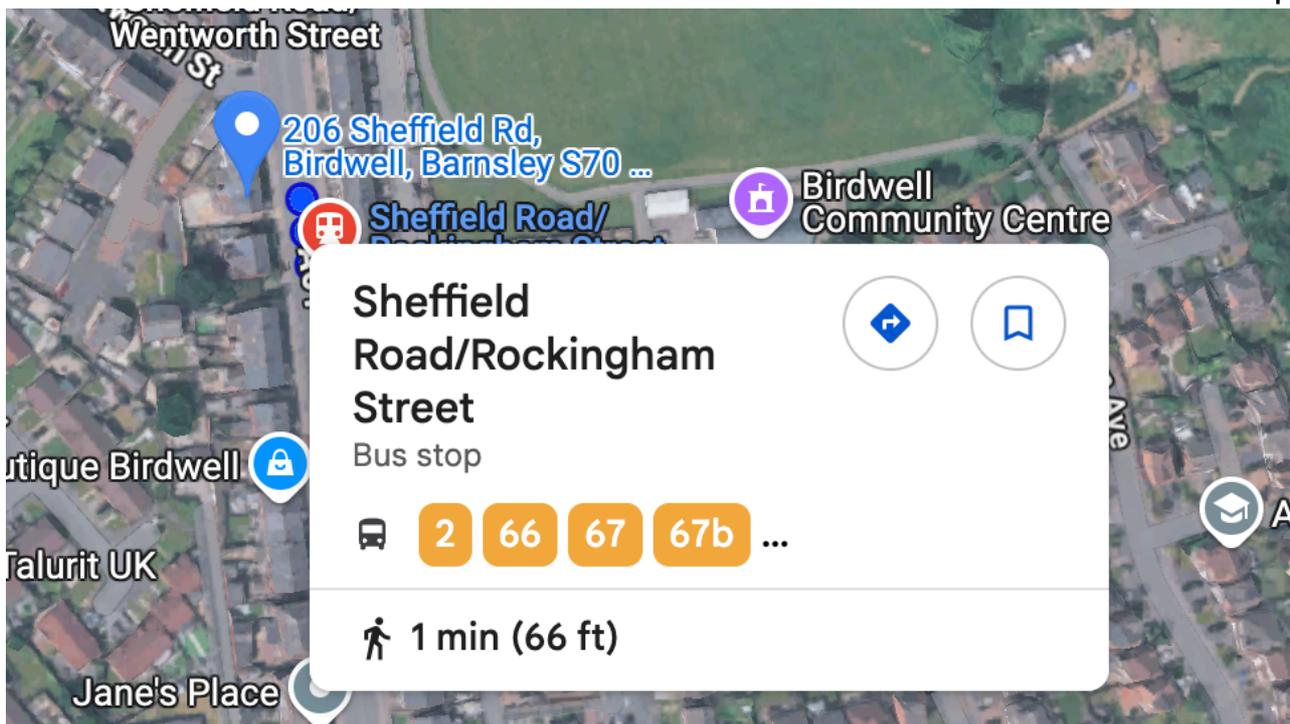
Poll1 'Pollution Control and Protection'

### 3.8 Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

3.8.1 The conversion of this property into a small C4 HMO will provide extra low cost housing for those requiring it living locally to their place of employment. It is highly sustainable with several public transport stops close by and within walking distance of the town centre.





3.9 **GD1 'General Development'** provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

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;

They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;

They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;

Any adverse impact on the environment, and mitigated;

natural resources, waste and pollution is minimised



Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;

Any drains, culverts and other surface water bodies that may cross the site are considered;

Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;

Any pylons are considered in the layout; and

Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

3.9.1 There will be no significant adverse effects on the living conditions and residential amenity of future use of the neighbouring land or properties. This is a small HMO for 5 persons to reside in a 5 bed HMO. The property could easily accommodate a family comprising 6 members all residing together without any adverse effect on the quality setting of the building, nor any effect on natural resources etc. There are no trees affecting the site.

### 3.10 Policy LG2 The Location of Growth

Priority will be given to development in the following locations:

Urban Barnsley;

Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

3.10.1 The dwelling is situated in a predominantly dense urban area of Barnsley where it is proposed to accommodate significantly more growth than any individual Principal Town.



### 3.11 Policy H1 The Number of New Homes to be Built

We will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033.

A minimum five year supply of deliverable sites will be maintained.

3.11.1 The dwelling is extant, it is the mode of occupation that will change as it is proposed to accommodate 5 unrelated persons as opposed to a family of related occupants.

### 3.12 Policy H9 Protection of Existing Larger Dwellings

Development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

The loss of existing larger dwellings will be resisted. Support will be given to the re-establishment of Houses in Multiple Occupation into single family sized houses.

*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.*

3.12.1 This is an atypical, terraced property that was previous used by persons using and supplying drugs. It is in exceptionally poor repair. The applicant intends to refurbish the property to an excellent standard to provide homes for up to 5 persons who require low-cost housing. It is not considered to be a low-density, large dwelling which this policy is aimed at. It is a terraced property in poor condition and in a highly sustainable location. With the lack of affordable housing, particularly affordable housing that is located close to the town and employment, this is an excellent site for a well-managed, low-density HMO for local employees.



### 3.13 Policy T3 New Development and Sustainable Travel

New development will be expected to:

Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;

Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and

Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

3.13.1 The site is highly sustainable both in terms of walking to the town and public transport stops. A bike store will be provided at the property.

#### 3.13.2 Supplementary Planning Document Sustainable Travel Adopted July 2022

States:

***Policy T3 New Development and Sustainable Travel New development will be expected to:*** • *Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;*



- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework including where appropriate having regard for cross boundary local authority liaison;

3.13.3 There is no onsite parking which is the same for the whole street. However, it is within walking distance of the public transport stops of which there are numerous.

Moreover, HMO occupants generally do not own their own vehicles as indicated by the Rugg Review.

#### 3.13.4 T4 'New Development and Transport Safety'

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead.

3.14.1 The proposal even without on-site parking will function with secure and convenient access and movement. It is sustainable and bike storage is provided.

3.13.5 A travel Plan is submitted along with this proposal.

#### 3.14 Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.



3.14.1 The location is sustainable. With the robust Management Plan in place there will be no adverse effects to the neighbouring properties or the wider neighbourhood as the occupants will be professional people only. Moreover, by providing well designed, well managed low-cost housing for employees, there will be benefits to the economic and social environmental conditions in the area.

### 3.15 Policy Poll1 Pollution Control and Protection

Development will be expected to demonstrate that it is not 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 a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

3.15.1 It is not considered that the proposal will directly or indirectly lead to any pollution increase as referred to in Policy POLL1.

### 3.16 Summary of the private rented sector in the twelve case studies by the Rugg Review.

*The Rugg review<sup>1</sup> provides a comprehensive analysis of the modern private rented sector. This study, however, looks closely at the HMO market which has a defined role within this sector and the privately rented properties affected by selective licensing. Interviews with the case studies reveal that LAs vary in their understanding of the dynamics of the local housing market and the role of the private rented sector in these markets.*

*Consequently, there are distinct differences in how they see private sector initiatives (including licensing) linking into their broader strategic roles. For some case studies, raising standards in the*



sector is a must for regeneration strategies. For other LAs, the private rented market has been left to its own devices. The following provides a summary of the issues raised by the case studies:

*Large portfolio landlords were considered more knowledgeable and more experienced, treating the profession as a business. The applicant has several HMO's all of which are of excellent quality and well managed.*

*The case studies underline the growing diversity and complexity of the private rented sector generally as 'new' tenants and landlords enter it. There has been an expansion at the 'top' end of the market to meet the needs of young professionals. Here, standards tend to be good, often managed by larger portfolio landlords.*

The Evolving Private Rented Sector: Its Contribution and Potential. Julie Rugg and David Rhodes. University of York. Centre for Housing Policy.

*The case studies underline the growing diversity and complexity of the private rented sector generally as 'new' tenants and landlords enter it. There has been an expansion at the 'top' end of the market to meet the needs of young professionals. Here, standards tend to be good, often managed by larger portfolio landlords.*

Table 1 of that report identifies that there is a perception of the behaviour of HMO tenants however Table 11 identifies that this is not the principal problem with this form of accommodation and as such the perception of harm is much worse than the reality of the situation.

3.17 It is a long-standing tenet of planning, that decisions should be based on evidence and not upon anecdotal or personal opinions. The above indicates such evidence as exists shows that HMO's create no greater nuisance than any other form of property.



3.18 There is also no evidence as far as the applicant is aware, that terraced or semi-detached properties cause any more problem than detached properties when occupied as HMOs. Indeed most HMOs across the country are in terraced or semi-detached properties and cause no harm.

3.19 It is acknowledged that HMOs, by their very nature, may lead to an increase in the level of noise and general disturbance associated with the comings and goings of people. However, in this case the property could also be occupied by a family of eight including older children leading independent lives. Its use as an HMO for 5 persons would necessarily result in a significant increase in noise and disturbance over and above that likely to be generated by a large family with young children. Furthermore, a Management Plan will be in place and this forms part of this submission.

3.20 The applicant is satisfied that the property will be well managed.

3.21 The property is in highly sustainable location with a number of shops and services around the site.

3.22 It is considered that the proposed use accords with both National Policy and Local Plan Policy as well as supplementary planning documents and the proposal will be well managed and in excellent condition and approval is recommended.



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