

From: Andrew Saunderson < >
Sent: Monday, March 25, 2024 1:53 PM
To: NEW CAT < .>
Cc: Oliver Scott < >; Stephen at Capital Homecare
< >
Subject: RE: Planning Inspectorate APP/R4408/W/24/3338858: 109 Dodworth Road, S70 6HL

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To Whom it may Concern

Thank you for the opportunity to submit additional information in connection with Appeal APP/R4408/W/24/3338858.

I would also like to confirm that as discussed with your office the appeal is in the name of Yorkshire Care Housing Ltd as the original application for retrospective planning permission submitted to Barnsley council.

Please see the line-by-line response you requested.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 In the opinion of the Local Planning Authority the proposed flats/self-contained units would make a further negative contribution to the concentration of HMO's, bedsits and subdivided properties within the immediate area to the detriment of the areas character. [As highlighted in the appeal the property is already occupied as six flats and it was when purchased by Yorkshire Care Housing and had been previously for many years, the vendors provided building control certification for refurbishments carried out \(May 2018\). Furthermore, the property was managed by a local agent before and for some time after its change of ownership. An HMO license had also been provided which was issued by Barnsley council passing it for occupation \(attached\)](#) Furthermore, given the substandard living accommodation and external amenity space the future residents would be subject to an inadequate standard of residential amenity. [I would like to assure you that the property had been passed for occupation by Barnsley council for up to ten persons and on this basis, it would seem to be reasonable that the accommodation would therefore provide suitable accommodation for the reduced figure of six persons.](#) In addition, the intensification of the use of the dwelling associated with 6no. self-contained units would increase noise and disturbance to the detriment of the neighboring residents [The property has been occupied since at least May 2018 with six residents and I am not aware of any complaints nor have been made aware of any such problems when visiting the property on numerous occasions.](#) Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', [The guidance notes were adopted by Barnsley council January 2019](#) D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design

Guide these guidance notes were adopted May 2019 however ,the property was being used as a residence for six occupants as per the retrospective planning application applied for prior to this date.

- 2 In the opinion of the Local Planning Authority the proposal to sub-divide the property is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single family sized houses. The application property has previously been a larger home, is within a predominantly residential area and is capable of becoming a larger home again without significant adaption. This guidance was adopted Jan 2019 after the property had been occupied as six flats. The property would require significant adaption to return this to a single-family dwelling including the following: a room converting to a kitchen with a full kitchen installation, a room converting to a lounge and another converting to a family bathroom. In addition returning the property to a single-family dwelling would result in the loss of accommodation for the current six residents who would all need to find alternative affordable homes within the area.
- 3 The proposed development fails to provide sufficient and suitable car parking and cycle provision within the site. The house has been in use as a dwelling for six residents and has not had or caused any issues related to parking or cycle provision and as explained the use is not changing, . Consequently, the proposal would be likely to result in on-street car parking within the vicinity to the detriment of the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4, SPD 'Design of Housing Development' and SPD 'Parking'. As the use and occupancy remains as current it is highly unlikely that there will be any detriment to the flow of traffic as this would have become apparent in the preceding six years and I am not aware of any issues being raised and the council have not identified any complaints in the rejection notice.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre- application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner. I liaised with the local authority in good faith when submitting the original planning application and was given the impression that this was purely an administrative exercise to ensure the appropriate documentation was in place. In no way could I have anticipated this protracted situation which has resulted in a serious impact on the smooth running of our organisation which is committed to providing affordable, good quality housing for local residents.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

This is not relevant as no construction will be taking place, the work was carried out in 2018 by another party not associated with Yorkshire Care Housing and our organisation would always seek to work proactively with the local authority.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this the construction took place in 2018 by the previous owners so as previously noted no additional construction is planned.

As clarified throughout this appeal, the building has been in occupation for a number of years with six occupants and this application does not increase any residents, in fact reduces the potential occupants as seeks to maintain the current position as six single flats rather than an eight bedded HMO.

Again

Signed

Dated: 23 August 2023

*Development
Management*

For and on behalf
of Group Leaders,
Andrew Burton
and Matthew
Smith

Kind regards

Andrew Saunderson

For Yorkshire Care Housing Ltd.