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# Appeal Decision

Site visit made on 6 October 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

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**Appeal Ref: APP/R4408/W/25/3368889**

**34 Verona Rise, Darfield, Barnsley S73 9QW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Pearl Home Care Ltd against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref is 2024/1059.
  - The development proposed is change of use from C3 dwelling to C2 Children's Home.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development in the header is taken from the Council's decision notice, as it more succinctly describes the proposal.
3. The appellant requested a hearing; however, while some elements of the proposal may relate to complex matters, I consider these can be determined on the evidence before me, without the need for testing through questioning.

## Main Issues

4. The main issues are the effect of the change of use on the living conditions of neighbouring occupiers with regard to noise and disturbance, the availability of larger housing, and highway safety.

## Reasons

### *Living conditions*

5. The appeal property is a two-storey detached dwelling located at the end of a shared private driveway off Verona Rise with three other properties. The area is predominantly residential in nature except for open space located to the north. As a result of existing boundary treatments, which include walls and fences alongside site-level changes, these four dwellings have a more intimate relationship than other nearby properties which directly front the highway.
6. The proposed change of use would see the existing dwelling used as short-stay respite care for up to three children. Concern has been raised regarding the potential increase in activity at the property beyond its use as a family dwelling and its impact on neighbouring living conditions. Given the size of the existing dwelling with four bedrooms, it is capable of being occupied by a large family, which could include grown-up children.

7. A degree of noise and disturbance would naturally arise from activities undertaken by different generations of a family. For example, parents going to and from work at different times of the day, and separate activities undertaken by the children, particularly if the children were young adults and had their own vehicles. Amongst the general coming and goings of a typical family. A family home would also generate activity associated with visitors and deliveries as part of its normal function.
8. However, the proposed scheme could potentially see six members of staff present at any one time alongside three children. Additionally, whilst it could be controlled on an appointment-only basis, there is also the potential for visitations by other professionals, including social workers, health and therapy workers, OFSTED Inspectors and so on. As such, the intimate relationship these four properties share would likely result in a higher, more intensified level of noise and disturbance above the everyday comings and goings of a family house on this section of the street, such that it would have a significant adverse effect on neighbouring occupiers.
9. Moreover, car sharing and public transport are advised by the appellant as being options for staff alongside off-site parking. Nonetheless, there is the potential for staff vehicles to park on site. During staff changeovers and required trips for staff and children, there will be additional noise and disturbance from these vehicles, which are likely to be in motion throughout the day. The number of these vehicle movements would likely be more than would be associated with a typical family dwelling, leading to additional noise and disturbance to nearby occupants of homes.
10. Consequently, the intensification of the appeal property brought about by the change of use would create an increase in the level of activity on this section of the street. This will increase the general comings and goings and activity of the property, beyond that expected of a family dwelling in this location, to the detriment of neighbouring occupiers. Therefore, it would conflict with Policy GD1 of the Barnsley Local Plan (BLP), which expects development not to have a significantly adverse effect on the living conditions of existing residents.

#### *Larger housing*

11. Policy H9 of the BLP states, amongst other things, that the loss of existing larger dwellings will be resisted. The Barnsley Design of Housing Development Supplementary Planning Document (SPD) suggests that larger dwellings are considered those with four or more bedrooms or capable of accommodating four or more bedrooms without significant adaptation.
12. The dwelling is of a decent size and is easily capable of housing a family. As shown on the submitted plans, the building provides four existing bedrooms and ample downstairs living space. It therefore follows that, as the proposed use would not operate in the same way as a typical dwellinghouse, as set out above, the appeal property would result in the loss of a larger dwelling.
13. The appellant's evidence suggests that, for various reasons, including capacity issues, there is a shortage of suitable short break care home accommodation for young, vulnerable persons who may suffer from complex needs as required by The Breaks for Carers of Disabled Children Regulations 2011. However, the appellant has not drawn my attention to any quantifiable data that would indicate a

significant shortage of this type of accommodation or provision. Moreover, no convincing evidence has been put forward that the aims of Policy H9 are having an effect such that there is an oversupply or even an adequate supply of larger dwellings within the borough.

14. The appellant notes that no substantial changes would occur to the property so it could be converted back to a larger dwelling house. However, this is not a sufficient reason to allow the relaxation in respect of the aims of Policy H9.
15. BLP Policy H9 seeks to protect the borough's larger housing stock from alternative uses, and insufficient evidence has been provided to justify a departure from Policy H9. As such, in relation to this main issue, the proposal would conflict with Policy H9, which seeks to resist the conversion of larger dwellings for alternative uses.

### *Highway Safety*

16. At the time of my site visit, midday on a weekday, there were several vehicles parked on the existing driveways of properties on this private section of street. My observations, whilst only a snapshot in time, suggest that on-drive parking is more prevalent than on-street parking. Dropped kerbs, to some extent, limit the places where on-street parking can take place. However, I did not observe any on-street parking stress or highway safety concerns, with ample on-street parking available where Verona Rise terminates.
17. The Council are concerned with the adequacy and layout of the car parking spaces and the potential impact of vehicles having to reverse along the shared drive onto Verona Rise. I have identified above that there is likely to be an increased number of comings and goings from the proposed use.
18. The existing garage would be used for storage, and there would likely be an increase in vehicular trips associated with the appeal property. However, given the limited length of the shared driveway and low open boundary treatments, even if vehicles had to reverse backwards, there is no substantive evidence before me that such a manoeuvre would be a danger to the point where it would have an unacceptable impact on highway safety. Consequently, it has not been demonstrated that the proposal would have an undue detrimental effect on highway safety.
19. As I have found the proposal would not give rise to highway safety concerns, there is no need for me to assess the proposed off-site parking agreement, as this would not alter the outcome of this main issue.
20. Consequently, for the reasons above, the development would provide safe and convenient access and movement for all transport users and accord with BLP Policy T4.

### **Other Matters**

21. The provision of this type of accommodation, for which there is a duty by local authorities to provide within their area, would also offer some benefits. The scheme would yield small economic benefits through its employment and support for local services and facilities in an area adjacent to open space provision which attracts modest weight in favour of the scheme.

22. In respect of a range of other planning considerations, the development would not result in harmful effects. This includes the character and appearance of the area and highway safety. Nonetheless, an absence of harm in respect of these matters is a neutral factor in my decision.
23. Additionally, I note the letters of support from service users for this type of accommodation and the purported benefits to families. However, this does not overcome the harms to existing nearby occupants or the loss of larger housing stock to the borough's supply.
24. I have had due regard to the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it. Age and Disability are relevant protected characteristics to which the PSED applies.
25. I acknowledge that the proposed short-stay residential care facility would deliver benefits related to children, a group with the protected characteristic of age, which could also include those with disabilities. Nevertheless, based on the totality of the evidence before me, including that of need, I have found that the harm caused would outweigh the benefits of the proposed development, which would be contrary to the development plan. As such, I am satisfied that my approach would be proportionate in these circumstances.

### **Conclusion**

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
27. The proposed scheme would not harm highway safety. However, the detrimental harms to existing nearby occupiers and from the loss of a larger family dwelling mean the scheme is contrary to the development plan when read as a whole, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
28. For the reasons given above, it is proportionate and necessary to dismiss the appeal.

*A Hickey*

INSPECTOR