

<b>Application Reference Number:</b>	2025/0520
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<b>Application Type:</b>	<i>Change of Use.</i>
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<b>Proposal Description:</b>	<i>Change of use from a dwellinghouse (Use Class C3) to a residential children's home (Use Class C2) for two young people under the age of 18-years-old and the erection of a bin store and a cycle store (Amended Description).</i>
<b>Location:</b>	<i>99 Lang Avenue, Lundwood, Barnsley, S71 5LU.</i>

<b>Applicant:</b>	<i>JIBT Investments Ltd.</i>
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<b>Third-party representations:</b>	<i>X2 Objections.</i>	<b>Parish:</b>	
		<b>Ward:</b>	<i>Monk Bretton.</i>

<p><b>Summary:</b></p> <p>The applicant is seeking planning permission for the change of use from a dwellinghouse (Use Class C3) to a residential children's home (Use Class C2) for two young people under the age of 18-years-old and the erection of a bin store and a cycle store.</p> <p>Having balanced all material planning considerations, whilst some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided and potential impacts could be mitigated by appropriately worded planning conditions. The proposal is supported by paragraph 61 of the NPPF and Local Plan Policy H6 and in accordance with paragraph 128 of the NPPF LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. The proposal is also considered acceptable in respect of its potential impact on visual amenity, residential amenity, highway safety and flood risk which are attributed modest and moderate weight in favour of the proposal.</p> <p>The proposal could also prove lawful had it been submitted as a lawful development certificate application.</p> <p>The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).</p> <p>Recommendation: <b>APPROVE subject to conditions.</b></p>
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## Site Description

This application relates to a modest-sized plot located on the southeast side of Lang Avenue and in an area that is principally residential characterised by two-storey semi-detached dwellings of similar scale and appearance. Dearne Valley Park East greenspace is located to the southeast. Located to the northwest is Pontefract Road which accommodates Lundwood Medical and Health Centres and various commercial premises providing local services and amenities. Pontefract Road also provides regular bus services to/from Barnsley Town Centre.

The property in question is a two-storey three-bedroom semi-detached dwelling constructed of brick with pebble dash render to the first floor. The application dwellinghouse is fronted by hardstanding utilised for off-street parking. To the rear is a large, narrow garden accommodating several existing outbuildings.



## Planning History

2025/0503	Single storey rear extension (Prior Approval).	Prior Approval Not Required.
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## Proposed Development

The applicant is seeking planning permission for the change of use from a dwellinghouse (Use Class C3) to a residential children's home (Use Class C2) for two young people under the age of 18-years-old and the erection of a bin store and a cycle store.

A Design and Access Statement states that the proposal would accommodate short-, medium- and long-term placements for two young people aged 8-18-years-old. The statement adds that one staff member would be present at all times working on a 24/7 rota basis. There would be two full time and two part time staff members in total although only one staff member would be present on-site at any time except during shift changeovers.

The proposed bin store would measure approximately 0.8 metres (L) x 1.4 metres (W) x 1.3 metres (H).

The proposed cycle store would measure approximately 2 metres (L) x 1.9 metres (W) x 1.4 metres (H).

## **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 H6: Housing Mix and Efficient Use of Land.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*
- *Policy CC3: Flood Risk.*
- *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 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*

- Section 14: Meeting the challenge of climate change, flooding and coastal change.
- 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:

- *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.

### **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 total of 2no. objections were received from 2no. addresses. The concerns raised are summarised as follows:

- Anti-social behaviour issues.
- Flooding.

### **Consultations**

Case Management Officer	<i>No objection(s).</i>
Children and Adolescent Care Homes	<i>Objection(s).</i>
Environment Agency	<i>No objection(s).</i>
Highways Drainage	<i>No objection(s).</i>
Highways Development Control	<i>No objection(s).</i>
Pollution Control	<i>No objection(s) subject to condition(s).</i>
South Yorkshire Police	<i>No objection(s).</i>
Yorkshire Water Services Ltd	<i>No comments received.</i>
Local Ward Councillors	<i>No comments received.</i>

### **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 61 of the NPPF states 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 and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need with an appropriate mix of housing types for the local community.

Paragraph 128 of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

Local Plan Policy H6: Housing mix and efficient use of land states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Paragraph 9.17 of the adopted Local Plan supports Policy H6. It establishes that various housing types capable of accommodating a range of needs are required across the borough such as family housing and older persons accommodation. In addition, supported housing is required for vulnerable households for example those with physical or mental disabilities and young people with support needs. Proposals will be supported where they are consistent with this policy and other policies in the development plan, or where robust supporting evidence can be provided that would be a material consideration of sufficient weight to take precedence.

Children and Adolescent Care Homes were consulted, and it was stated that there is an over-supply of such provisions in Barnsley which alongside increased demand on local services and an apparent lack of expertise or experience in the childcare sector means the proposal could not be supported.

Requests from the Local Planning Authority (LPA) for further demonstrable evidence from Children and Adolescent Care Homes colleagues were made but have remained unanswered. Conversely, the applicant has provided a statement of need and justification for such development at a national and regional level based on sources from the Department for Education, OFSTED and the National Audit Office amongst others.

While the concerns raised regarding the apparent lack of expertise and experience and the Council's unlikelihood to use these services should they be approved are acknowledged, they are not material planning considerations and are given no weight in the determination of this application. As all such developments must be OFSTED-registered, it is anticipated that concerns regarding staffing and the apparent lack of expertise and experience would be considered during future regulatory stages. Any potential impact on local services through increased demand will be explored within the application assessment.

Notwithstanding the above, the proposal would comply with Local Plan Policy H6: Housing Mix and Efficient Use of Land in that it would support a housing type capable of accommodating a range of needs such as supported housing for young people with support needs and vulnerable households. Such uses are actively supported by paragraph 61 of the NPPF. The proposal would also reflect the aims of paragraph 128 of the NPPF which requires LPAs to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

Further to the above, the absence of any demonstrable evidence from Children and Adolescent Care Homes colleagues presents a relatively weak argument for refusal especially where the type of use proposed is supported by national and local planning policies. In the event that this application was refused without any demonstrable evidence it is likely that a refusal decision may not be upheld by the Planning Inspectorate should the Applicant appeal.

Notwithstanding this, changes of use from a dwellinghouse (Class C3) to supported accommodation (Class C2) can prove to not constitute a material change of use and this is supported by determined applications for a lawful development certificate and several appeal decisions, but what constitutes a material change is not defined within planning legislation and is a matter of fact and degree to be determined on the individual merits of each case, so the local planning authority must weigh up the facts of each case and make a planning judgement as to whether the change would be tantamount to a material change of use or not. It is acknowledged that this application is for planning permission and not a lawful development certificate and therefore, an assessment against national and local planning policies and guidance needs to be undertaken. However, it should be borne in mind that if this application for planning permission were to be withdrawn and a new application submitted for a lawful development certificate, the proposed change of use could prove to be lawful therefore not requiring planning permission.

This planning application could be withdrawn and an application for a lawful development certificate made where the proposed change of use could prove to be lawful therefore not requiring planning permission. Such applications are determined as a matter of fact and law and not against local and national planning policies and guidance. The LPA cannot control any potential impacts from a lawful development certificate application proposal. Given this important fallback position and compliance with Local Plan Policy H6 and paragraphs 61 and 128 of the NPPF, the proposed change of use could prove to be acceptable in principle subject to consideration of the following matters.

#### Impact on Residential Amenity, Health and Pollution Control

Regarding noise, the LPA can only take into account the potential impacts of the proposal. Existing noise concerns would either need to be enforced through previous planning conditions (if applicable) or through the Council's online reporting procedure. Nevertheless, this application is supported by a Noise Impact Assessment (NIA)

The Council's Environmental Health Officer (Pollution Control) was consulted, and no objection was received as it was stated that the proposal is at a low risk of having an adverse impact on the health and quality of life of those living and/or working in the locality.

Given that the application proposal is for the property to be occupied by two young people supported by a small number of staff members, the proposal and any potential impacts would be comparable to the existing lawful use of the property as a dwellinghouse (Class C3), and while there could be some additional noise impact due to specific needs and the behaviour of individuals, it is considered that these could be appropriately managed by trained staff and service protocols. Any potential noise complaints can continue to be reported to the Council and investigated where considered necessary.

The proposal would use the existing internal floorspace of an existing three-bedroom dwellinghouse and there would be access to an existing large, rear garden.

It is not considered that the proposal would contribute to significant overshadowing, overlooking and loss of privacy, or reduced outlook impacts which may otherwise adversely affect the amenity of the occupants of the application and neighbouring properties as no extensions or external alterations to the property are proposed. While a bin store and a cycle store are proposed, these are small-scale structures that would unlikely give rise to significant detrimental impacts.

Consequently, it is not considered that the proposal would be materially or significantly more harmful than if the property were to be occupied as a family dwellinghouse (Class C3).

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

*The 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.*

#### Impact on Highways

Paragraph 116 of the NPPF states 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.

This application relates to a modest-sized plot located on the southeast side of Lang Avenue and in an area that is principally residential characterised by two-storey semi-detached dwellings of similar scale and appearance. Dearne Valley Park East greenspace is located to the southeast. Located to the northwest is Pontefract Road which accommodates Lundwood Medical and Health Centres and various commercial premises providing local services and amenities. Pontefract Road also provides regular bus services to/from Barnsley Town Centre. Lang Avenue experiences a mix of on and off-street parking with no in-street parking restrictions in place. The development site benefits from an existing area of hardstanding to the front of the dwellinghouse that could accommodate a minimum of two off-street parking spaces.

Highways development control was consulted, and no objections were received or specific highways related conditions considered necessary. It was stated that the proposal is considered to generate a comparable, if not lower, level of vehicular activity than that associated with a typical family household. Staff changeovers would be limited to once per shift and visitor numbers are anticipated to be minimal and infrequent.

The LPA has no reason to disagree with the professional opinions of highways development control colleagues in this instance.

In addition, the development site is considered to be in a sustainable location with reasonable access to local services and amenities and public transport links. A cycle store would also be provided that could help to encourage alternative modes of transport.

Consequently, it is not considered that there would be an unacceptable impact on highway safety to otherwise justify the refusal of this application on highways grounds in line with paragraph 116 of the NPPF. Therefore, the proposal is considered acceptable in this instance and is attributed moderate weight in favour of its approval.

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

#### Impact on Visual Amenity

No extensions or other external alterations are proposed and therefore it is not considered that the proposal would significantly alter or detract from the character of the street scene or broader locality, which is considered to weigh modestly in favour of the proposal. The proposed bin and cycle store would be located to the rear and not be prominent structures within the street scene or widely visible from the surrounding public realm.

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

*The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.*

### Impact on Flood Risk

During the application process, concerns were raised regarding flooding and the potential impact on more vulnerable occupants.

The development site is located within Flood Zone 3 and is therefore at an increased risk of flooding. Paragraph 176 of the NPPF establishes that applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63. Footnote 63 establishes that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.

The Environment Agency were consulted; and an initial objection was received because of the lack of a flood risk assessment (FRA).

The applicant submitted an FRA and the Environment Agency were re-consulted. No objections were received because the proposal would remain in the same flood risk vulnerability classification as the existing use. The proposal would therefore not introduce a more vulnerable use, nor would it present new risks to site users or increase flood risk off-site.

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

*The proposal is therefore considered to be comply with paragraph 176 and footnote 63 of the NPPF, Local Plan Policy CC3: Flood Risk and is considered acceptable regarding impact on flood risk.*

### 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 the de minimis exemption and is therefore not subject to BNG in this instance.

*The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.*

### Other matters

During the application process, concerns were raised in respect of previous and existing anti-social behaviour issues and the potential for the proposal to worsen such issues. Potential impact on local services through increased demand was also identified as an area of concern.

Regarding increased impact on local services, it is not considered that the potential needs of two young people would have a material impact when compared to the likely needs of an average-sized family, which would likely present a greater need and use of local services.

Regarding anti-social behaviour, paragraph 96(b) of the NPPF establishes that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who otherwise might not come into contact with each other, and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

South Yorkshire Police were consulted, and it was stated that there were no incidents requiring the attendance of police to the application address over the past 18-months.

Considering the above, while some isolated anti-social behaviour incidents may be experienced by residents these are existing issues that do not relate to the application proposal and therefore, these concerns are attributed no weight in this instance. It would also be presumptuous to say the proposal would contribute to increased anti-social behaviour incidents. Nevertheless, it is anticipated that any potential incidents could be appropriately managed by trained staff and service protocols or by the Police if required. While anti-social behaviour incidents may be worrying for local communities and may present some temporary disruption, it is not considered that they would undermine the quality of life or community cohesion and would instead promote social interaction, including opportunities for meetings between people who otherwise might not encounter each other in this instance.

### Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, whilst some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided and potential impacts could be mitigated by appropriately worded planning conditions. The proposal is supported by paragraph 61 of the NPPF and Local Plan Policy H6 and in accordance with paragraph 128 of the NPPF LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. The proposal is also considered acceptable in respect of its potential impact on visual amenity, residential amenity, highway safety and flood risk which are attributed modest and moderate weight in favour of the proposal.

Notwithstanding this, changes of use from a dwellinghouse (Class C3) to supported accommodation (Class C2) can prove to not constitute a material change of use and this is supported by determined applications for a lawful development certificate and several appeal decisions, but what constitutes a material change is not defined within planning legislation and is a matter of fact and degree to be determined on the individual merits of each case, so the local planning authority must weigh up the facts of each case and make a planning judgement as to whether the change would be tantamount to a material change of use or not. Having considered the submitted details of this application, had an application for a lawful development certificate been made, the LPA would likely have concluded that the proposal would not constitute a material change of use therefore being lawful. It should be borne in mind that if this application for planning permission was withdrawn and a new application made for a lawful development certificate, a certificate could be granted, with planning permission not being required. The objections raised during this application process could not be considered under a lawful development certificate application as such applications are only concerned with fact and law and are not assessed against national and local planning policies and guidance.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should 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.**

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:

- *Additional information sought in relation to flood risk.*
- *Additional information sought to demonstrate the need for the development.*
- *Amended description to better reflect the proposal.*

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.

## Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2. The development hereby approved shall be carried out strictly in accordance with the amended plans:

PP-14069845v1 Location Plan.

002 Proposed Block Plan.

003 Proposed Roof Plan.

004 Proposed Ground Floor Plan.

005 Proposed First Floor Plan.

006 Proposed Elevations.

007 Proposed Elevations.

008 Proposed Bin and Cycle Store Elevations.

Design and Access Statement.

Risk Assessment Report prepared by Amina Osman Talha dated 03<sup>rd</sup> June 2025.

Noise Impact Assessment prepared by Amina Osman Talha dated 02<sup>nd</sup> June 2025.

Flood Risk Assessment prepared by Osman Design Partnership Ltd dated December 2025 and received 08<sup>th</sup> December 2025.

External Works Statement prepared by 13 Architectural Consultants Ltd dated 09<sup>th</sup> June 2025.

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**

3. The use of the property (99 Lang Avenue, Lundwood, Barnsley, S71 5LU) as a residential children's home (Use Class C2) for two young people under the age of 18-years-old hereby approved shall only be used/ occupied for this specific purpose and for no other use, including any other use falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection.**

4. The use of the property as a residential children's home (Use Class C2) for two young people under the age of 18-years-old shall only be operated by JIBT Investments Ltd (the Applicant), and in the event that this use permanently ceases, the property shall revert to use as a single dwellinghouse (Class C3a).

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection.**

5. Construction or demolition-related activity shall only take place between the hours of 08:00am – 18:00pm Monday to Fridays, 09:00am – 14:00pm Saturdays and at no time on Sundays and Bank Holidays.

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

6. The cycle parking provision shown on the approved plans shall be provided prior to the first occupation of the residential children's home use (Class C2) and shall be retained thereafter for the lifetime of the development.

**Reason: To ensure the provision of cycle parking in the interests of sustainable and active travel and in accordance with Local Plan Policy T3: New Development and Sustainable Travel.**

**Informative(s):**

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.