

Application Reference Number:	2025/0524
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Application Type:	Change of Use
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Proposal Description:	Change the use from a drinking establishment (Use Class Sui Generis) to retail unit at ground floor (Use Class E(a)) with studio flat (Use Class C3) at first floor and associated works to frontage
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Location:	6 Market Street, Hoyland, Barnsley, S74 9QR
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Applicant:	Mr Hawker Faiq
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Third-party representations:	None	Parish:	None
		Ward:	Hoyland Milton

Summary:

This planning application seeks the change of use of the building from a drinking establishment (Use Class Sui Generis) to a retail unit at ground floor (Use Class E(a)) with residential flat (Use Class C3) at first floor and associated works to the building frontage.

The site falls within Hoyland District Centre as allocated by the adopted Local Plan. Development comprising a change of use is considered acceptable in principle if proposals are a suitable location for the use class and would not significantly adversely affect residential and visual amenity and highway safety.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. 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).

Recommendation:

Approve subject to conditions

Site Description

The application relates to 6 Market Street which is an attached, two storey, stone fronted property set close to the junction of Market Street and High Street Hoyland. The property has been used as a public house since 2016, and as other non-retail uses prior to then. The building is set within the principal shopping/commercial area within the District Centre of Hoyland, an area which consists of a number of retail and commercial units, food outlets and drinking establishments, some of which have residential uses above.



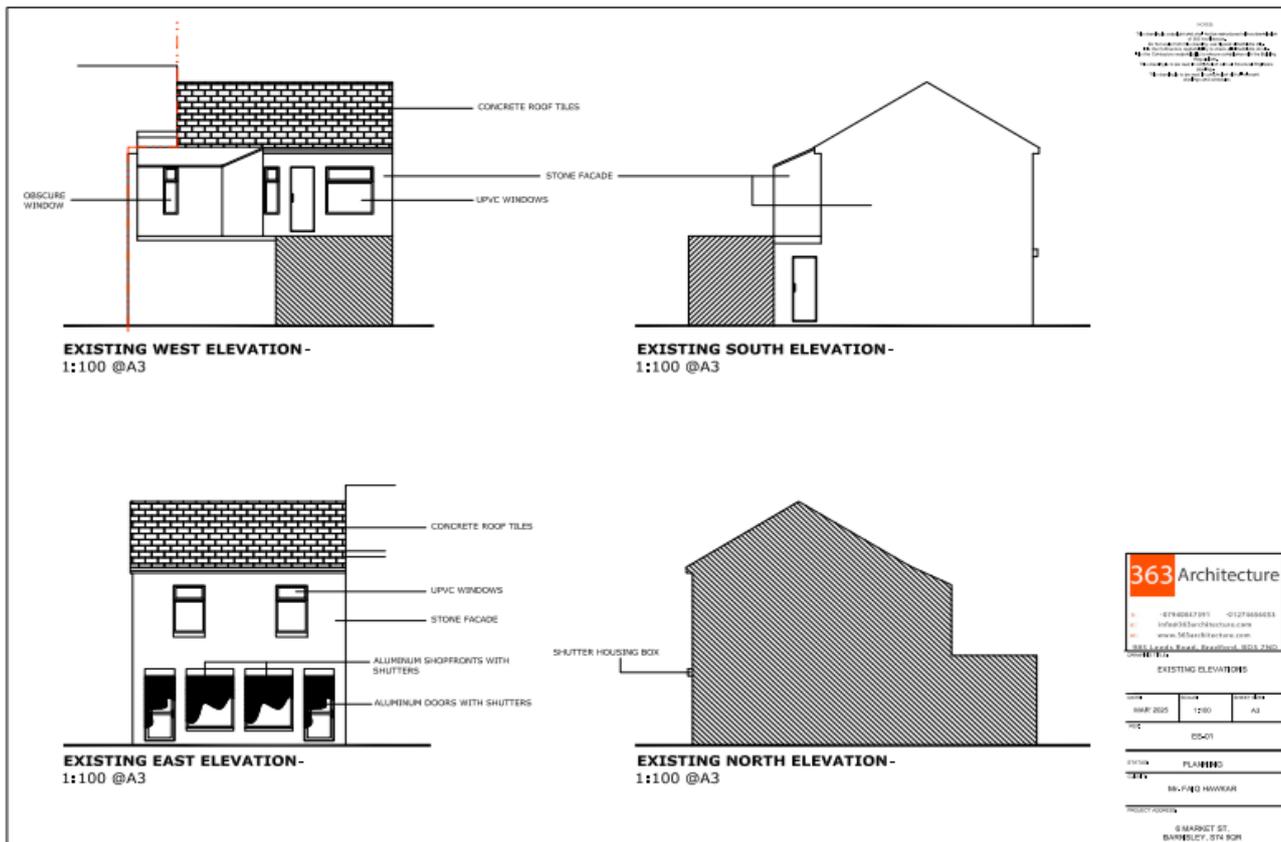
Planning History

There are various planning applications associated with the site.

Application Reference	Description	Status
B/77/2895/HN	Change of use from church to retail shop	Historic
B/78/0036/A/HN	Illuminated fascia sign	Historic
B/78/0047/A/HN	Illuminated double-sided projecting box sign	Historic
B/89/1232/HN	Erection of extension to estate agents office	Approved with Conditions
B/99/0531/HN	Installation of A.T.M. through shop front	Approved with Conditions
B/99/0532/HN/AD	Display of advertisements	Approved
B/04/0587/HN/AD	Display of illuminated fascia and projecting sig	Approved
2023/1067	Change of use to public house (Retrospective)	Approved with Conditions

Proposed Development

The proposal is for the change of use of the building from a drinking establishment (Use Class Sui Generis) to a retail unit at ground floor (Use Class E(a)) with a studio flat (Use Class C3) at first floor and associated works to the building frontage. The retail use is proposed to be a barbers shop.



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 on 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.

Local Plan Allocation – Hoyland District Centre

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – 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 other features of Barnsley.

Policy H4: Residential Development on Small Non-Allocated Sites – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies.

Policy H6: Housing Mix and Efficient use of land – 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.

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.

Policy T3: New development and Sustainable Travel – Expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

Policy 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.

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 12 - Achieving well-designed places

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.

Supplementary Planning Documents:

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 most pertinent SPD's in this case are:

- Design of housing development
- Parking
- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Other Guidance

- South Yorkshire Residential Design Guide

Consultations

Highways Development Control (DC) were consulted and raised no objections.

Hoyland Milton Ward Councillors were consulted and commented in relation to shop use which was clarified and a planning statement provided to this effect. It must be noted that the application is only for retail use (Use Class E(a)) which is all the LPA can control.

Planning Policy were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015. Neighbour notification letters were sent to surrounding properties, and a site notice erected at the site. No comments were received.

Assessment

The main issues for consideration are as follows:

- The acceptability of the change of use
- The impact on the character of the area
- The impact on residential amenity
- The impact on highway safety

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site is set within the District Centre of Hoyland. The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

The retail use is a Town Centre use and is therefore acceptable in principle. Additionally, residential uses are also found in District centres. All retail and town centre developments will be expected to be appropriate to the scale, role, function, and character of the centres in which they are proposed.

The change of use is acceptable in principle where it will not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety. This weighs significantly in favour of the proposal.

Design and Visual Amenity

There are no major external alterations proposed to the premises and as such, the impact of the proposal on the visual character of the area is considered negligible. The proposed development is in line with Local Plan Policy D1 and is considered to be acceptable in terms of design and visual amenity. This weighs significantly in favour of the proposal.

Residential Amenity

The application site is located within a commercial area that includes various uses. It is therefore considered that the proposed uses are compatible with the existing uses. The proposed development is located on a busy junction with various noise sources which could have an impact on the residential part of this application. A Noise Impact Assessment will be required via conditions which will recommend the measures required in order to achieve internal noise levels of BS8233. The proposed change of use to retail would not have a significant detrimental impact on the amenity of the surrounding residents given the previous use which would operate at later hours. This weighs moderately in favour of the proposal.

The proposed internal dimensions meet the standards for studio flat within the South Yorkshire Residential Design Guide as the minimum floorspace for a one bed studio is 33sqm and the proposal has 36sqm of floorspace. Shared private amenity space for flats should be a minimum of 50sqm plus and additional 10sqm per unit either as a balcony space or added shared private space.

The residents have access to a small rear area which provides minimal and extremely basic private amenity space however the amount of shared private space to be provided can also depend on the quality, quantity and accessibility of local public open space. Also, it must be noted that lots of properties on Market Street and High Street are lacking in amenity space given it's a district centre.

Within the surrounding area there is Longfields Crescent Green Space and Woods Yard, Tithe Laithe and The Forge playing fields and Milton Ponds to the south. This site is also located in the Dearne Valley Green Heart which is one of the only 12 nature improvement areas in England which is creating a healthy and attractive natural environment providing plenty of outdoor amenity space within the local area.

Given that the one bed studio flat is very unlikely to appeal to families, it is considered that there is acceptable outdoor amenity space for the proposed scheme given the nearby facilities as well as the proximity to the district centre. For the above reasons, the proposal is not expected to be detrimental to the residential amenity of the neighbours nor the future occupiers in line with the standards set within the SPD and the SYRDG. This weighs significantly in favour of the proposal. The proposal is considered to be acceptable in terms of residential amenity.

Highways Safety

There will be no impact upon highway safety. No objections were raised to the application from a highways point of view. The site recently received retrospective approval to convert the commercial premises to a drinking establishment. This application seeks to return the ground floor to the previous use class but also adds the formation of residential use to the first floor. There are no highways concerns regarding the reversion to Class E(a) and the introduction of Use Class C3 on the upper floor. The requirement for additional bins has been met.

The site is in the recognised centre of Hoyland and is set amongst other commercial and retail properties, with public car parks in easy walking distance of Market Street, and Hoyland benefitting from being served by regular public transport links. It is therefore considered that the proposals won't adversely impact upon the highway and are acceptable from a highway's perspective. This weighs significantly in favour of the proposal.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the 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 a sustainable form of development and is therefore recommended for approval.

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:

- Site plan to demonstrate that there is sufficient space for all bins
- Amendment to a studio flat

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.