



PLANNING STATEMENT

Use of Building as Unrestricted Dwellinghouse

**Dog House Barn, Cat Hill Lane
Hoylandswaine, Sheffield S36 7JB**

Introduction

Scope

1. This statement concerns proposals for the unrestricted residential use of an existing rural building in the Green Belt.
2. This Statement should be read in conjunction with the submitted drawings and documents, including:

Drawings & Documents

- Pre-existing and Existing Floor Plans Drawing Ref: 14-043-02
- Location Plan
- Landscape Plan GE-DHB-02 Planting Plan
- Planting Specification and Management GE-DHB-03
- BNG Exemption Statement
- Transport Note
- Decision Notice 2007/1088
- Flood Note
- Appeal Decision 3298314
- Appeal Decision 3315904

Site Location and Context

3. The site extends to 1,293.74 Sqm (0.32 acres) located at Central Grid reference SE248056 E:424815 N:405618 on the western side of Cat Hill Lane, Hoylandswaine, Sheffield S36 7JB (the Site). The Site is brownfield (occupied with a substantial building) located within the Green Belt and an area identified Flood Zone 1 (lowest probability of flooding). The Site falls within an area subject to an Article 4 Direction (HMO).

Site Description

4. The site is bound to the north by open fields and beyond a residence 'Valley View', to the east by the highway (Cat Hill Lane), to the south by residence 'Fairacre' and to the west by open fields. The site is not within a Conservation Area and the building is not listed.
5. The existing building is permanent and substantial; a two-storey natural stone-faced building under concrete tiled roof and with wooden white painted window frames and doors ('the Building').

6. The Building comprises two storeys, previously converted and arranged on the ground floor as a kitchen dining room, a lounge, utility, WC, study. The first floor is arranged as four bedrooms (one en-suite) and a bathroom. The Building is connected to all key services.

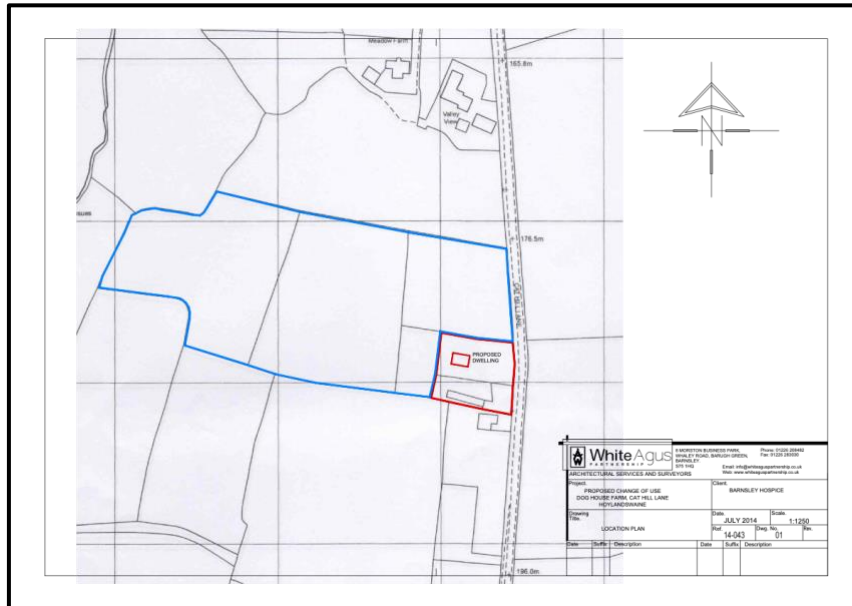


Figure 1: Location and Context

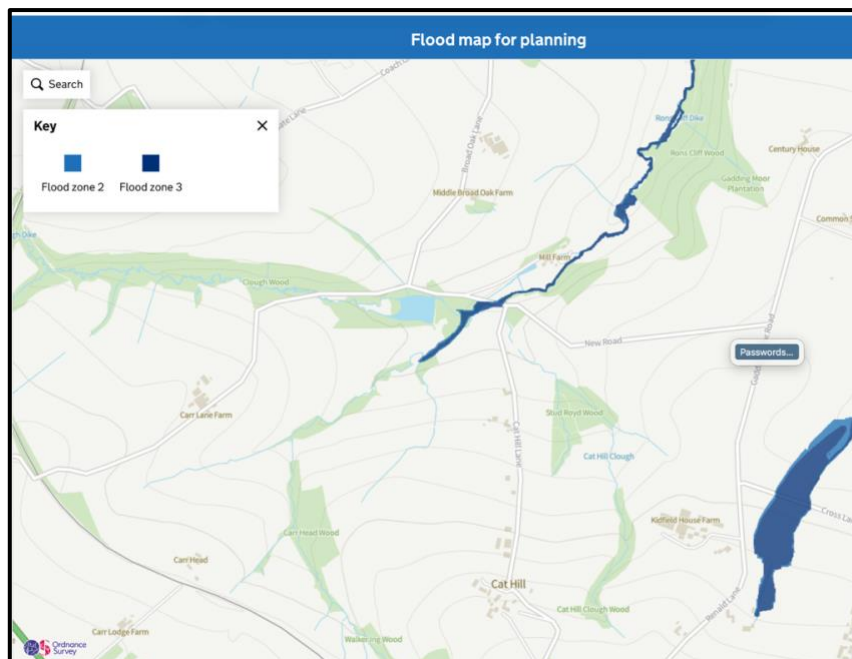


Figure 2: Flood Map indicating location in FZ1



Figure 3: The C3 Building (Access looking W



Figure 4: Landscape and Planting Proposals

Planning History

The Application Site

7. A review of the Council’s website reveals the following planning history relevant to the Building.

App Ref:	Proposal	Decision
2014/0890	Change of Use from holiday cottage to residential dwelling	Withdrawn 10.12.14
2007/1088	Change of use of barn to holiday cottage	Approved 14.8.07

Table 1: Relevant Planning History

8. The relevant Building for the proposed development exists and is substantial, last approved (2007 – App Ref:2007/10088) for C3 residential use (year-round holiday accommodation).

Proposed Development

9. The proposal under application is the unrestricted C3 use of the Building as a family home. At paragraphs 13 to 21 below the proposed use is considered in the context of that common C3 use and at paragraphs 22 to 47 the proposal is considered more widely in the planning policy context.
10. It is to be noted that to the extent that the internal arrangements within the Building differ to those approved under App Ref: 2007/1088), the Building is unlisted. Further, in the interests of completeness, any other changes or deviations (whether changes to the approved drawings or other breach/s of condition under App Ref: 2007/1008), they occurred historically, by 2012.
11. It is accepted that on 2 April 2024, **The Planning Act 2008 (Commencement No. 8)** and **Levelling-Up and Regeneration Act 2023 (LURA) (Commencement No. 4 and Transitional Provisions) Regulations 2024 (2024 Regulations)** were made. The 2024 Regulations brought Section 115 of the LURA into force, so that from 25 April 2024, the period for all breaches of planning control, including operational development, changes of use to dwellinghouse or breaches of condition, became now 10 years (instead of four years), subject to transitional provisions.
12. Given timings and circumstances, the transitional provisions under Regulation 5 LURA pertain and apply in the subject circumstances where changes to the approved plans under 2007/1008 were executed and complete prior to 25.4.2024 the period for enforcement (4 years) and other breach

(10 years) has expired so that those changes or failures (if any) both became lawful with the passage of time.

C3 Use – Holiday Accommodation to Unrestricted C3 – Analysis

13. In a Ministerial Statement¹ the previous government announced the creation of a new planning use class for holiday accommodation including short term lets. The objective was to protect communities and keep housing stock available, thus addressing often large concentrations of short-term letting uses negatively impacting on the sustainability of communities. The proposed new 'short term lets' controls have not yet been advanced by the current government which is considering these and other ways to control the holiday let market.
14. As proposed, the new planning class will apply to properties that are not someone's sole or main home. It will: *"implement associated permitted development rights allowing for a property to be changed from a standard residential dwelling to this new use class and vice versa". Local authorities will be able to remove these rights and require full planning permission, as they can with any permitted development right. Separately, where people want to let out their main home for short periods of time, it will provide flexibility and certainty to homeowners that they can do so without the need to apply for planning permission".*

Materiality

15. In the subject case, the proposal is one for an unrestricted single-family residence (Use Class C3) in place of a holiday let (Use Class C3). The principle of residential development in the location has been established by the approval under 2007/1008. The change implies no change to the location, size or scale of the building approved under App Ref: 2007/1008 which was limited to the physical parameters of the then existing barn and was deemed appropriate and acceptable at application. That restriction was observed.
16. The site is a brownfield site, the Building exists, is substantial and is arranged as a family residence in proximity to other residences. It is not 'isolated' for purposes of paragraph 84 of the Framework.
17. The development approved under App Ref: 2007/1008 is Use Class C3, as is the proposed use, albeit that the former occupation is limited by description 'holiday cottage'.
18. In the subject circumstances, the change to use as an (unrestricted) dwellinghouse will not be 'material' for purposes of **Moore v SSCLG [2012] EWCA Civ 1202**; the dwelling when occupied as

¹ <https://questions-statements.parliament.uk/written-statements/detail/2024-02-19/hcws264>

a home by a family v persons holidaying would still be occupation by a single household.

19. The change to use as a dwellinghouse (absent the restriction to holiday cottage) will, as a matter of course, accommodate 'home working' so that the same 'employment' will support the rural economy in terms of both employment and productivity *and* in terms of trade and 'spend' in the locale by residents, much as it would from visitors.
20. The sustainability of the site (when viewed in terms of traffic movements) will be no greater as a residence than as a holiday let.²
21. The new Use Class announced in the Ministerial Statement 19.2.24 under the former government and anticipated to be introduced by the current government, will enable changes between C3 short-term lets and C3 dwelling houses and vice versa, so the constraint in issue (Condition 7 to Decision 2007/1008 (restriction to Holiday let) is otiose.

Planning Policy Context

Legislation and Planning Policy

22. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

23. The Planning Authority is Barnsley Council ('the LPA').
24. The Development Plan is comprised of the Barnsley Local Plan (adopted January 2019) and the Penistone Neighbourhood Plan (adopted 28.8.19). Material considerations include the National Planning Policy Framework ('NPPF'/The Framework) and can include local decisions, Ministerial Statements and fall-back positions.
25. The Penistone Neighbourhood Plan identifies no policy relevant to the proposals.

² See e.g. appeal decisions 3298314 and 3315904

26. The National Planning Policy Framework (December 2024 updated February 2025) outlines the Government's requirements for the planning system and establishes how these will be addressed to include the presumption of sustainable development

Barnsley Local Plan

27. In those circumstances relevant Local Plan Policy includes policies SD1, GD1, D1, GB2 and GB3. In addition, policies H1, H2 and H4 are relevant.

Barnsley Local Plan Policy SD1 (Presumption in Favour of Sustainable Development)

28. Policy SD1 (Presumption in Favour of Sustainable Development) accords with the principles set out in the Framework at paragraphs 7, 8 and 11. It is to be noted that the LPA Housing Delivery stands at 2.9 years with HDT Buffer 84% hence the provisions of paragraph 11(d) of the Framework are engaged and with it the presumption.

Barnsley Local Plan Policy GD1 (General Development)

29. Policy GD1 observes that proposals for development will be approved if there will be no significant adverse impacts upon the proposed occupants and neighbouring development, they are compatible with neighbouring land and uses, they result in high quality development in appropriately landscaped settings, appropriate access and boundary treatments. In tandem with this Policy D1 seeks high quality design and layout:

- *No significant adverse effect on the living conditions and residential amenity of existing and future residents;*
- *Compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *No adversity to affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;*
- *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;*
- *Mitigation/reduction of any adverse impact on the environment including natural resources, waste and pollution;*
- *Adequate access;*
- *Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;*
- *Existing trees that are to remain on site are considered in the layout.*

Barnsley Local Plan Policy D1 (High Quality Design and Place Making)

30. Policy D1 sets out key design principles requiring high quality design taking in local and landscape character and topography. Proposals should help to transform the character and physical environments that have become run down and provide a high-quality scheme for hard and soft landscaping, the design principles identifying:

- *High-quality design to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:*
- *Landscape character, topography, green infrastructure assets, important habitats, woodland and other natural features;*
- *Appropriate built form and character;*
- *Appropriate landscape scheme;*
- *Safe access.*

Barnsley Local Plan Policy HI (Number of New Houses to be Built) / H2 (The Distribution of New Homes)

31. Policy H2 observes that:

- *LPA will seek to achieve the completion of additional homes through the period 2014 to 2033.*
- *Further a minimum five-year supply of deliverable sites will be maintained.*

Barnsley Local Plan Policy H4 (Residential Development on Small Non Allocated Sites)

32. Local Plan H4 observes that:

- *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 in the Plan.*

Barnsley Local Plan Policy GB2 (Replacement, Extension and alteration of existing buildings in the Green Belt)

33. Local Plan Policy GB2 observes the policy to be:

- *Permissive of replacement, extension and alteration of existing buildings (including use) in the green belt:*
 - where the existing/new building will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt;*
 - Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces;*

- Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building;
- Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Barnsley Local Plan Policy GB3

34. Local plan policy GB3 provides:

Policy GB3 is permissive of the change of use or conversion of buildings in the Green Belt provided that:

- the existing building is in-keeping with its surroundings and local character;
- is of a permanent and substantial construction;
- for residential use, will not extend residential curtilage;
- will have no adverse impacts on the amenity of local residents, the visual amenity of the area, or highway safety; and
- will preserve the openness of the Green Belt

NPPF

35. Relevant paragraphs within NPPF are 7, 8 (Sustainable Development and delivery of homes), 11 (Presumption), 39 (Decision Making/Brownfield Land), 48 (Determining Applications), 61 (Boosting Housing Supply) 72, 73 (Delivery and Delivery from Small and medium sites), 124, 125 (Making Effective Use of Land), 153 and 154(g) (Proposals Affecting Green Belt) and paragraph 187 (Conserving and Enhancing the Natural Environment).

Planning Case

Principle of Development

Use Class C3 (Holiday Let) to Use Class C3 (Unrestricted)

36. The previous decision under App Ref:2007/1088 followed a careful assessment of the local context and character and in turn the suitability of proposals then for a change of use of an existing building to deliver residential accommodation (albeit identified for year-round holiday use). That

assessment concluded that the then proposed development was in-keeping and appropriate, brought no harm to the setting or to neighbouring development and was suitable for approval. Unavoidably that position stands good in the subject application where the proposed C3 use is the very same use approved under App Ref: 2007/1008, absent the restriction to holiday use.

Development Plan

37. In assessing principal planning policy support for the proposed development, Policies SD1, GD1, D1, GB2, GB3, H1, H2 and H4 are the most relevant and support the proposed development for the unrestricted use of the Building as a family dwellinghouse.
38. As previously discussed, the presumption under Local Plan Policy SD1 applies and is similarly engaged under the Framework paragraph 11(d).
39. In accordance with Policy GD1 the proposal brings no adverse impacts to neighbours or the proposed occupants, uses an existing access and delivers landscape proposals to enhance the setting, limit the residential curtilage and preserve the openness of the Green Belt.
40. In accordance with Policy D1 the proposal reinforces local character and smartens the appropriate built form and character with a highly sympathetic hard and soft landscaping scheme and planting proposals, suitable for condition.
41. The proposal, limited to the existing Building, accords with permissive Policies GB2 and GB3 which are consistent with paragraph 135(g) of the Framework.
42. The proposal delivers a family home, which delivery is consistent with Local Plan Policies H1 and H4.
43. Similarly, the Framework at paragraphs 7, 8, 11, 39, 48, 61, 72, 73, 124, 135(g) and 187 (consistent with the Local Plan) **supports** the proposed development which would represent the optimal viable use of the brownfield Site and the existing substantial Building, already a C3 unit.

Amenity and Privacy Considerations

44. Under the subject proposals, no adverse impacts arise to neighbouring development or indeed the proposed occupants. Drawings submitted in the application papers demonstrate that the proposals deliver helpful landscape enhancement designed to contain the residential site and preserve the openness of the wider site and the greenbelt. The measures will not impact or compromise the amenities of occupiers or neighbouring developments.

45. The form, scale and design of the Building is unchanged and will continue to respect the existing context, setting and surroundings.

Landscape Enhancement

46. The proposals advanced accords with Local Plan policy resulting in onsite enhancement, sympathetic to the setting and general appearance of the site. Materials and planting are identified to be cognisant of the site's setting in the Green Belt; appropriate and complementary. Planting identified will increase on site biodiversity and is suitable for condition.
47. The proposed development makes optimum use of the Building and existing residential space delivering a permanent family dwelling. The proposal is supported with a transport note to demonstrate no highways adversity.

Summary & Conclusions

48. The proposal accords with the Development Plan and is suitable for approval.