



Appeal Decision

Site visit made on 24 March 2026

by **Laura Bartle BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 May 2026

Appeal Ref: 6003268

166 Barnsley Road, Darfield, Barnsley S73 9DQ

- 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 Sawaran Singh Mawi against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/0807.
 - The development proposed is change of use of property from dwelling (C3 use) to use as a seven person house in multiple occupation (sui generis use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the change of use was completed in June 2019. I have considered the appeal on this basis. However, the reference to 'retrospective' in the description of development on the application form does not describe a form of development. I have amended the description above accordingly.
3. The Council's Officer Report refers to a self-contained ground floor flat as forming part of the development. Although this is shown on the submitted floor plans, the appellant's evidence makes clear this is separate and does not form part of the House in Multiple Occupation (HMO). I have determined this appeal on that basis.

Main Issues

4. The main issues are:
 - whether the development provides satisfactory living conditions for existing and future occupiers, with regards to internal and external living space;
 - whether the development results in the unacceptable loss of family accommodation; and,
 - the effect of the development on highway safety, with regards to the provision of parking.

Reasons

Living Conditions

5. The submitted plans show that two bedrooms are located on the ground floor and five on the first floor. Communal facilities comprise a kitchen at ground floor level and two bathrooms on the first floor. Three of the bedrooms adjoin private kitchen areas and one of these also incorporates a shower room.
6. The Council's assessment of the bedroom sizes concluded that, while all meet the South Yorkshire Residential Design Guide (RDG) standards for single occupancy, two do not meet the 12 square metre standard expected for double occupancy. As the description of development refers to a seven-person HMO and seven bedrooms are shown on the submitted plans, I am satisfied that occupants are afforded satisfactory private space in accordance with local bedroom-space standards. Were the appeal to be allowed, a condition could secure an appropriate maximum occupancy.
7. Although the Council refer to standards within the RDG relating to communal living areas, I have not been directed to the specific requirements. Nevertheless, I do not consider the size or configuration of the kitchen to be capable of providing sufficient communal living space alongside its intended cooking, dining and utility functions. As a result, occupants are likely to rely on their bedrooms to serve both living and sleeping purposes.
8. I recognise that three of the bedrooms benefit from additional private facilities. However, this is not the case for the remaining four bedrooms. The shortfall in communal living space is particularly acute for occupants of the two smallest bedrooms. The existence of a HMO licence does not overcome the harm arising from the internal configuration of the property, nor does it render the arrangement acceptable in planning terms. I therefore find that the internal living conditions to be unacceptable.
9. Externally, the property is set back from Barnsley Road behind access gates and a boundary wall with fencing above. Well-established hedging also provides a high degree of enclosure and privacy to the front of the property. Approximately one-third of this area is occupied by a driveway, with the remainder laid to lawn.
10. While no precise measurements of the lawned area are before me, it is evidently of a generous size and appears to exceed the 60 square metres the Council consider necessary in this instance. Occupants would therefore have access to a good amount of communal outdoor space, which could reasonably perform many of the functions typically associated with a rear garden.
11. For the reasons set out above, I conclude that the appeal scheme provides satisfactory living conditions for existing and future occupiers, with particular regard to outdoor space. However, I have identified that the indoor living conditions are unsatisfactory. The development would therefore conflict with Policy GD1 of the Barnsley Local Plan (BLP), insofar as it seeks to ensure that development does not result in significant adverse effects on the living conditions and residential amenity. The proposal would also be inconsistent with the objectives of the RDG, which seeks, amongst other things, to secure a good standard of living accommodation.

Loss of Family accommodation

12. Policy H9 of the BLP seeks to resist the loss of larger dwellings but provides no detailed criteria against which proposals resulting in such loss should be assessed. The Council accepts that the site lies in an area with no existing HMOs and that the proposal would not lead to an overconcentration of this form of accommodation. Notwithstanding this, it considers the development to conflict with the overall objective of Policy H9, asserting that the property could function as a four-bedroom or larger family home without significant alteration.
13. If permitted, the change of use would mean the property would no longer be available for occupation by a single family household without further planning permission, thereby resulting in the loss of a particular type of housing that the development plan seeks to protect. However, I acknowledge that HMOs make a recognised positive contribution to housing choice and affordability within the borough. Furthermore, the site's ongoing, albeit unauthorised, use as an HMO indicates that there is an established level of demand at this location, within an area where such accommodation is otherwise absent.
14. In this context, while the absence of overconcentration is a neutral consideration, the evidenced demand for this form of accommodation is a material benefit. In this case, that benefit outweighs the conflict identified by the Council with the overarching objective of Policy H9 to retain family housing stock.
15. I therefore conclude that the proposal would not result in an unacceptable loss of family accommodation and that the development accords with Policy H9 of the BLP.

Highway Safety

16. The appellant acknowledges that two off-street parking spaces are provided within the site, which falls short of the minimum expectation of four spaces set out in Barnsley's parking standards. Although it is not indicated on any of the submitted plans, the current configuration of the driveway does not enable vehicles to enter and exit the parking spaces in forward gear.
17. The Council places particular emphasis on the management of parking at the site, noting that Barnsley Road is a classified route. However, it is not clear to what extent that classification should directly influence the acceptability of the proposal's parking provision. There is no evidence before me to indicate that vehicle speeds exceed the 30mph limit in the vicinity of the site, nor that the area is subject to a notable record of traffic collisions or highway safety incidents. The arrangement at the appeal site one that is replicated at other properties further along Barnsley Road.
18. The site is reasonably well served by local services and facilities, with convenient access to bus services. The appellant contends that, given the nature of the accommodation and the accessibility of non-car modes of travel, the demand for on-site parking is reduced. This position is supported by the absence of evidence from the Council demonstrating that parking issues have arisen during the period in which the HMO has been operating.

19. Moreover, there is no compelling evidence to suggest that on-street parking pressures in the area are an existing or persistent concern. In these circumstances, I find that the shortfall in on-site parking provision does not result in unacceptable conditions on the adjoining public highway, either in terms of safety or convenience.
20. For these reasons, I conclude that the development does not have a harmful impact on highway safety arising from car parking provision. Accordingly, I find no conflict with Policy T4 of the BLP. Amongst other things, this policy seeks to ensure new development provides all transport users within and surrounding development with safe, secure and convenient access and movement.

Conclusion

21. Although I found no harm with respect of the loss of family accommodation or to highway safety, the development provides unacceptable internal living conditions for existing and future occupants of the property. In my view, this is the prevailing consideration, and the development should be regarded as being in conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the plan.
22. The appeal should be dismissed.

Laura Bartle

INSPECTOR