

Planning Statement – Section 73 Application for Variation of Conditions 5, 6 and 7

Applicant Name: Chris Oliver
Planning Portal Reference: PP-14180416
Application Site: 94 Summer Lane, Royston, Barnsley, S71 4HW
Planning Permission Reference: 2021/0680
Proposal: Variation of Condition 5 and Removal of Conditions 6 and 7

1. Introduction

This Planning Statement is submitted in support of an application under Section 73 of the Town and Country Planning Act 1990 to amend Condition 5 and remove Conditions 6 and 7 of planning permission 2021/0680. This permission granted consent for the erection of a single-storey annex in the rear garden of 94 Summer Lane, Royston, for ancillary residential use.

The proposed changes do not alter the development itself, which remains an ancillary outbuilding. The revisions seek to modernise the wording of conditions to reflect current national guidance, appeal precedent, and local policy while maintaining full planning control.

2. Requested Amendments

Amend Condition 5

Original wording:

"The development hereby permitted shall only ever be used as ancillary residential accommodation by immediate family members of the application dwelling known as 94 Summer Lane, Royston, Barnsley, S71 4HW and shall at no point in time be severed from the main house as a separate dwelling."

Proposed wording:

"The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 94 Summer Lane, Royston, Barnsley S71 4HW."

Remove Conditions 6 and 7

- Condition 6 prohibits the annex from being served by a separate garden or enclosed area.
- Condition 7 removes permitted development rights for outbuildings and extensions.

3. Justification for Proposed Changes

Amendment of Condition 5

The revised wording preserves the fundamental requirement that the annex remains ancillary to the main dwelling but removes the overly restrictive limitation to 'immediate family members.'

National planning guidance confirms that planning conditions should control the use of land, not the identity of the user. Paragraph 92 of Circular 11/95 (as reaffirmed in Planning Practice Guidance) states that occupancy restrictions should only be imposed in exceptional circumstances, and only where refusal of permission would otherwise be warranted. That threshold is not met here: the annex remains part of a single planning unit and cannot function independently.

The Barnsley SPD recognises that annexes must remain ancillary and that conditions may be used to prevent separate sale or occupation. However, while the SPD refers to 'same family occupancy,' this is presented as guidance, not a strict policy requirement. Appeal decisions consistently support the view that ancillary use can include occupation by extended family, carers, or guests — so long as the annex is not used as a separate dwelling.

The proposed amendment maintains full control over the annex's use while aligning with national and local guidance, providing the flexibility modern households need.

Removal of Condition 6

Condition 6 prevents the annex from being served by its own garden or enclosed space. This restriction is unnecessary and duplicative, as Condition 5 already requires the annex to remain ancillary. There are no proposals to create a subdivided curtilage, and the annex will continue to share open garden space with the main dwelling.

The SPD discourages the formation of a separate planning unit but does not mandate landscaping arrangements where functional integration is otherwise maintained. The removal of this condition does not compromise policy objectives and avoids unnecessary enforcement ambiguity.

Removal of Condition 7

Condition 7 removes the homeowner's permitted development (PD) rights, which would otherwise allow minor structures or extensions under Class A-E of the GPDO. The site is not in a conservation area or sensitive location, and the curtilage of approximately 1100m² provides ample space for modest domestic additions.

The original dwelling occupies approximately 100m², leaving around 1000m² of open garden. Under PD rules, up to 50% of the curtilage (excluding the house) may be developed with outbuildings. The approved annex is just 58.2m² — well under the allowable threshold. Any significant future structures would still require planning permission. Restoring PD rights aligns with the SPD and national expectations and would not prejudice the character or amenity of the site.

4. Policy Compliance

The proposed amendments remain fully compliant with:

- Local Plan Policy GD1 – General Development
- Local Plan Policy D1 – High Quality Design and Place Making
- Barnsley SPD (2023) – House Extensions and Other Domestic Alterations
- South Yorkshire Residential Design Guide

The annex remains subordinate in scale and use, with no harm arising to residential amenity, design, or planning objectives. The proposed condition changes are proportionate, enforceable, and reflective of good practice.

5. Conclusion

This Section 73 application seeks modest, policy-compliant changes to bring conditions in line with national guidance, modern household needs, and fair planning control.

- Amending Condition 5 preserves ancillary use while allowing greater flexibility in who may occupy the annex.
- Removing Conditions 6 and 7 eliminates unnecessary duplication and restores rights that should ordinarily apply.

The annex will continue to operate as part of a single planning unit, remaining tied in function and ownership to the host dwelling. No change in scale, footprint, or use is proposed. We respectfully submit that the application be approved.