

Application reference number	2026/0445
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Application Type	Change of Use
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Proposal Description:	Retrospective change of use from dwellinghouse (Use Class C3) to be used as a 6 person HMO (Use Class C4)
Location:	166 Barnsley Road, Darfield, Barnsley, S73 9DQ

Applicant	Sawaran Singh Mawi		
Number of Third Party Reps	0	Parish:	
		Ward:	Darfield and Great Houghton Ward

SUMMARY

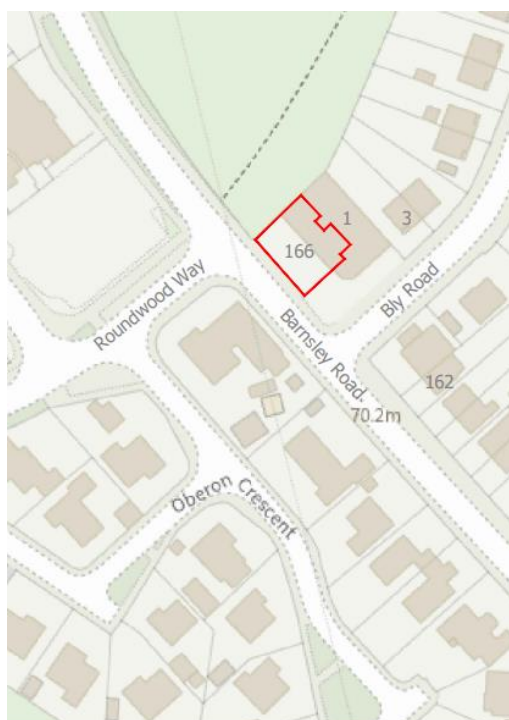
The application seeks full planning permission for the retrospective change of use from dwellinghouse (Use Class C3) to be used as a 6 person HMO (Use Class C4)

The site lies within an area of Urban Fabric where residential developments are considered acceptable in principle subject to policy GD1 of the Local Plan. There are no outstanding consultee objections or concerns.

The proposal will have no adverse impact on highway safety, residential or visual amenity and is considered to be acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2026).

Recommendation: **GRANT Planning Permission subject to conditions**

Location Plan



LOCATION PLAN

Site Description

The application site is located at 166 Barnsley Road, Darfield, Barnsley, S73 9DQ. This area of Darfield is predominately residential in character, with the dwellings consisting of a mix of detached semi-detached and terraced dwellings. Upperwood Academy is located nearby which is also located just off Barnsley Road.

There are several small commercial properties in the area such as the convenience store, which is connected to 166 Barnsley Road, and there is also another convenience store located nearby to the site.

The site is a large dwelling with multiple bedrooms and has a convenience store attached to the rear/side of the property. The property has a driveway located at the front of the property and has a front garden which faces onto the Barnsley Road. The convenience store which is connected to the property has been developed on the previous rear garden space of the property. The Council's HMO Officer states that the property has been occupied as a House in Multiple Occupation since 2017 with the first mandatory licence being issued in 2019 after a change in legislation to include two storey buildings.

The separate proposed flat shown on the ground floor of the floor plans does not form part of this application or the HMO.

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2025/0807	Change of use to a seven person house in multiple occupation (HMO) (Retrospective)	Refused and Dismissed at Appeal

2025/0568	Lawful development certificate for proposed change of use from garage/storeroom to residential flat	Refused due to proposal requiring planning permission
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In relation to application 2025/0807 which was a retrospective application for the use of the property as a 7 bed HMO, the application was refused on a number of grounds including:-

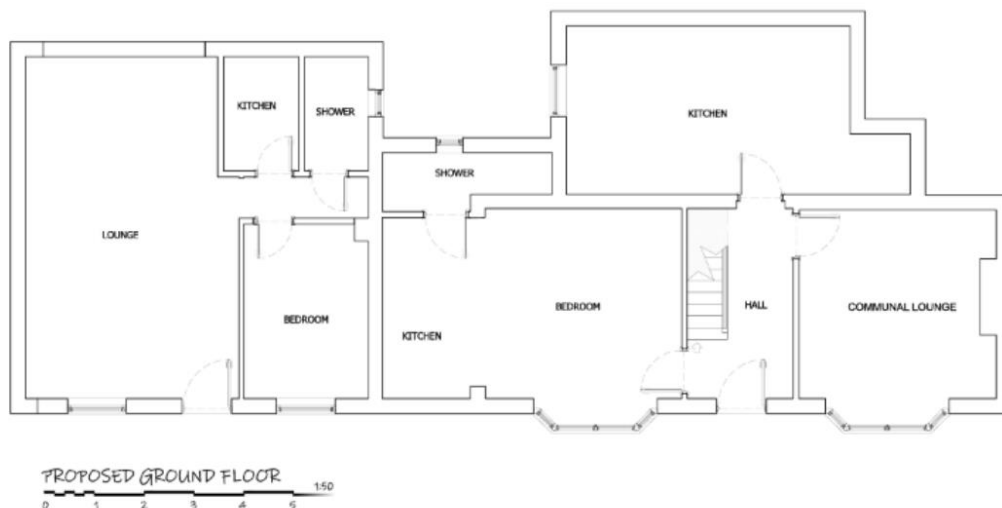
1. In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks to protect larger homes and to enable the re-establishment of single-family sized houses. The application property is within a predominantly residential area and is capable of becoming a larger home without significant adaption.
2. The proposed development fails to provide adequate internal and external amenity space for future occupiers, contrary to the requirements of the Council's Design of Housing Development Supplementary Planning Document. Specifically, the scheme does not include a communal living room, large enough bedrooms to allow for adequate living conditions, and offers no usable external garden space, resulting in poor living conditions and substandard accommodation. The proposal is therefore contrary to Policy GD1 of the Barnsley Local Plan and the guidance contained within the National Planning Policy Framework (NPPF), which seek to ensure high standards of amenity for all existing and future occupants.
3. The applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal in regard to highway safety in particular parking provisions and swept paths at the application site. The proposal is therefore contrary to the Parking SPD, Policy T4 of the Barnsley Local Plan and paragraph 116 of the National Planning Policy Framework.

The Planning Inspector upheld the Council's concerns in relation to internal living conditions, concluding that the development provided insufficient communal living space for occupants and therefore resulted in unacceptable residential amenity, contrary to Policy GD1 of the Barnsley Local Plan and the South Yorkshire Residential Design Guide. However, the Inspector found no harm in relation to the loss of family accommodation, outdoor amenity space or highway safety, including parking provision. The appeal inspector therefore dismissed the appeal on the inadequacy of internal living conditions within the property only.

Detailed Description of Proposal

The applicant seeks retrospective change of use from dwellinghouse (Use Class C3) to be used as a (6 bed) 6 person HMO (Use Class C4). It should be noted that whilst within the red-line boundary, the separate proposed flat shown on the ground floor of the floor plans does not form part of this application or the HMO.

This agent states within the planning statement that this latest application seeks to deal with the sole outstanding issue raised by the Inspector in respect of living conditions for future occupants. Full planning permission is sought for use of the property as a 6 Person HMO (C4 Use). No alterations are proposed to the existing arrangement and internally, the accommodation will be arranged as illustrated on the drawing below with the creation of a communal lounge area to be shared by the residents.



The development comprises the following:-

Ground floor

Bedroom and Kitchen – 23.56sqm
Shower – 3.44sqm

Communal Lounge – 15.5sqm
Communal Kitchen - 20.67sqm

First floor

Bathroom 5.69sqm
Bathroom 7.73sqm

Bedroom and kitchen – 19.19sqm
Bedroom and kitchen – 24.69sqm
Bedroom - 10.48sqm
Bedroom – 15.27sqm
Bedroom - 16.43sqm

Whilst separate to Planning Permission, the property benefits from a licence for the use of the property as a 7 person HMO. This was issued on 13th December 2024.

Policy Context

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 was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents

and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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 it.

Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

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 H9: Protection of Larger Dwellings – The loss of existing larger dwellings will be resisted.

Policy T3: New Development and Sustainable Travel – New development is expected to provide at least the minimum levels of cycle parking.

Policy T4: New Development and Transport Safety – Development is expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Adopted 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

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

Other Guidance

South Yorkshire Residential Design Guide

National Planning Policy Framework (NPPF) (2026)

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2026 sets out the overarching planning framework for England. It has replaced the previous version published in December 2024 and introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable development, with paragraph 17 setting out the three overarching objectives of sustainable development: economic, social and environmental. Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The most relevant sections are:-

Section 3 - Decision making policies

Section 6 – Delivering a sufficient supply of homes

Section 4 - Achieving sustainable development

Section 14- 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.

Relevant Consultations:

HMO Officer - I have viewed the associated documents & plans for this application and can confirm the property does meet mandatory licensing requirements under Part 2 of The Housing Act 2004. This property has been occupied as a House in Multiple Occupation since 2017 with the first mandatory licence being issued in 2019 after a change in legislation to include two storey buildings.

In 2024 BMBC established that the relevant planning permission had not been obtained for use as Sui Generis, therefore, a temporary licence was issued for one year to allow the owner time to apply for planning.

The proposed plans now provide a communal lounge which offers the additional living space for occupants. The property already offers adequate shared bathroom & kitchen facilities for six people. This is currently the only licensed HMO within the Darfield district. We have one other four bed HMO on Garden Street, Darfield.

Highways DC – No objections

Ward Members - Cllr McKenzie has stated that this property has been an HMO for some time. I am also aware that it is still being used as such as I pass it daily and see multiple people entering and exiting the property. Surely if it is not registered already as an existing HMO investigations need carrying out?

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, a site notice was placed nearby and the application has been advertised on the Council website.

No representations were received as a result of the consultation.

Assessment

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (2026) at paragraph 3 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The principle of the development
- The impact on the character of the area
- The impact on the highway network and highways standards
- The impact on neighbouring residential properties

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 located within an area of Urban Fabric where residential developments are in principle acceptable subject to policy GD1 of the Local Plan.

In addition to policy GD1, as this is a larger dwelling, the proposal would be subject to policy H9 of the Local Plan. Local Plan policy H9 'Protection of Existing Larger Dwellings' states the loss of existing larger dwellings will be resisted. SPD 'Design of Housing Development' states that larger dwellings are those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption.

One of the previous reasons for refusal for the use of the property as a HMO (application 2025/0807) was due to the proposal not complying with policy H9 of the Local Plan as it would result in the loss of an existing Larger Dwelling. However, within the appeal decision, the Inspector stated:-

'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.

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.

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.

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.'

In terms of the concentration of HMO's within the area, Section 26 of the SPD relates to the conversion of buildings to residential accommodation and outlines acceptable concentration levels of HMO's and Bedsits. In terms of concentration the property is within a densely populated residential area with no other HMOs within this area, so the proposal will not result in an overconcentration of HMOs at this location. This is also confirmed by the Council's HMO Officer.

As such the principle of development is considered acceptable subject to the assessment against other relevant policies below.

Impact upon Character and Appearance of Surrounding Area

The proposed development would see the conversion of the existing property with no other external changes proposed. As such the proposal would remain residential in appearance and in keeping with the local character of the area. Therefore, the proposal would be considered acceptable in terms of visual amenity in accordance with policy D1 of the Local Plan.

Overall, it is considered that the proposed alterations would not have a negative impact on the character of the area and as such is in compliance with Local Plan Policy D1; this carries moderate weight in favour of the application.

Highway Safety

A further reason for refusal for the previous application related to Highway Safety. The development has now been reduced from 7 bedrooms to 6 (6 persons).

In relation to Highway Safety, the Inspector stated:-

'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.

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.

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.

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.

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.'

The Highways Officer has been consulted and has no objection to the proposal given the previous appeal decision. 'This site was subject to a previous planning application for a change of use from a dwellinghouse to a 7 person HMO. Comments issued by this Service raised concerns regarding the shortfall in off street parking provision and the apparent lack of internal turning facilities.

Planning permission was refused and an Appeal was submitted; although the Appeal was dismissed, the Planning Inspector concluded that the development would not have a harmful impact on highway safety arising from the proposed parking arrangements.

Given the above, and the fact that these current proposals are now for a 6 person HMO rather than a 7 person HMO, it is not wished to raise an objection from a highways development perspective.'

Based on the above assessment and that the proposal is reduced further to 6 bedrooms, it is considered that the proposed development would not have a detrimental impact on the highway network, the safe and free flow of traffic or upon parking provision and as such is in compliance with Local Plan policy T4; this carries moderate weight in favour of the application.

Residential Amenity

Although Policy GD1 of the Local Plan does not include reference to any specific space standards, it states that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. The SPD sets out criteria that has to be met in order for such application to be

supported. In any case, all new dwellings (including conversions to HMOs) must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. The proposal should therefore meet the internal and external space standards set out in the South Yorkshire Residential Design Guide.

Within the appeal decision for the 7 bed HMO proposal mentioned previously, the Inspector did not raise any concerns with regard to outdoor space, however raised concerns with regard to the internal living standards and as a result the appeal was dismissed:- '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.'

The HMO has been reduced from a 7 to a 6 bed (6 Person) HMO with the use of one of the previous bedrooms as a communal lounge.

The rooms sizes are as follows:-

Ground floor

Bedroom and Kitchen – 23.56sqm

Shower – 3.44sqm

Communal Lounge – 15.5sqm

Communal Kitchen - 20.67sqm

First floor

Bathroom 5.69sqm

Bathroom 7.73sqm

Bedroom and kitchen – 19.19sqm

Bedroom and kitchen – 24.69sqm

Bedroom - 10.48sqm

Bedroom – 15.27sqm

Bedroom - 16.43sqm

The SPD and SYRDG sets out the minimum acceptable internal space standards.

In terms of bedrooms, the South Yorkshire Residential Design Guide states that the minimum size should 12sqm for a double bedroom or 7sqm for a single bedroom. All bedrooms with the exception of one meet the required double standards, however the smallest bedroom at 10.48sqm has access to a storage cupboard, which if it was measured as part of the room would bring the overall floor space to double room standards. The occupants of this room would be able to use this as storage to free up space within the bedroom.

The South Yorkshire Design Guide also states that the minimum bathroom size should be 3.5sqm, the proposed communal bathrooms exceed these requirements. The SYDG also states that the applicant should provide communal living areas for the occupants.

The SPD Design of Housing states that:- 'In the case of HMOs, each one should have a shared lounge and shared dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres). In all cases, amenity space, external and internal spacing standards and separation distances should adhere to the requirements within the general criteria.'

In terms of the shared kitchen, the SYRDG states that kitchen/diners should be a minimum of 12sqm for a 4 bed – 5 person or more property. The kitchen is 20.67sqm which exceeds this and will enable space for dining so in this instance, this is considered acceptable for dining space. In addition, 3 out of the 6 rooms have their own kitchen spaces. The proposal now includes a communal lounge which measures 15.5sqm which also meets the minimum spacing standards of 15sqm for a for a 4 bed – 5 person or more property.

In addition to the above, the HMO Officer has also confirmed that the property does meet mandatory licensing requirements under Part 2 of The Housing Act 2004. This property has been occupied as a House in Multiple Occupation since 2017 with the first mandatory licence being issued in 2019 after a change in legislation to include two storey buildings. The proposed plans now provide a communal lounge which offers the additional living space for occupants. The property already offers adequate shared bathroom and kitchen facilities for six people.

As a result of the above, it is not considered that the development proposed would significantly impact the amenity of the existing residents, this carries moderate weight in favour of the application.

No concerns are raised with regard to the impact on adjacent residents, as this is a large dwelling which could potentially have number of occupants. In addition, the property is set at the end of a row and adjacent to an existing convenience store, and as a result, the impact upon any adjacent residents from the HMO would be limited.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2026) the proposal is considered in the context of the presumption in favour of sustainable development.

The proposal is considered to be located within a sustainable location. Taking into account the Inspectors comments within the Appeal Decision for the proposed 7 bed HMO (2025/0807) it is considered that the proposed 6 bed HMO would not impact on the character of the area, result in the unacceptable loss of a larger home, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

RECOMMENDATION

Approve subject to conditions and an informative to state that the separate flat shown on the ground floor plan is not part of this application/consent and should be subject to a separate planning application.