

<b>Application Reference Number:</b>	2026/0168.
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<b>Application Type:</b>	<i>Change of Use.</i>
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<b>Proposal Description:</b>	<i>Change of use and conversion of part of a sales/display area (Use Class E) to create 1no. residential unit (Use Class C3).</i>
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<b>Location:</b>	<i>Unit A, Priory Arms Rotherham Road, Cundy Cross, Barnsley, S71 5RF.</i>
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<b>Applicant:</b>	<i>M and E Property Solutions.</i>
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<b>Third-party representations:</b>	<i>None.</i>	<b>Parish:</b>	
		<b>Ward:</b>	<i>Monk Bretton.</i>

**Summary:**

The applicant is seeking planning permission for the change of use and conversion of part of a sales and display area (Use Class E) at ground level to create one residential unit (Use Class C3).

Having balanced all material planning considerations, the proposed residential unit is not considered to constitute a one-bedroom flat or a studio and would not achieve reasonable access to natural light or outlook levels. The proposed residential unit would look out onto an unkept bin store area which is undesirable and would be unpleasant for any potential future occupant(s) and would not ensure safe and healthy living conditions contrary to NPPF paragraph 124 and Local Plan Policy GD1. The positive elements of the proposal in respect of residential amenity would not outweigh any potential harm which is attributed significant weight against the proposal.

It is considered that this application is supported by insufficient accurate and precise information to enable accurate consideration of potential highways impacts and this is attributed moderate weight against the proposal.

Despite the LPA providing the applicant with an opportunity to reconsider their proposal and provide necessary amendments to address the issues raised, no response was received. As such, the LPA must proceed with the determination of this application based on the submitted scheme.

Consequently, the positive aspects of this proposal outlined above are considered to be outweighed by the potential harm regarding residential amenity which is attributed significant weight against the proposal.

Recommendation: **REFUSE.**

## Site Description

This application relates to an existing ground level sales and display area which forms part of a two-storey detached building, previously used as a public house, but more recently used as retail shops with flats above, located on a corner plot adjacent to the Cundy Cross junction of Rotherham Road, Pontefract Road and Grange Lane. The wider area is predominantly residential but in the immediate vicinity of Cundy Cross junction and the development site there are a mix of commercial, retail, and community uses. The area to the north and west of the development site is heavily planted.

The development site is entirely hard surfaced and used for vehicular parking. A gated bin store area is located to the north within the development site and appears to be unkept. The application relates to the former Mia's Fashion unit located adjacent to the bin store area. This unit is served by a ramp access. There is one modest-sized ground floor window and an adjacent blocked-up window located on the north (rear) elevation.



## Planning History

There are several planning applications associated with the development site, but the most relevant applications are as follows:

Application Reference	Description	Status
2011/0729	Additional retail unit within the existing ground floor area and conversion of first floor flat to 2 no flats.	Approved.

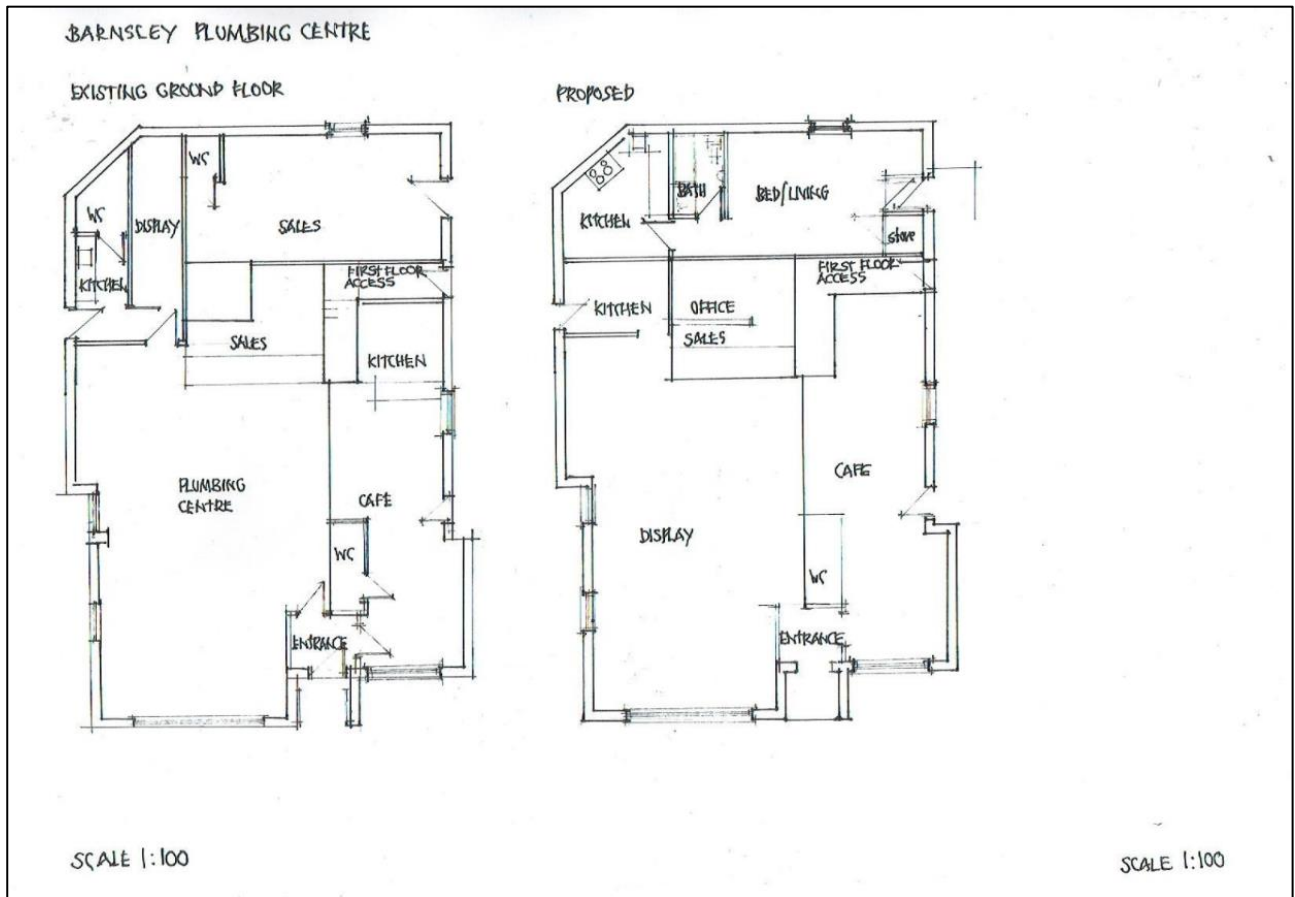
2011/1483	Additional retail unit within the existing ground floor area and conversion of first floor flat to 3 no flats. (Resubmission of 2011/0729).	Approved.
2024/0059	Conversion to form additional self-contained retail unit.	Approved.

**Proposed Development**

The applicant is seeking planning permission for the change of use and conversion of part of a sales and display area (Use Class E) at ground level to create one residential unit (Use Class C3).

The proposed residential unit would comprise a store (1.5sqm); bedroom and living area (25.7sqm); bathroom (4.3sqm); and a kitchen (11.9sqm). The residential unit would have an overall floorspace of approximately 45.2sqm.

The proposed residential unit would be created via internal alterations only. No external alterations are proposed.



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy H4: Residential Developments on Small Non-allocated sites.*
- *Policy H6: Housing Mix and Efficient Use of Land.*
- *Policy LG2: The Location of Growth.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*
- *Policy BIO1: Biodiversity and Geodiversity.*

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF 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. The 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 (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 5: Delivering a sufficient supply of homes.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*
- *Section 15: Conserving and enhancing the natural environment.*

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 this guidance into account when taking decisions.

## Supplementary Planning Guidance

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 following SPDs are relevant in this case:

- *Biodiversity and geodiversity (Adopted March 2024).*
- *Design of housing development (Adopted July 2023).*
- *Walls and fences (Adopted May 2019).*
- *Parking (November 2019).*

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

## Other Material Considerations

- *South Yorkshire Residential Design Guide (2011) (SYRDG).*
- *Nationally Described Space Standards (NDSS).*

## **Representations**

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice was posted nearby that expired 1<sup>st</sup> May 2026.

No representations were received.

## **Consultations**

Local Ward Councillors	<i>No comment(s) received.</i>
Highways Development Control	<i>Deferral for amendment(s)/ further information.</i>
Pollution Control	<i>No objection(s).</i>

## **Planning Assessment**

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

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

## Principle of Development

The applicant is seeking planning permission for the change of use and conversion of part of a sales and display area (Use Class E) at ground level to create one residential unit (Use Class C3).

Paragraph 73(d) of the NPPF establishes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their planning policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 124 of the NPPF states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst also safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs that can make as much use as possible of previously developed or 'brownfield' Land.

Paragraph 125(d) of the NPPF establishes that planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 128(a) of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

Local Plan Policy H4: Residential Development on Small Non-allocated Sites states proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where proposals comply with other relevant policies in the Plan.

Local Plan Policy H6: Housing mix and efficient use of land establishes that 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.

Considering the above, this proposal would re-purpose an existing vacant retail unit in a sustainable location and existing settlement to provide a one-bedroom residential unit. The re-purpose of existing buildings within a sustainable location and existing settlement is actively supported by national and local planning policies. Great weight is given to using suitable sites in existing settlements for homes and the principle of development in accordance with paragraph 73(d) of the NPPF.

Considering the above, the principle of development is considered acceptable subject to assessment of the following matters.

#### Impact on Residential Amenity, Health and Pollution Control

The applicant is seeking planning permission for the change of use and conversion of part of a sales and display area (Use Class E) at ground level to create one residential unit (Use Class C3).

The proposed residential unit would comprise a store (1.5sqm); bedroom and living area (25.7sqm); bathroom (4.3sqm); and a kitchen (11.9sqm). The residential unit would have an overall floorspace of approximately 45.2sqm.

It is acknowledged that the proposal could achieve compliance with the Nationally Described Space Standards (NDSS) technical requirements for a one-bedroom one-person one-storey dwellinghouse.

It is also acknowledged that the proposal could achieve compliance with the minimum internal space standards established by Table 4A.1 in the SYRDG for a one-person studio.

However, the Local Planning Authority (LPA) does not consider that the proposed residential unit would constitute a one-bedroom flat or a studio as to be a studio the layout should comprise a single room comprising a living room, kitchen and bedroom with a separate bathroom.

Notwithstanding the above, the kitchen would not be served by a window and the bedroom and living area would only be served by one modest-sized window. This is considered to be unacceptable, and it is likely that the proposal (as submitted) would not achieve reasonable access to natural light with significantly reduced levels of outlook.

The existing window located on the north elevation of the building that would serve the bedroom and living area would also look out to an area of the development site that is utilised as an enclosed bin store in an unkept state. This is undesirable and would be unpleasant for any potential future resident and would not ensure safe and healthy living conditions contrary to paragraph 124 of the NPPF and Local Plan Policy GD1.

While the proposed residential unit would not form part of a block of apartments or flats the Council's adopted design guidance within the Design of Housing Development SPD is clear that where private amenity space cannot be provided balconies (or other private amenity spaces such as a yard) should be provided. The amount of amenity space to be provided would also depend on the quality, quantity and accessibility of local public open space.

In this instance, no shared or private amenity space has been proposed due to the limited opportunity to facilitate this within the footprint or curtilage of the existing building. In addition, no balconies have been proposed as the proposed residential unit would be at ground level.

While the absence of shared or private amenity spaces or a balcony weighs against the proposal, in this instance, given the type of development proposed and the constraints of the development site, this element is attributed limited weight, particularly as the development site is within reasonable walking or wheeling distance of several local green spaces and local amenities and services in the immediate vicinity with a good level of access to public transport enabling access to a broader range of services and amenities in Barnsley Town Centre. Monk Bretton Priory and the Dearne Valley Park East is located to the south-east. The development site is considered to be in a sustainable location. This element of the proposal is considered acceptable and is attributed moderate weight in favour of the proposal.

It is not anticipated that any potential future resident(s) would be subject to unduly harmful noise and disturbance impacts given the existing mixed-use nature of the application building with commercial units at ground level and residential units at first-floor level. The surrounding area is also mixed-use with commercial and residential properties and the Cundy Cross junction is also busy throughout the day. A submitted Design and Access statement states that the proposed unit would form residential accommodation for an existing first-floor tenant who now requires ground floor accommodation due to mobility issues. An existing tenant re-locating within the application building would likely be aware and accustomed to any potential noise and disturbance impacts.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction and demolition works. However, any potential impact would be anticipated to be temporary and construction hours will be controlled by condition.

This element of the proposal is considered acceptable and is attributed moderate weight in favour of the proposal.

The LPA acknowledges the need for this proposed development as set out in the submitted Design and Access statement to address the mobility issues of an existing first-floor tenant. However, given

the issues previously set out this need is not considered to outweigh unacceptable impacts regarding residential amenity in terms of reasonable access to natural light and outlook and the undesirability of looking onto an unkept bin store area, and therefore, only modest weight is attributed to the stated need of the proposed development.

Despite the LPA providing the applicant with an opportunity to reconsider their proposal and provide necessary amendments to address the issues raised, no response was received. As such, the LPA must proceed with the determination of this application based on the submitted scheme.

Considering the above, the proposed residential unit is not considered to constitute a one-bedroom flat or a studio and would not achieve reasonable access to natural light or acceptable outlook levels. The proposed residential unit would also look out onto an unkept bin store area which is undesirable and would be unpleasant for any potential future resident(s) and would not ensure safe and healthy living conditions contrary to NPPF paragraph 124 and Local Plan Policy GD1. The positive elements of the proposal would not outweigh any potential harm which is attributed significant weight against the proposal.

*The proposal is therefore considered to be contrary to NPPF paragraph 124 and Local Plan Policy GD1: General Development and is considered unacceptable regarding residential amenity.*

#### Impact on Highways

Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe following mitigation and considering all other reasonable future scenarios.

Highways Development Control were consulted and colleagues noted that it is suggested that there would be no changes to the existing car park. However, one space should be reserved for potential residents of the proposed residential unit and the manner in which this would be achieved should be submitted by the applicant. A submitted proposed car parking plan indicated that two spaces would be reserved for the proposed residential unit. However, while parking spaces have been marked out on the submitted plan, on-site observations show that the car park is not marked out, and therefore, the proposal does not accurately reflect the current situation. Highways colleagues suggest that the layout should be amended to reflect the actual car park layout.

Highways Development Control colleagues also noted that while a cycle and bin store are shown on the submitted plans, the dimensions of these have not been shown. Colleagues suggest that the bin store should be of sufficient size to accommodate three residential bins and the existing commercial facilities. A cycle store should be covered and capable of being made secure and subject to regular surveillance as per the guidance in the Council's adopted Parking SPD. Highways colleagues state that these details should be included on any amended layout and include dimensioned and precise labels.

Despite the LPA providing the applicant with an opportunity to reconsider their proposal and provide necessary amendments to address the issues raised, no response was received. As such, the LPA must proceed with the determination of this application based on the submitted scheme.

Considering the above, it is considered that this application is supported by insufficient accurate and precise information to enable accurate consideration of potential highway impacts which is attributed moderate weight against the proposal.

*The proposal is therefore considered to be contrary to NPPF paragraph 116 and Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered unacceptable regarding highway safety.*

### Impact on Visual Amenity

No extensions or external alterations are proposed and therefore, this proposal is not considered to significantly alter or detract from the character of the street scene.

Considering the above, this is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity. Nevertheless, a proposal that is considered acceptable regarding Biodiversity and Geodiversity impacts does not warrant the approval of a scheme that is considered unacceptable regarding residential amenity with insufficient details submitted to consider highways impacts.*

### Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal is exempt from BNG in this instance.

Considering the above, this is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable. Nevertheless, a proposal that is considered acceptable regarding Biodiversity and Geodiversity impacts does not warrant the approval of a scheme that is considered unacceptable regarding residential amenity with insufficient details submitted to consider highways impacts.*

### Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), this proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, the proposed residential unit is not considered to constitute a one-bedroom flat or a studio and would not achieve reasonable access to natural light or outlook levels. The proposed residential unit would look out onto an unkept bin store area which is undesirable and would be unpleasant for any potential future occupant(s) and would not ensure safe and healthy living conditions contrary to NPPF paragraph 124 and Local Plan Policy GD1. The positive elements of the proposal in respect of residential amenity would not outweigh any potential harm which is attributed significant weight against the proposal.

It is considered that this application is supported by insufficient accurate and precise information to enable accurate consideration of potential highways impacts and this is attributed moderate weight against the proposal.

The principle of development is attributed great weight in favour of the proposal in accordance with paragraph 73(d) of the NPPF.

The proposal is considered acceptable regarding its impact on visual amenity and biodiversity and geodiversity, and these elements are attributed modest weight in favour of the proposal.

Despite the LPA providing the applicant with an opportunity to reconsider their proposal and provide necessary amendments to address the issues raised, no response was received. As such, the LPA must proceed with the determination of this application based on the submitted scheme.

Consequently, the positive aspects of this proposal outlined above are considered to be outweighed by the potential harm regarding residential amenity which is attributed significant weight against the proposal.

**RECOMMENDATION: Refuse.**

**Justification**

**Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

*In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.*

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 representations, 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.

**Reason(s) for refusal –**

1. In the opinion of the local planning authority, the proposed residential unit is not considered to constitute a one-bedroom flat or a studio and would not achieve reasonable access to natural light or outlook levels. The proposed residential unit would look out onto an unkept bin store area which is undesirable and would be unpleasant for any potential future occupant(s) and would not ensure safe and healthy living conditions contrary to NPPF paragraph 124 and Local Plan Policy GD1.
2. In the opinion of the local planning authority, this application is supported by insufficient accurate and precise information to enable accurate consideration of potential highways impacts contrary to NPPF paragraph 116 and Local Plan Policies T3 and T4.