

<b>Application Reference Number:</b>	2025/1023.		
<b>Application Type:</b>	Change of Use.		
<b>Proposal Description:</b>	Part change of use from dwellinghouse (Use Class C3) to small-scale childminding business (RETROSPECTIVE).		
<b>Location:</b>	51 Fish Dam Lane, Monk Bretton, Barnsley, S71 2PY.		
<b>Applicant:</b>	Ms Lucy Bennett.		
<b>Third-party representations:</b>	x14 Objections and x1 comment from 4no. addresses.	<b>Parish:</b>	
		<b>Ward:</b>	Cudworth.

**Summary:**

The applicant is seeking planning permission for the part change of use from a dwellinghouse (Class C3) to a small-scale childminding business retrospectively.

Having balanced all material planning considerations, whilst some objections have been received in respect of this proposal, it is considered that concerns have been appropriately addressed through the information provided and the extent of any potential impacts could be adequately mitigated using appropriately worded conditions. Paragraph 100(a) of the NPPF requires local planning authorities (LPAs) to give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications. Approving this application would achieve this aim. Additionally, the proposal is considered acceptable in respect of residential amenity according with Local Plan Policies GD1 and POLL1 and is acceptable regarding visual amenity in accordance with Local Plan Policy D1 and Highway Safety in accordance with Local Plan Policies T3 and T4. The proposal is exempt from BNG in this instance and therefore also accords with Local Plan Policy BIO1. The proposal is considered acceptable subject to conditions that would control operating hours, and the number of children cared for and staff at the premises. Conditions would also grant permission on a personal basis meaning that should the applicant move the business operations could not continue.

The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

**Site Description**

This application relates to a modest corner plot located at the corner of a crossroads junction of Fish Dam Lane, Kind Edward Street and Bentley Close. The surrounding area is principally residential in nature. A large industrial premises is located to the north. On-street parking is commonplace on Fish Dam Lane with parking occurring within dedicated parking bays, on pavements and within local bus stop bays. On-street parking is also commonplace on surrounding streets. Fish Dam Lane is served by good public transport links with numerous bus stops nearby and regular services to/from Barnsley Town Centre.

The property in question is a two-storey semi-detached dwellinghouse that is fronted by a small soft landscaped area and a driveway to the side which extends to the rear serviced by an existing access to the north corner of the development site at the junction of Fish Dam Lane with Bentley Close. To the rear is a modest-sized garden that accommodates an existing detached garage which has been converted to provide a child-minding service.



**Planning History**

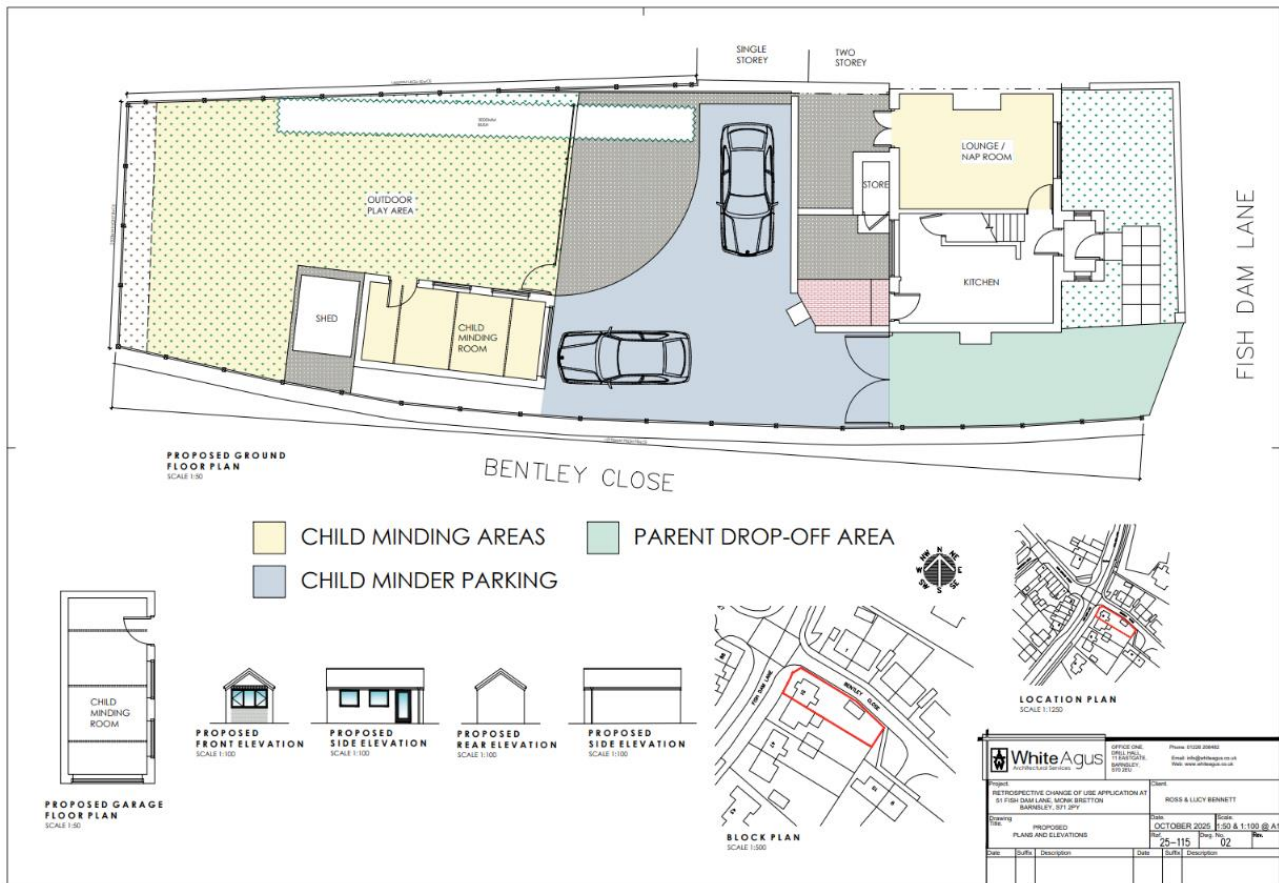
B/91/0734/BA	Erection of private garage.	Approved.
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Condition 2 of the above-mentioned planning permission establishes that the use of the garage shall at all times remain incidental to the enjoyment of the dwellinghouse and not for any trade or business.

**Proposed Development**

The applicant is seeking planning permission for the part change of use from a dwellinghouse (Class C3) to a small-scale childminding business retrospectively.

A submitted planning statement establishes that the child-minding business is Ofsted-registered and is run by two lead childminders and one apprentice assistant. The business cares for a maximum of nine children. The business operates Monday – Friday between 07:30am – 18:00pm and there is no operation(s) on weekends or bank holidays. The business’s activities are confined to the converted former detached garage within the rear garden and a ground floor WC and lounge within the existing dwellinghouse.



## 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 relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *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 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *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:

- *Parking (Adopted November 2019).*
- *Biodiversity and Geodiversity (March 2024).*

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

### **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 total of 15no. representations were received from four addresses comprising objections from three addresses and comments from one address. The concerns raised are summarised as follows:

- Impact regarding residential amenity, health and noise disturbance.
- Impact regarding unsafe parking, volume of traffic and traffic congestion.

- Impact regarding waste management.
- Impact regarding drainage.
- Impact regarding behaviour of individuals.
- Impact regarding the suitability of the location for a child-minding business.

While all concerns are acknowledged, those raised regarding the potential impact of the behaviour of individuals are not a material planning consideration and cannot therefore be taken into account in the determination of this application. This particular concern is therefore attributed no weight.

## Consultations

BMBC Childcare Services Manager	<i>No objection(s).</i>
Highways Development Control	<i>No objection(s) subject to condition(s).</i>
Pollution Control	<i>No objection(s) subject to condition(s).</i>
Local Ward Councillors	<i>No comments received.</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

This application was submitted following a planning enforcement complaint received on 29<sup>th</sup> August 2025. The Council's Planning Enforcement team wrote to the relevant landowner(s) at the beginning of September 2025. Discussions continued and the landowner(s) were advised that the submission of a planning application was required. Further contact was received from an Agent acting on behalf of the landowner(s) on 22<sup>nd</sup> October 2025 and this application for retrospective planning permission was received on 11<sup>th</sup> November 2025.

Paragraph 100 of the NPPF sets out that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Under Annex 2: Glossary of the NPPF, early years is defined as the provision of childcare (including education) for a young child, meaning a child from birth to the September after the child turns 5. It is considered that this retrospective proposal falls within this definition.

Non-residential uses within residential settings are acceptable if the majority of the floorspace would remain as residential and adequate parking would be provided within the site. Development will also

be expected to demonstrate that it would not be likely to result in an increase in pollution which would unacceptably affect or cause a nuisance to the natural and built environment or people.

The retrospective proposal helps to provide a sufficient choice of early years places within an existing community and as such, is acceptable in principle subject to an assessment of the following matters.

The principle of development is attributed great weight in favour of the proposal in accordance with paragraph 100(a) of the NPPF.

Considering the above, the proposal is therefore acceptable in principle subject to the consideration of the following matters.

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

During the application process, concerns were raised in relation to noise, disturbance and the impact on residential amenity and health.

The development site is in an area that is principally residential in character and is located within the context of a moderately busy road and nearby industrial premises. In this context the concerns raised regarding noise disturbance from crying children, loud conversational speech, outdoor activities and staff entertainment, bouncing castle pumps, and vehicles, could present some minor annoyance but is unlikely to present a statutory noise nuisance. The retrospective childminding business operates within reasonable working hours and not at weekends or bank holidays. A submitted statement sets out that outdoor activities are weather dependant and where they do proceed are limited to one hour in the morning and afternoon. This application is also supported by a noise management plan which could be conditioned should this application be approved. As such, it is considered that any potential noise disturbance impacts which may be experienced at present or in the future are likely to present a minor temporary annoyance rather than a statutory noise nuisance and would unlikely significantly detrimentally affect the amenity of neighbouring occupants. In addition, the Council's Environmental Health Officer (Pollution Control) was consulted, and no objections were received. It was suggested that the submitted noise management plan should be conditioned, if approved. Any potential noise complaints can continue to be reported to the Council and investigated where considered necessary.

It is not considered that the proposal would contribute to significant overshadowing, overlooking and loss of privacy, or reduced outlook impacts which may otherwise adversely affect the amenity of the occupants of the application and neighbouring properties. No extensions or other significant external alterations have been undertaken or are proposed. Some boundary treatments have been replaced. However, a reasonable degree of privacy is maintained through the retention of existing treatments or the installation of new good quality treatments.

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

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

#### Impact on Highways and Drainage

During the application process, concerns were raised regarding unsafe parking, volume of traffic and traffic congestion with people having to park away from their homes.

During the application process, concerns were raised regarding waste management and drainage.

This application relates to a modest corner plot located at the corner of a crossroads junction of Fish Dam Lane, Kind Edward Street and Bentley Close. On-street parking is commonplace on Fish Dam

Lane and occurs within dedicated parking bays, on pavements and within local bus stop bays. Such parking is also commonplace on surrounding streets.

Fish Dam Lane is served by good public transport links with numerous bus stops nearby and regular services to/from Barnsley Town Centre.

The development site benefits from an existing vehicular access and driveway with turning provision to the side and rear of the application property.

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

The Parking SPD requires at least two off-street parking spaces to serve the existing residential use (Class C3).

The Parking SPD requires at least one space per each full-time staff member to serve the business use.

Given that the business owner resides at the application property, the retrospective proposal results in a requirement of at least four off-street parking spaces. A submitted plan demonstrates that such provision can be accommodated for within the development site. Alternative transport methods could also be encouraged such as walking, cycling and public transport given good access to surrounding infrastructure and services. This could reduce the overall need for off-street parking provision.

Haphazard and unsafe on-street parking has been identified as an issue. However, Fish Dam Lane and the surrounding streets are not subject to on-street parking restrictions, and while inconsiderate parking can present obstructions and annoyance with neighbouring occupants having to park away from their homes, it is the personal responsibility of individual drivers to park safely, considerately and responsibly and in accordance with the Highway Code. A statement sets out that picking-up and dropping-off times are staggered so that typically only one parent vehicle is present at any time with a maximum of two vehicles for very short periods. It is stated that the typical dwell time is around 5 minutes and that parents are advised to avoid obstructing and congestion.

Site visits were undertaken on the afternoon of 12<sup>th</sup> January 2026 and the morning of 23<sup>rd</sup> January 2026. While Fish Dam Lane was moderately trafficked on both occasions there was some on-street parking available within the vicinity. There was a limited number of drop-offs by vehicles witnessed with dwell times being relatively short. While these site visits only demonstrate snap shots in time it is anticipated that the continuation of the childminding use would not significantly differ and as such, would unlikely prejudice highway safety. The applicant has stated that pick-up times would generally be staggered between 07:30am – 09:30am and dropping-off times between 13:00pm – 14:30pm and 16:00pm – 17:30pm. As such, it is considered that any potential disruption to residents is likely to be minimal and limited to short periods at specified times during the day.

Highways Development Control were consulted, and initially objected because of the intensification of the access which could increase the likelihood of vehicle conflict, unsafe reversing manoeuvres, and obstruction in the vicinity of a junction and bus route. However, following further discourse and clarification from the applicant that the existing driveway would only be used by the occupants of the application dwellinghouse and staff members, and that the applicant potentially intends to re-locate the business in the future, Highways colleagues removed their objection subject to conditions which would limit the maximum number of children and either grant a temporary or personal permission.

Having considered the concerns raised alongside the details submitted and the consultee response received from Highways Development Control, which the LPA has no reason to disagree with in this instance, it is not considered that the childminding use would significantly prejudice highway safety.

The development site is also within a sustainable location with good access to local amenities and public transportation. As such, alternative sustainable travel methods could be encouraged such as walking and cycling.

Consequently, it is not considered that there would be an unacceptable impact on highway safety to otherwise justify the refusal of this application on highways grounds in line with paragraph 116 of the NPPF. Therefore, the proposal is considered acceptable in this instance and is attributed moderate weight in favour of its approval.

Regarding waste management and drainage, concerns raised stated that residents have had issues with blocked drains because of the flushing of wet wipes and nappies and that because most houses before the location of the recurring blockages do not have young children, the business appears to be the common denominator.

No demonstrable evidence has been provided to back up the aforementioned claims and therefore it cannot be determined that the business is the cause of the experienced drainage issues. As such, no weight is attributed to these concerns.

Notwithstanding the above, the applicant has stated that existing general waste bins are utilised for disposals, that the children cared for are toilet-trained and that there is no toilet within the detached childminding room. The applicant has stated that they have not experienced any issues with blocked drains or from Yorkshire Water and because of the small-scale nature of the childminding business it does not generate a lot of waste.

Given that both the business and domestic uses benefit from shared waste management and toilet facilities that exist and that there has been no need for new provisions the responsibility for managing blocked drains (depending on location) would likely to fall to affected individuals or Yorkshire Water.

*The proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.*

#### Impact on Visual Amenity

A former single storey detached garage to the south-east within the rear garden of the development site has been converted to a child-minding room. A submitted planning statement establishes that works comprised: the installation of new windows and doors; internal plastering and insulation; and internal fit-out as a playroom. The statement also sets out that the detached structure remains within its original position with no increase to footprint, height or bulk. The works undertaken are therefore, considered de minimis and would not normally require planning permission. They do not significantly detract from or alter the character of surrounding street scenes.

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

*The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.*

#### 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 falls within the de minimis exemption and is therefore not subject to BNG in this instance.

*The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.*

## Planning Balance and Conclusion

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

Having balanced all material planning considerations, whilst some objections have been received in respect of this proposal, it is considered that concerns have been appropriately addressed through the information provided and the extent of any potential impacts could be adequately mitigated using appropriately worded conditions. Paragraph 100(a) of the NPPF requires local planning authorities (LPAs) to give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications. Approving this application would achieve this aim. Additionally, the proposal is considered acceptable in respect of residential amenity according with Local Plan Policies GD1 and POLL1 which is attributed moderate weight in favour, the proposal is also considered acceptable regarding visual amenity in accordance with Local Plan Policy D1 which is attributed modest weight in favour, and Highway Safety in accordance with Local Plan Policies T3 and T4 which is attributed moderate weight in favour. The proposal is exempt from BNG in this instance and therefore also accords with Local Plan Policy BIO1. The proposal is considered acceptable subject to conditions that would control operating hours, and the number of children cared for and staff at the premises. Conditions would also grant permission on a personal basis meaning that should the applicant move the business operations could not continue.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

**RECOMMENDATION: Approve subject to conditions.**

### **Justification**

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

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Additional information sought in relation to concerns raised during the application process.*

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.

## Conditions:

1. The development hereby approved shall be carried out strictly in accordance with the amended plans:

25-115 02 Proposed Plans and Elevations.

Planning Statement.

Revised Parking Plan received 02<sup>nd</sup> January 2026.

Noise Management Plan received 15<sup>th</sup> December 2025.

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**

2. The operating hours of the childminding use hereby approved shall be restricted to 07:30am – 18:00pm Monday to Fridays, and at no times on Saturdays, Sundays, and Bank Holidays.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection.**

3. No more than 9 children shall be cared for at the premises at any given time.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1: Pollution Control and Protection.**

4. The childminding business hereby approved shall be permitted to employ or have working at the premises no more than three members of staff inclusive of the business owner.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

5. The business use hereby permitted shall be carried out only by the applicant and staff and only during which time the applicant resides at the premises (51 Fish Dam Lane, Monk Bretton, Barnsley, S71 2PY). When the premises cease to be occupied by the applicant, the permitted use shall cease, and all materials and equipment brought on to the premises in connection with the use shall be removed.

**Reason: To ensure that the use of the property for residential purposes is retained in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4: New development and Transport Safety.**

## Informative(s):

6. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

7. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates'

Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.