
2025/0902

Mr Patryk Stasiak

Change of use from a residential dwelling (C3) to a four bedroom HMO (C4) (retrospective).

Site Description

The property is an end terrace property located on Hough Lane in Wombwell, directly adjacent to the access for Kings Oak Primary School. The property itself is built three storeys and built in red brick and stone with a tiled pitched roof and white UPVC windows and doors. There is a two storey flat roof extension at the rear however there is no planning record of this. To the front are steps leading up to the front door which is raised from the ground level and there is no designated parking.

Planning History

2025/0780 – Lawful Development Certificate for the use of the property as a HMO - Refused

Proposed Development

The application is seeking permission for the change of use of the property to a four bedroom HMO, the proposal is retrospective and the floor plans are shown below. It should be noted that the Councils Case Management Officer has noted that the floor plans do not reflect the current layout of the properties. The discrepancies are as follows:

- The only entry/exit for tenants of rooms 2,3 and 4 is via the back door, directly off the kitchen.
- The entry door for room 1 is located at the bottom of the staircase and has sole access of the front door as it forms part of the bedroom.
- The fire escape corridor to the front door is not in existence and forms part of room 1.
- The bathroom indicated on the first floor is a communal living room and not a bathroom



Consultations

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

Consultee	Summary of comments
Local Ward Councillors	Objection due to the oversupply of HMO/bedsit accommodation in the area, it is unauthorised, insufficient parking and antisocial behaviour.
Case Management Officer	No objection raised however concerns have been raised with regard to the layout of the property not matching the plans submitted.
Highways DC	Objection due to no off-street parking provision and the increase that would have on existing parking pressures in the locality.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. Five letters of objection have been received from local residents raising the following concerns:

- The proximity to a school
- Parking issues
- Antisocial behaviour

Relevant Policies

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 review was approved at the full Council meeting on 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 Allocation – Urban Fabric - Land within the Settlement with no specific allocation.

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

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 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.

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.

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well designed places

Assessment

The main issues for consideration are as follows:

- The acceptability of the alterations
- The impact on residential amenity
- The impact on visual amenity and character
- The impact on highways safety

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 Design of Housing Development SPD states that the following guidance applies to proposals for conversion of non-residential buildings or smaller dwellings to HMOs, studio apartments or bedsits.

Such proposals will be allowed where the following criteria are satisfied:

- On the street in question, HMOs, studio apartments/bedsits account for less than 10% of the residential properties.
- HMOs, studio apartments/bedsits account for less than 10% of the residential properties within a 50 metre radius of the site.
- That the proposal would not result in 3 or more HMOs being located immediately adjacent to each other or the sandwiching of a dwelling house between two HMOs.
- The building and curtilage are of sufficient size to provide suitable facilities for residents

In terms of concentration the property is within a row of dwellings and within a densely populated residential area, our records do not show that there are any other lawful HMOs within a 50m radius of the site and that there are only two other HMO's along this street which are some distance away. As such, the proposal will not result in an overconcentration of HMOs at this location and would be acceptable in principle provided that the proposal does not cause harm to residential amenity, visual amenity or highways safety. These matters are considered in more detail below.

Residential Amenity

Policy GD1 of the Local Plan states that proposals will be approved if, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

It is unlikely the proposal would cause significant harm to the amenity of neighbouring properties. The comings and goings associated with the HMO may be slightly more than you would expect of a typical family dwelling however given that it is limited to only 4 bedrooms, on balance, this would not be harmful or considered to cause a nuisance.

Although this application is retrospective, the submitted floor plans do not accurately reflect the existing property layout, as confirmed by the Case Management Officer. Nevertheless, the assessment must be based on the proposed plans as submitted.

The plans indicate the property would be configured as four individual bedrooms, one on the ground floor, two on the first floor, and one within the attic space. Two communal bathrooms are proposed, along with a shared kitchen/dining area; however, there is no provision for a shared living room or lounge. The SPD specifies that each HMO should include both a shared lounge and dining room, and that garden sizes should meet the general criteria for dwellings (i.e., a minimum of 60 square metres). It further requires that amenity space, internal and external spacing standards, and separation distances comply with these general criteria.

In this case, whilst the bedroom sizes are of a sufficient size, there is no additional communal living space for residents and no external garden provision. Consequently, the proposal fails to meet the SPD requirements and is considered likely to result in harm to the residential amenity of current and future occupiers due to inadequate space and poor living standards. The proposal therefore does not accord with Policy GD1 of the Local Plan.

Visual Amenity

The application does not propose any external alterations or operational development as part of its conversion to a HMO as such the impact on visual amenity would be little to none.

Highways Safety

Paragraph 116 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

This is echoed in Policy T4 of the Local Plan which states that 'New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.'

The application site is located on the northern side of Hough Lane within an established residential area of Wombwell, Barnsley. Hough Lane forms part of the local highway network linking the A633 Barnsley Road to the west with Station Road and the wider Wombwell area to the east. The surrounding area is predominantly residential in character, comprising traditional terraced and semi-detached dwellings, many of which take direct vehicular access from the highway with limited off-street parking provision.

Directly adjacent to the application site is the rear access to Kings Oak Primary School. Whilst it is acknowledged that the Council's Parking Standards Supplementary Planning Document sets out a recommendation of one parking space per three bedrooms for Houses in Multiple Occupation, experience across the borough has demonstrated that actual car ownership levels associated with such uses are often significantly higher than this standard suggests. HMOs tend to generate a greater intensity of occupation than typical single-family dwellings, and residents frequently own vehicles despite limited on-site provision.

In this instance, no off-street parking is proposed, and the development would therefore be entirely reliant upon on-street parking within an area already subject to high levels of residential parking demand and limited capacity. It is noted that the Design and Access Statement indicates that tenancy agreements would restrict car ownership amongst occupants. However, such restrictions are not enforceable in practice and cannot be relied upon to mitigate the parking demand arising from the development.

Furthermore, given the close proximity to the access to Kings Oak Primary school, intensification of parking on this junction would severely restrict visibility for both pedestrians and drivers. As such, the lack of any dedicated off-street parking provision is considered inappropriate and likely to result in increased on-street parking stress, to the detriment of highway safety and residential amenity in the surrounding area. As such, the proposal does not accord with policy T4 of the Local Plan and would cause harm to highways safety.

Conclusion and Planning Balance

Whilst the principle of a small-scale HMO in this location is acceptable in isolation, the detailed assessment demonstrates that the scheme fails to comply with key Local Plan policies and adopted Supplementary Planning Documents.

The absence of adequate communal living space and external amenity provision falls significantly short of the standards set out in the Design of Housing Development SPD, resulting in poor living conditions for current and future occupiers. This carries considerable negative weight in the planning balance.

Additionally, the lack of any off-street parking provision in an area already subject to high parking demand, combined with the proximity to a primary school access, is likely to exacerbate parking

pressures and compromise highway safety. This conflict with Policy T4 of the Local Plan and the NPPF carries further negative weight.

There is no public benefit that would outweigh the harm identified to residential amenity and highway safety. On balance, the development does not represent sustainable development as defined by the Local Plan and the NPPF and is therefore recommended refusal.

**Recommendation -
REFUSE.**