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## Appeal Decision

Site visit made on 3 March 2026

by **Chris Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> April 2026

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### Appeal Ref: 6001854

### 20 High Street, Great Houghton, Barnsley S72 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Morling of Rhinos Ltd against Barnsley Metropolitan Borough Council.
  - The application reference is 2025/0804.
  - The development proposed is change of use to form 4 apartments.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use to form 4 apartments at 20 High Street, Great Houghton, Barnsley S72 0AB in accordance with the terms of the application, reference 2025/0804, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 25-050-2 Site Plan; 25-050-3 Existing Plans; 25-050-4 Proposed Plans; 25-050-5 Landscape Plan.
  - 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
    - i) the parking of vehicles of site operatives and visitors;
    - ii) loading and unloading of plant and materials;
    - iii) storage of plant and materials used in constructing the development;
    - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
    - v) wheel washing facilities;
    - vi) measures to control the emission of dust and dirt during construction;
    - vii) measures to control noise emissions during construction;
    - viii) delivery, demolition and construction working hours;
    - ix) methods of communicating the Statement to staff, visitors and occupants of neighbouring properties.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

## **Background and Main Issue**

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has provided a statement of case, confirming that, had it been able to determine the application within the statutory timescales, it would not have granted planning permission. The Council's sole reason for doing so would have been that insufficient information had been submitted in respect of the layout of the first-floor element of the building.
3. Accordingly, the main issue is whether the absence of plans showing the first floor of the building prevents a proper assessment of the proposal.

## **Reasons**

4. The appeal proposal relates solely to the change of use of the ground floor of the building. Based on the evidence, including what I saw at my site visit, the first floor serves as a separate dwelling, accessed by independent means comprising a separate front door and internal staircase. In these circumstances, the first floor constitutes a separate planning unit and does not form part of the appeal proposal. Therefore, the acceptability of the proposed change of use does not depend upon the internal layout of the first-floor accommodation, and no material planning purpose would be served by requiring plans of that part of the building in order to assess the development before me.
5. I conclude there is no sound reason why planning permission should be withheld on the basis of the information before me.

## **Other Matters**

6. The Council considers that the principle of the proposed change of use to apartments is acceptable. It further confirms that the proposal would not give rise to any significant material harm in respect of the character and appearance of the building or the surrounding area, the living conditions of future occupants, or the living conditions of neighbouring residents. Nor does the Council raise objection on highways safety or parking grounds or otherwise raise objection on technical or environmental grounds.
7. Interested parties have raised concerns in relation to noise and disturbance, anti-social behaviour, and the effect of the proposal on the living conditions of nearby residents. I have considered these concerns carefully. However, the Council does not identify material harm in these respects, and there is nothing before me to lead me to a different view. Indeed, I see no reason why the proposed residential development would be detrimental to living conditions of any other dwelling.
8. Concerns have also been expressed regarding the loss of a community asset and the potential over-concentration of bedsits within the area. The Council considers that, having regard to the prolonged cessation of the former public house use and the existing residential use of part of the building, the policy relating to the protection of community facilities does not apply in this case and that no sequential test is required. The issue of over-concentration has not been supported by evidence demonstrating material planning harm or a need for further information, and I find no reason, on the evidence before me, to depart from the Council's conclusions in these respects.

9. Reference has additionally been made to the potential for alternative uses of the building. However, the planning system does not require an applicant to demonstrate that all other possible uses have been explored where, as here, the proposed development can be adequately assessed against the development plan. As such, this matter does not alter my conclusions on the main issue.
10. The above factors do not provide justification to refuse planning permission. As such, they do not affect my conclusion on the appeal.

### **Conditions**

11. The Council has provided a list of suggested conditions, which I have considered against paragraph 57 of the National Planning Policy Framework and advice contained in Planning Practice Guidance. Where appropriate, I have amended the wording of the suggested conditions for clarity and reasonableness.
12. In addition to the standard time condition, I have imposed a condition that requires the development to be carried out according to the approved plans, for the avoidance of doubt and in the interests of certainty.
13. Given the proximity of neighbouring properties, a condition requiring a Construction Method Statement (CMS) is reasonable and necessary in the interests of maintaining highway safety and amenity during construction. I have not imposed a separate condition relating to working hours as this matter is addressed through the provision of the required CMS.
14. I have considered the suggested condition requiring the submission of a precautionary working method statement in respect of bats. However, the appeal proposal relates to a change of use of the ground floor only, and there is no evidence before me to indicate that the development, as proposed, would give rise to a risk of harm to protected species or that specific mitigation is required. In the absence of site-specific information identifying bat roosting features or demonstrating that the proposed development would be likely to affect them, I am not persuaded that such a condition would be necessary or reasonable. Accordingly, I have not imposed the suggested condition.

### **Conclusion**

15. For the reasons given above I conclude the appeal should be allowed.

*Chris Mayes*

INSPECTOR