

2025/0807

166 Barnsley Road, Darfield, Barnsley, S73 9DQ

**Change of use to a seven-person house in multiple occupation (HMO)
(Retrospective)**

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 Family Shopper convenience store, which is connected to 166 Barnsley Road and there is also a Nisa Local convenience store located adjacent 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.

Planning History

- 2019/1232 - Change of use of retail unit (A1) to restaurant and takeaway (A3 and A5) – Refuse
- 2025/0568 - Lawful development certificate for proposed change of use from garage/storeroom to residential flat - ongoing

Proposed Development

The applicant has submitted a series of plans and a planning statement in support of the application. The applicant has stated that the property is in use as a 7 bed HMO. The plans that have been provided suggest that some of the rooms will be sharing amenities such as kitchen spaces, toilets/bathrooms and hallways. The site does not provide any private amenity space for the use of the potential occupants, as this space has been developed upon for the use of the convenience store which is connected to the property.

The applicant hasn't labelled each of the rooms, but the planning statement states that the occupants would be sharing amenities. The LPA can only assess what has been submitted. It should also be noted that the applicant has not provided communal living space for the possible occupants. The plans show from left to right:

Ground floor

Flat 1

- Lounge – 30.46m²
- Bedroom – 8.63 m²
- Kitchen – 3.45 m²
- Shower – 2.91 m²

Flat 2

- Bedroom kitchen – 23.51 m²
- Shower – 3.44 m²

Flat 3

- Bedroom - 15.42 m²

Communal Kitchen - 20.65 m²

First floor

Flat 4

- Bedroom kitchen - 19.15 m²

Flat 5

- Bedroom kitchen - 24.63 m²

Flat 6

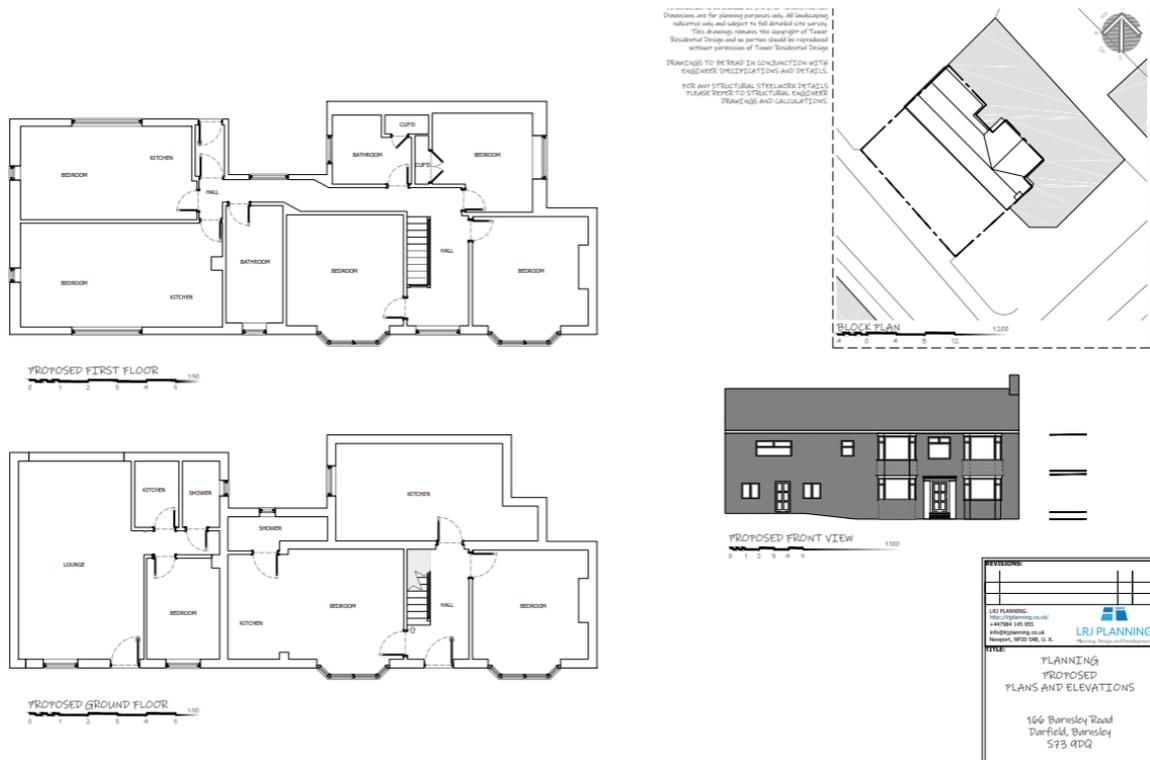
- Bedroom - 10.48 m²

Flat 7

- Bedroom – 15.32 m²

There are then 2 bathrooms on the first floor which is presumed to be communal bathrooms along with a kitchen on the ground floor for the use of flats 3 – 7 and the kitchen on the ground floor would also be used for these flats.

The plans are detailed below:



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 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.

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:

- The Design of Housing Development

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 12: Achieving well designed places

Consultations

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

Highways – Insufficient information provided to fully assess.

Pollution control – No objections.

Drainage – No objections.

Licensing – No objections.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. 4 letters of objection have been received, details of which are given in the body of the report. Councillor Kevin Osborne has also raised concerns with the scheme, raising the following concerns:

- Overdevelopment and unsuitable site
- Overcrowding of an existing property
- Parking and highway concerns
- Deterioration of local amenity
- Erosion of family housing stock

Assessment

The main issues for consideration are as follows:

- The acceptability of the alterations
- The impact on visual amenity and character
- The impact on neighbouring residential properties
- The impact on highways safety
- Consideration of representations

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

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 adaptation.

It is acknowledged that the property is capable of accommodating 7 bedrooms and as such Policy H9 applies. In recent years subdivisions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes (or buildings capable of accommodating larger homes) and an increase in the number of smaller units contributing to an imbalance. Such is the problem within the borough that Barnsley now has an article 4 direction to remove PD rights for HMOs across the borough. In order to further protect larger homes, we will resist the conversion of larger homes into flats and other non-self-contained housing such as Houses in Multiple Occupation and support their re-introduction into family-sized homes.

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 row of dwellings and 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.

Nevertheless, the creation of a HMO, as proposed, within a property which is capable of accommodating a 4 bedroom plus 'larger home' without significant alteration would be contrary to policy H9 and therefore its conversion would not be acceptable in principle.

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.

The proposal is for a 7-bedroom HMO. The SYRDG sets out the minimum acceptable internal space standards. The South Yorkshire Residential Design Guide states that the minimum size should 12sqm for a double bedroom or 7sqm for a single bedroom. It

should be noted that the LPA cannot control how many occupants will be living in each of the rooms. It is not controllable who would be renting the rooms and as such it should be considered that couples could be living in the property. As such each room would be required to meet the double bedroom standards. Flats 1 and 6 would not meet these double bed standards, but would meet the single standards, but as explained above it is not controllable how many occupants would be staying in each bedroom. The applicant has also not labelled the intended occupancy of each 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. This has not been provided by the applicants and has not been labelled on the plans and as such the occupants of flats 2 -7 would be confined to the shared kitchen, bathrooms and their bedrooms without any communal living space.

The SPD also goes on to state that the external amenity space should be at least 60m². The proposed site plan shows no private amenity space to the rear and as such would not provide occupants with any private space. The amenity space which once occupied the rear of the site has been replaced with the convenience store which is connected to the dwelling.

Consequently, as the proposal does not meet all the space standards in the SYRDG and the SPD, it would be contrary to the requirements of Policies GD1 and D1 of the Local Plan and unacceptable in terms of residential amenity for future occupiers.

Visual Amenity

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.

Highway Safety

The application has been assessed by the Council's Transportation Officer, and they have stated that the plans submitted by the applicant are unclear, as they do not show how many parking spaces can be accommodated within the site. In accordance with Barnsley's Parking Standards, a minimum of 4 spaces should be provided for a HMO of this size and given the location, it is essential that these parked vehicles can be managed to turn within the site as is the existing situation due to the classification of Barnsley Road. Therefore, insufficient information has been provided in the form of parking spaces and swept paths to show it meets those requirements. Therefore the proposal would be in conflict with policy T4 of the Local Plan.

Representations

A number of representations have been received raising concerns with regard to the following:

- Parking and traffic
- Noise and disturbance
- Pressure on infrastructure
- Loss of family housing

These comments have been addressed through the body of the report. It has been concluded that the proposed development fails to meet the policies and requirements to become a 7-bedroom HMO.

Conclusion

The proposed change of use of the existing dwelling to a 7-bedroom House in Multiple Occupation (HMO) has been assessed against the relevant policies of the Barnsley Local Plan, associated Supplementary Planning Documents, and the South Yorkshire Residential Design Guide. While the site lies within the Urban Fabric and no external alterations are proposed, the development raises significant concerns in relation to the loss of a larger dwelling, substandard internal and external amenity provision, and unresolved highway safety and parking issues.

The proposal fails to comply with Policy H9 which seeks to protect larger dwellings from conversion, contributing to an imbalance in housing stock across the borough. Furthermore, the internal layout does not meet the minimum space standards, and the external amenity space is inadequate.

In light of these issues, the proposal is considered to be contrary to Policies H9, GD1, D1, and T4 of the Barnsley Local Plan, The Design of Housing SPD and South Yorkshire Residential Design Guide. The application is therefore recommended for refusal.

Recommendation

REFUSE