



Appeal Decision

Site visit made on 13 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/R4408/W/22/3294076

131 Dodworth Road, Barnsley S70 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Azad Jarral against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1437, dated 22 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is change of use from residential (C3) to guest house (C1)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - The effect of the development on the living conditions of the occupiers of neighbouring dwellings with specific regard to noise and disturbance.
 - The effect of the development on the provision of larger housing stock around Urban Barnsley and the Town Centre.

Reasons

Living conditions

3. The appeal site is a two-storey detached property located on Dodworth Road, which is a main arterial route into Barnsley Town Centre and is heavily trafficked. The area is predominately residential in nature with a smattering of retail and commercial premises.
4. There is a vehicular access along the western elevation, which allows access to parking at the rear of the property, as well as other dwellings. A commercial vehicle repair garage is sited immediately to the rear of the appeal site. Six parking spaces are proposed at the rear of the property in an gated area which is already hard surfaced.
5. The appeal proposal seeks to change the use of the property from a dwelling to a guest house. The dwelling would be converted from four to six bedrooms to facilitate the change but there are no external alterations proposed. The guest house would supply breakfast to guests, but not allow access to the kitchen at any time, or the lounge other than breakfast time.

6. The guest house would be staffed during the day, but not staffed at night. A cleaning team would come onto site after guests check out of the premises.
7. The concerns of the Council relate to noise and disturbance caused by guests, which the Council state would harm the living conditions of nearby residents. I find that the booking in and out of guests would not cause material harm to the living conditions of residents, given that the vast majority of guests arriving and leaving such premises tend to be in the afternoon or morning respectively and generally not at unsocial hours.
8. The incoming and outgoing of cleaning staff to service the premises would also be expected at normal times during the day, as would the arrival and departure of guests from the parking area located at the rear of the property. I would surmise that the heavy levels of traffic utilising Dodworth Road most of the day would cause more harm to the living conditions of neighbouring residents than the appeal proposal would.
9. The Council also make reference to guests not respecting the locality, and groups meeting up. There is little private space available on site, and limited space within the premises for groups of people to socialise. I would expect that given the lack of facilities provided on site, guests would look elsewhere for options, given the close proximity to the town centre.
10. If in the event that there are issues with guests, I am sure that the operators would not look kindly on negative reports and address them appropriately, and there are also other more direct means of control available if necessary.
11. As such, I do not find conflict with policy GD1 of the Barnsley Local Plan (2019) (the LP) which states that development will be approved if there will be no significant adverse effect on the living conditions of existing residents.

Provision of larger housing stock

12. The Council have concerns regarding the loss of a larger dwelling into alternative use, the protection of which is set out in Policy H9 of the LP. This policy is designed to ensure the endurance of the larger housing stock in Barnsley by resisting the conversion of such dwellings to alternative uses, particular in Urban Barnsley and around the town centre, which is where the appeal property is located.
13. The appellant has countered this argument by supplying details of the various types of property for sale at the time of the production of their Statement of Case. This would appear to demonstrate that, at that moment in time, there were no lesser number of larger properties for sale than any other dwelling type.
14. I find that this approach does not justify the conversion of the appeal property. This is a snapshot in a moment of time that demonstrates levels of property for sale. This is not definitive evidence there are appropriate levels of property of that size available to warrant relaxation of the policy. It can be driven by other factors such as market forces and the respective strength or weakness of the housing market at that time.

15. I find that the appellants assertion that the property could be converted back to a family property if the proposal were to be unsuccessful, and that the property is not attractive to families due to its location, are not reasons to allow the relaxation in respect of this proposal.
16. The policy protects the larger housing stock from alternative uses. I do not find that the evidence provided justifies a departure from that policy. As such, in relation to this issue, I find the proposal to be in conflict with Policy H9, which seeks to resist the conversion of larger dwellings for alternative uses.

Conclusion

17. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR