

2025/1061

Mrs Theresa Arnold

42 High Street, Wombwell, Barnsley, S73 8BH

Change of use of the upper floor into two flats under class MA of the GPDO

Site Description

The site comprises a two-storey building with a basement, containing a ground floor retail unit (Use Class E) and ancillary upper-floor space currently used for storage and office functions. The property is located on Wombwell High Street within a mixed-use town centre environment where residential accommodation above commercial premises is common.

Planning History

There is no relevant site history.

Proposed Development

This application has been submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order is permitted development under Class MA, Part 3 of Schedule 2 of the GPDO subject to condition MA.2.(2), which requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval is required.

The application proposal involves in the change of use of the upper floor of 42 High Street premises (Class E(g)(i)) into two individual flats (Class C3).

Relevant Policies

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

Class MA, Part 3 of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to an assessment of the following matters:

Development not permitted

MA.1.— (1) Development is not permitted by Class MA—

b) unless the use of the building fell within one or more of the classes specified in sub paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

d) if land covered by, or within the curtilage of, the building—

- i. is or forms part of a site of special scientific interest;
- ii. is or forms part of a listed building or land within its curtilage;

- iii. is or forms part of a scheduled monument or land within its curtilage;
- iv. is or forms part of a safety hazard area; or
- v. is or forms part of a military explosives storage area;

e) if the building is within—

- i. an area of outstanding natural beauty;
- ii. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- iii. the Broads;
- iv. a National Park; or
- v. a World Heritage Site;

f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

g) before 1 August 2022, if—

- i. the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- ii. the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

a) the following classes of the Schedule as it had effect before 1st September 2020—

- i. Class A1 (shops);
- ii. Class A2 (financial and professional services);
- iii. Class A3 (food and drink);
- iv. Class B1 (business);
- v. Class D1(a) (non-residential institutions – medical or health services);
- vi. Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- vii. Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

- (g)the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h)where the development involves the loss of services provided by—
 - (i)a registered nursery, or
 - (ii)a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
- (i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph

(a)for paragraph (e) of sub-paragraph (2) there were substituted—

“(e)where—

(i)sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii)sub-paragraph (6A) requires [the Building Safety Regulator] to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;

(b)in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

(c)after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult [the Building Safety Regulator].”;

(d)in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse

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
Highways DC	No objection
Pollution Control	No objection

A site notice was also posted on site. No representations have been received to this publicity.

Planning Assessment

Principle of Development

This application is being considered within the scope of Class MA, Part 3 of Schedule 2 of the GPDO. Class MA specifically permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, if the relevant criteria and conditions are complied with. Exclusions to

this are set out by paragraph MA.1.

The application proposal involves in the change of use of an office premises (Class E(g)(i)) into two individual flats (Class C3) and is not an excluded form of development when assessed against the criteria set out by paragraph MA.1.

Paragraph MA.2. sets out the criteria in which this application can be assessed against. This includes

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development; and
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The application building is not located within a Conservation Area or in an area that the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The application building would not result in the loss of services provided by a registered nursery or a health centre. As such, paragraphs MA.2. (e), (g) and (h) are not applicable in this instance.

Regarding paragraph MA.2. (i), this proposal would be subject to Building Regulations approval and therefore, fire risk and fire safety would be considered during future regulatory stages. The relevant applicable criteria (MA.2. (a), (b), (c), (d) and (f)) have been assessed as follows.

Transport impacts of the development

Whilst the proposal does not provide any allocated parking provision, the units are 1 x bedroom flats and, given the sustainable village centre location, the lack of dedicated parking is not considered to raise any highway concerns. As such, there are no objections to this application from a highways perspective.

Considering the above, the proposal is considered acceptable regarding transport impacts.

Contamination Risks

The development site and immediate locality have been identified as a low-risk development area by the Mining Remediation (Coal) Authority (MRA) and there are no known sources of contamination in this location that would otherwise necessitate further investigation in association with this scale of development. The site has been deemed fit for human occupation as evidenced by the former use of the application building. The proposed works are mostly internal with only minor alterations to the external appearance of the building and should therefore not disturb any groundworks. The risk of encountering contamination is anticipated to be low.

Considering the above, the proposal is considered acceptable regarding contamination risks.

Flooding Risks

The development site is located within Flood Zone 1 which has the least probability of flooding. A Flood Risk Assessment (FRA) was not required in this instance.

Considering the above, the proposal is considered acceptable regarding flooding risks.

Impacts of noise from commercial premises on the intended occupiers of the development

A noise impact assessment has been undertaken for the proposed change of use of to form a residential development. The ambient noise climate at the site is characterised by road traffic and pedestrian shoppers on high street on the front south-western façade and distant road traffic on the north-eastern façade. A scheme of sound insulation works has been developed to protect the proposed residential development from the ambient noise climate which will be secured via condition. The Pollution Control Officer has raised no objection or concerns with this.

Considering the above, the proposal is considered acceptable regarding impacts of noise from commercial premises on the intended occupiers of the development.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The proposal would provide windows to all habitable rooms as indicated on the submitted plan drawing ref 2025/125 P03.

Considering the above, the proposal is considered acceptable regarding the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Conclusion

Having checked these specifications, the proposed development would comply with the legislation and requirements for permitted development under Class MA, Part 3 of Schedule 2 of the GPDO and therefore, this notification is awarded a positive recommendation that further prior approval is not required, and this application should be granted subject to the necessary conditions.

RECOMMENDATION: Prior Approval – Granted subject to conditions.