

Application Reference Number:	2026/0205.
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Application Type:	<i>Change of Use.</i>
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Proposal Description:	<i>Change of use from butcher shop (Use Class Ea) to hot food takeaway (Use Class Sui Generis) including installation of extraction equipment on rear elevation.</i>
Location:	<i>46 Agnes Road, Barnsley, S70 1NH.</i>

Applicant:	<i>Mr John Kearns.</i>
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Third-party representations:	<i>X3 Objections.</i>	Parish:	
		Ward:	<i>Kingstone.</i>

Summary: The applicant seeks planning permission for a change of use from a butchers' shop (Use Class E(a)) to a hot food takeaway (Use Class Sui Generis) including the installation of extraction equipment on the rear elevation. This proposal constitutes unacceptable development in principle that would contribute to a localised concentration of hot food takeaways in an electoral ward which observes high levels of children being classified as overweight or obese and is therefore contrary to paragraphs 96(c) and 97(b) of the NPPF and the adopted HFT PAN and HFT SPD. This is attributed substantial weight against this proposal. In addition, insufficient details have been submitted to allow the full consideration of potential impacts in respect of residential amenity, health and pollution control contrary to Local Plan Policies GD1 and POLL1. This is attributed significant weight against this proposal. Moderate and modest weight is attributed to the impacts of this proposal upon highway safety, visual amenity and biodiversity and geodiversity in favour of development. However, whilst there are some minor positive elements to this proposal, these are not considered to outweigh the negative elements of this proposal which is unacceptable in principle and in respect of its impact on residential amenity, health and pollution control and which is supported by insufficient information. As such, this application is recommended for refusal. Recommendation: Refuse.
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Site Description

This application relates to an existing two-storey commercial building comprising a former Butcher's shop on the ground floor and ancillary storage and cold store facilities on the first floor. This building is located to the south-west of Barnsley Town Centre and in an area that is a mix of commercial and residential uses, comprising a Post Office, Hot Food Takeaway, Café, Convenience Store, and other retail uses. Holy Rood Catholic, Shawlands and Joseph Lock Primary Schools are to the north-west. Locke Park is located to the south-west. There are several smaller local green spaces in the locality.

This application building is stone-fronted with a pitched blue slate roof. To the rear, this application building has a brick construction with an existing external fire escape stairs from the first floor. There is an existing single storey outbuilding within the rear yard area.

Agnes Road experiences on-street parking on both sides of the road with no on-street parking limits in place.



Planning History

B/87/0331/BA	Erection of fire escape.	Approved.
B/91/0989/BA	Installation of new shop front.	Withdrawn.
2025/0012	Change of use of former butcher shop to mixed use shop and 1no. flat above with front and rear dormers.	Approved.
2025/0077	Change of use from cafe and takeaway (Class E) to hot food takeaway (Sui Generis).	Refused.

Application 2025/0077 relates to 15 Agnes Road, Barnsley, S70 1NJ, which is located approximately 14.7 metres to the north-west of the development site. This application was refused for the following reason(s):

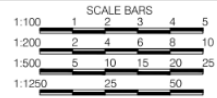
- 1. The development site is located outside of a designated town centre and within walking distance of schools and other places where children and young people congregate, contrary to paragraph 97(a) of the National Planning Policy Framework, and in the opinion of the local planning authority, the proposal would not enable and support healthy lives and would have an adverse impact on local health, contrary to paragraphs 96(c) and 97(b) of the National Planning Policy Framework. As such, the principle of development is considered unacceptable.*
- 2. In the opinion of the local planning authority, insufficient details have been submitted to enable all potential impacts to be fully considered, specifically in relation to residential amenity, health and pollution control, contrary to the Council's Hot Food Takeaways Planning Advice Note and Local Plan Policies GD1 and POLL1.*

Proposed Development

The applicant seeks planning permission for a change of use from a butchers' shop (Use Class E(a)) to a hot food takeaway (Use Class Sui Generis) including the installation of extraction equipment on the rear elevation.

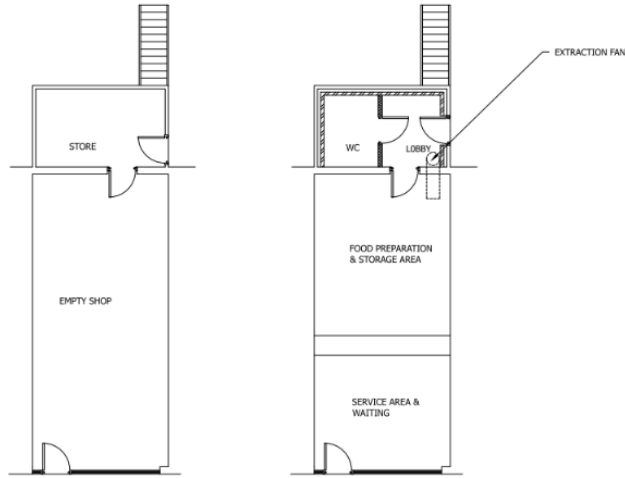
Drawing No.	Rev No.
MSD001	-004

IF IN DOUBT ASK!



DO NOT SCALE: Contractor to check all dimensions and report any omissions or errors

NOTES



EXISTING GROUND FLOOR PLAN
SCALE 1:100 AT A3

PROPOSED GROUND FLOOR PLAN
SCALE 1:100 AT A3

No.	Description	By	Chk	App	Date
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JPS DESIGNING Ltd
1 Sander Road
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Client: MR. S DASS

PROPOSED PLANS

46 AGNES ROAD
BARNSELEY
S70 1NH

CHANGE OF USE FROM SHOP TO TAKEAWAY

PLANNING

FIRST ISSUE

Scale at A3: JPS 05/03/2018, JPS 05/03/2018, JPS 05/03/2018

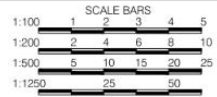
Checked By: JPS 05/03/2018, Approved By: JPS 05/03/2018, Date: 05/03/2018

Project No: MSD001, Drawing No: 004, Revision: -

Author: JPS, Approver: JPS, Checker: JPS, Designer: JPS, Draftsman: JPS

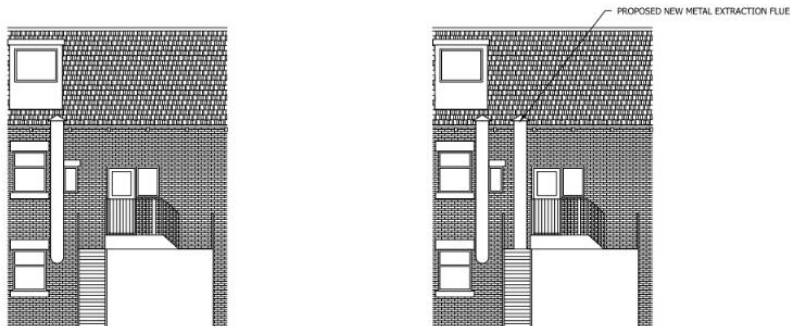
Drawing No.	Rev No.
MSD001	-003

IF IN DOUBT ASK!



DO NOT SCALE: Contractor to check all dimensions and report any omissions or errors

NOTES



EXISTING REAR ELEVATION
SCALE 1:100 AT A3

PROPOSED REAR ELEVATION
SCALE 1:100 AT A3

No.	Description	By	Chk	App	Date
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Client: MR. S DASS

PROPOSED ELEVATIONS

46 AGNES ROAD
BARNSELEY
S70 1NH

CHANGE OF USE FROM SHOP TO TAKEAWAY

PLANNING

FIRST ISSUE

Scale at A3: JPS 05/03/2018, JPS 05/03/2018, JPS 05/03/2018

Checked By: JPS 05/03/2018, Approved By: JPS 05/03/2018, Date: 05/03/2018

Project No: MSD001, Drawing No: 003, Revision: -

Author: JPS, Approver: JPS, Checker: JPS, Designer: JPS, Draftsman: JPS

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy TC1: Town Centres.*
- *Policy TC3: Thresholds for Impact Assessments.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High Quality Design and Place Making.*
- *Policy BIO1: Biodiversity and Geodiversity.*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 7: Ensuring the vitality of town centres.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable travel.*
- *Section 12: Achieving well-designed places.*
- *Section 15: Conserving and enhancing the natural environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Supplementary Planning Guidance

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 following SPDs are relevant in this case:

- *Biodiversity and geodiversity (Adopted March 2024).*
- *Hot food takeaways (HFT SPD) (Adopted March 2026).*
- *Hot food takeaways planning advice note (HFT PAN) (Adopted March 2026).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Representations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice was posted nearby that expired 19th June 2026.

Three objections were received. The concerns raised are summarised as follows:

- Impact in respect of traffic and parking.
- Impact in respect of noise and odour pollution and littering.

Consultations

Highways Development Control	<i>No objection(s).</i>
Local Ward Councillors	<i>No comment(s) received.</i>
Policy	<i>No comment(s) received.</i>
Pollution Control	<i>Objection(s).</i>
Public Health	<i>Objection(s).</i>

Planning Assessment

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

Paragraph 96(c) of the NPPF establishes that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 97(a) and (b) of the NPPF states local planning authorities should refuse applications for hot food takeaways and fast-food outlets:

(a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

(b) in locations where there is evidence that concentrations of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

National Planning Practice Guidance (NPPG) establishes that to create a healthier food environment planning policies and proposals may need to have particular regard to the following issues: proximity to locations where children and young people congregate such as schools, community centres and playgrounds; evidence indicating high levels of obesity, deprivation, health inequalities, and general poor health in specific locations; over-concentration of such uses within a specified area; odours and noise impact; traffic impact; and refuse and litter.

Regarding paragraph 97(a) of the NPPF, the adopted HFT PAN establishes walking distances to be 800-metres. The development site is within 800-metres of Jospeh Locke Primary School, Shawlands Primary School and Holy Rood Catholic Primary School, and several green spaces, including Locke Park and other smaller areas with children's play equipment. The proposed hot food takeaway would therefore be within walking distance of schools and other places where children and young people congregate (outside of a designated town centre) and is therefore contrary to paragraph 97(a) of the NPPF and the adopted HFT PAN and HFT SPD.

Regarding paragraph 97(b) of the NPPF, the adopted HFT PAN establishes that levels of overweight and obesity are a health concern within Barnsley as 67.8% of Barnsley adults are either overweight or obese which is 3.8% higher than the national average. Over a third of Barnsley's 10–11-year-olds are also overweight or obese, including 23.2% of 5-year-olds (NHS England 2024). Improving levels of healthy weight is a priority for Public Health alongside our partners. This is recognised in the most recent Public Health Strategy (2025-2027) and Healthy Life Expectancy Strategy 2025–2030.

The adopted HFT PAN establishes that 22.2% of 4-5-years-olds and 43.1% of 10-11-year-olds within the Kingstone Ward are overweight or obese. It also sets out that proposals for hot foot takeaways in an electoral ward where the proportion of 10-11-year-olds classified as being overweight or obese exceeds 40% the proposal is more likely to conflict with the NPPF.

Public Health colleagues have objected to this proposal on this basis.

This proposal would contribute to a localised concentration of hot food takeaways within an electoral ward that experiences high levels of children being classified as overweight or obese and is therefore contrary to paragraphs 96(c) and 97(b) of the NPPF and the adopted HFT PAN and HFT SPD.

Paragraph 92 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Local Plan Policy TC1: Town Centres establishes that edge of centre and out of centre development would be allowed where proposals would meet the requirements of the NPPF. Impact assessments are required as laid out by Local Plan Policy TC3: Thresholds for Impact Assessments. These should accord with the requirements of the NPPF.

Local Plan Policy T3: Thresholds for Impact Assessments states that proposals for retail and leisure uses are required to provide an impact assessment if they would be of a scale, role or function where they could have a negative impact on the vitality and viability of the centre and are:

Located outside the Primary Shopping Area of Barnsley Town Centre and are:

- Within the catchment of Barnsley Town Centre; and
- Have a floorspace in excess of 2,500 square metres gross.

Located outside the Primary Shopping Area of a District Centre and are:

- Within the catchment of a District Centre; and
- Have a floorspace in excess of 1,000 square metres gross.

Located outside a Local Centre and are:

- Within the catchment of a Local Centre; and
- Have a floorspace in excess of 500 square metres gross.

If the local planning authority (LPA) has concerns that a proposal below these floorspace thresholds may have a significantly adverse impact on centres, the LPA may require an impact assessment as part of a planning application.

In this instance, given the small-scale nature of the business and its distance from the Stairfoot Local Centre (approximately 0.53km north-east) and Barnsley Town Centre (approximately 1.31km north-west) and that a hot food takeaway business is not considered a main town centre use, this proposal accords with Local Plan Policy TC1. Moreover, an impact assessment is not required in this instance in accordance with Local Plan Policy TC3.

Whilst this proposal is considered to accord with Local Plan Policies TC1 and TC3, it is considered unacceptable in respect of paragraphs 96(c) and 97(b) of the NPPF and the adopted HFT PAN and HFT SPD.

Considering the above, this proposal is considered unacceptable in principle and substantial weight is attributed against this proposal.

Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised regarding the proposals' potential impact upon noise, odour and littering.

It is not considered that the proposed internal and external alterations would contribute to significant increased levels of overshadowing, overlooking and loss of privacy, or reduced outlook because the proposed use would occupy an existing commercial premises with no external alterations proposed beyond the installation of extraction equipment on the rear elevation.

Environmental Health (Pollution Control) colleagues were consulted; and an objection was received based on there being no assessments in respect of noise or odour impacts to support the application.

It is acknowledged that this application is supported by insufficient information in respect of potential staffing levels, operational hours, general operational details, noise and odour mitigation, and refuse storage and management, including of litter.

Whilst it is considered unlikely that this proposal would result in significant increased levels of noise or odour impacts in the context of an existing adjacent hot food takeaway and commercial premises, this application is supported by insufficient details to consider the full potential impacts. It is accepted that some impacts could be controlled by suitable worded conditions and that additional information could have been sought by the LPA from the applicant. However, this would not have addressed the fact that this proposal is considered unacceptable in principle.

Notwithstanding the above, paragraph 97(b) of the NPPF sets out local planning authorities should refuse applications for hot food takeaways and fast-food outlets: in locations where there is evidence that concentrations of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

National Planning Practice Guidance (NPPG) establishes that to create a healthier food environment planning policies and proposals may need to have particular regard to the following issues: proximity to locations where children and young people congregate such as schools, community centres and playgrounds; evidence indicating high levels of obesity, deprivation, health inequalities, and general poor health in specific locations; over-concentration of such uses within a specified area; odours and noise impact; traffic impact; and refuse and litter.

Regarding paragraph 97(b) of the NPPF, the adopted HFT PAN establishes that levels of overweight and obesity are a health concern within Barnsley as 67.8% of Barnsley adults are either overweight or obese which is 3.8% higher than the national average. Over a third of Barnsley's 10–11-year-olds are also overweight or obese, including 23.2% of 5-year-olds (NHS England 2024). Improving levels of healthy weight is a priority for Public Health alongside our partners. This is recognised in the most recent Public Health Strategy (2025-2027) and Healthy Life Expectancy Strategy 2025–2030.

The adopted HFT PAN establishes that 22.2% of 4-5-years-olds and 43.1% of 10-11-year-olds within the Kingstone Ward are overweight or obese. It also sets out that proposals for hot foot takeaways in an electoral ward where the proportion of 10-11-year-olds classified as being overweight or obese exceeds 40% the proposal is more likely to conflict with the NPPF.

Public Health colleagues have objected to this proposal on this basis.

Considering the above, this is considered to weigh significantly against this proposal.

The proposal is therefore considered contrary to paragraph 97(b) of the NPPF, Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection and the adopted HFT SPD and HFT PAN and is considered unacceptable regarding its impact on residential amenity, health and pollution control.

Impact on Highways

During the application process, concerns were raised regarding the proposals' potential impact upon traffic and parking with increased and frequent deliveries and collections.

Whilst frustrating, there is no right for someone to be able to park outside of their own home provided parking regulations and the Highway Code are being adhered to. This part of the road is not subject to on-street parking restrictions.

Paragraph 116 of the NPPF sets out development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts

on the road network would be severe following mitigation and considering all other reasonable future scenarios.

It is acknowledged that this application is supported by insufficient information in respect of potential staffing levels, operational hours, and general operational details in respect of the anticipated levels of deliveries and collections etc. However, it should also be noted that the LPA has not sought further details given that this proposal is considered unacceptable in principle.

Nevertheless, Highways Development Control colleagues were consulted. It was stated that the site is located on Agnes Road on the outskirts of Barnsley Town Centre, and although the street is mainly residential in nature, the site is in an area of the street where several businesses are located on both sides of the road. The former butchers' shop does not benefit from off-street parking provisions, and none is proposed. However, most of the surrounding properties also do not benefit from an off-street parking provision. Both sides of Agnes Road are therefore heavily parked with parking spaces being at a premium. The proposed hot food takeaway would likely generate a similar number of customer movements to and from the site – both vehicular and on foot – compared with an existing Class E(a) use. The main differences would be that the proposed hot food takeaway would likely generate such movements during the evening rather than during the daytime. It is also noted that there is an existing hot food takeaway, convenience store and off-licence in the same row of terraced properties. Given that these premises open until late, it would be difficult to substantiate objections on highway grounds in respect of parking demand or vehicular trip generation in this instance. This proposal is therefore considered acceptable regarding Local Plan Policy T4.

In addition, given the development sites' edge of town centre location it benefits from access to good pedestrian and cycle links. It is also within comfortable walking distance of residential properties and bus stops. The development site is therefore considered to be in a sustainable location and accords with Section 9 of the NPPF and Local Plan Policy T3.

Considering the above, on balance, this is considered to weigh moderately in favour of this proposal.

This proposal is therefore considered contrary with Local Plan Policies T3: New Development and Sustainable Travel and T4: New Development and Transport Safety and is considered acceptable regarding its impact on highway safety. However, development that is considered acceptable regarding its impact on highway safety does not justify the approval of a scheme that is considered unacceptable in principle and unacceptable regarding its impact on residential amenity, health and pollution control.

Impact on Visual Amenity

Agnes Road is characterised by mixed residential and commercial uses with various shopfronts and illuminated and non-illuminated signage.

The proposed hot food takeaway would be located within a row of existing commercial premises that comprise an off-licence, hot food takeaway, and convenience store. Other commercial premises are located on the opposite side of Agnes Road. In this regard, the proposal would not be out-of-keeping with the local character. However, any signage proposals would be subject to a separate application for advertisement consent.

No external alterations are proposed beyond the installation of external extraction equipment on the rear elevation. While the proposed extraction equipment would be visible from the surrounding public realm, it would not be an overtly dominant or prominent feature within the street scene. The proposed extraction equipment would also be seen within the context of an existing external flume. Therefore, this proposal is considered acceptable in respect of its impact on visual amenity.

Considering the above, this is considered to weigh modestly in favour of this proposal.

The proposal is therefore considered to comply Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding its impact on visual amenity. However, development that is considered acceptable regarding its impact on visual amenity does not justify the approval of a scheme that is considered unacceptable in principle and unacceptable regarding its impact on residential amenity, health and pollution control.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal falls under one of the listed exemptions and is therefore not subject to BNG in this instance.

Considering the above, this is considered to weigh modestly in favour of this proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), this proposal is considered in the context of the presumption in favour of sustainable development.

For the reasons given above, and taking all other matters into consideration, this proposal constitutes unacceptable development in principle that would contribute to a localised concentration of hot food takeaways in an electoral ward which observes high levels of children being classified as overweight or obese and is therefore contrary to paragraphs 96(c) and 97(b) of the NPPF and the adopted HFT PAN and HFT SPD. This is attributed substantial weight against this proposal.

In addition, insufficient details have been submitted to allow the full consideration of potential impacts in respect of residential amenity, health and pollution control contrary to Local Plan Policies GD1 and POLL1. This is attributed significant weight against this proposal.

Moderate and modest weight is attributed to the impacts of this proposal upon highway safety, visual amenity and biodiversity and geodiversity in favour of development.

However, whilst there are some minor positive elements to this proposal, these are not considered to outweigh the negative elements of this proposal which is unacceptable in principle and in respect of its impact on residential amenity, health and pollution control and which is supported by insufficient information. As such, this application is recommended for refusal:

1. The development site is located outside of a designated town centre and within walking distance of schools and other places where children and young people congregate, contrary to paragraph 97(a) of the National Planning Policy Framework, and in the opinion of the local planning authority, the proposal would not enable and support healthy lives and would have an adverse impact on local health, contrary to paragraphs 96(c) and 97(b) of the National Planning Policy Framework. The principle of development is therefore considered unacceptable.
2. In the opinion of the local planning authority, insufficient details have been submitted to enable all potential impacts to be fully considered, specifically in respect of residential amenity, health and pollution control, contrary to the Council's Hot Food Takeaways Planning Advice Note and Local Plan Policies GD1 and POLL1.

RECOMMENDATION: Refuse.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.