

Application Reference Number:	2026/0120
--------------------------------------	-----------

Application Type:	Full application
--------------------------	------------------

Proposal Description:	(RETROSPECTIVE) Change of use from dwellinghouse (Use Class C3) to small HMO (Use Class C4).
------------------------------	--

Location:	32 Dodworth Road, Barnsley, S70 6DY
------------------	-------------------------------------

Applicant:	Mr Henry Bower
-------------------	----------------

Third-party representations:	None.	Parish:	None.
		Ward:	Kingstone Ward

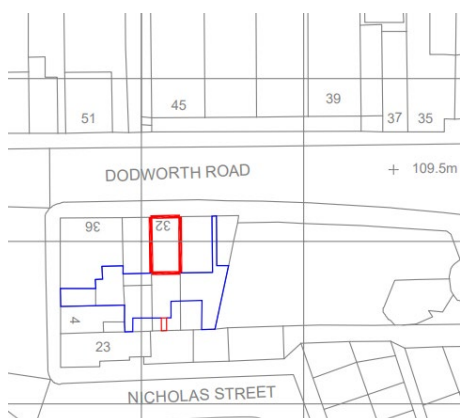
Summary:
<p>This application relates to the change of use of a residential dwellinghouse (Use Class C3) to a small HMO (Use Class C4). The submitted application form suggests that the property has been used as a HMO since circa 2003, with this application submitted to regularise the use.</p> <p>An updated internal floorplan has been provided to address comments raised by the HMO Licensing department. On this basis there are no outstanding consultee objections and no neighbour comments have been received.</p> <p>Recommendation: Planning Permission GRANTED subject to conditions.</p>

Site Location & Description

The application site is a mid-terrace property located at the eastern end of Dodworth Road. The property is finished in stone and is two-storey in height, with the roofspace converted to provide additional accommodation. To the rear, there is a courtyard which is shared between the application property and those adjoining (shown in blue on the plan below). The courtyard is accessed off Lancaster Street to the west, via an archway between No. 36 Dodworth Road and No. 4 Lancaster Street. The property does not benefit from off-street parking provision, with Dodworth Road having yellow lines to prevent parking to the front of the property. Surrounding residential streets are relied upon for parking.

Given the edge of town centre location, the surrounding area is characterised by a mixture of residential and commercial buildings. A designated Greenspace is located less than 15m to the east of the site (The Cornmill Site) with the Town Centre District 5 boundary also circa 10m to the east.

The application site lies within the Flood Zone 2 as per the Environment Agency's flood risk maps. The site is a low-risk development area on the Mining Remediation Authority maps.



Relevant Planning History

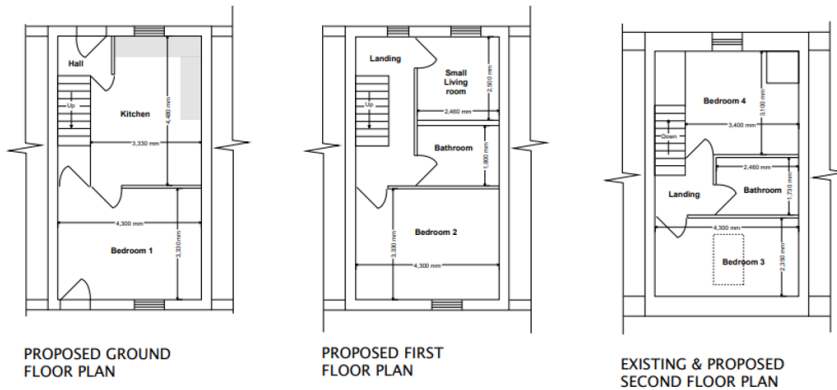
No planning history.

Proposed Development

This application seeks full planning permission to change the use of an existing property from a dwellinghouse (Use Class C3) to a small HMO (Use Class C4). The application relates to a retrospective proposal with the submitted application form suggesting that the use has been occurring since 2003. This application therefore looks to regularise the use.

The HMO layout would consist of a shared kitchen area on the ground floor and a shared living room at the first floor. Four bedrooms would be provided, along with 2x shared bathrooms. Bedroom 1 is proposed at the ground floor level; bedroom 2 at the first floor and bedrooms 3 and 4 are proposed in the roofspace.

No external alterations are proposed as part of this application.



Policy Context

Allocation/Designations

The site is washed over by Urban Fabric as defined in the adopted Local Plan.

The application site lies within the Flood Zone 2 as per the Environment Agency's flood risk maps. The site is a low-risk development area on the Mining Remediation Authority maps.

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 held 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.

The following Local Plan policies are relevant in this case:

- Policy GD1: General Development
- Policy D1: High Quality Design and Place Making
- Policy H6: Housing Mix and Efficient Use of Land
- Policy H9: Protection of Existing Larger Dwellings
- Policy SD1: Presumption in favour of Sustainable Development
- Policy T4: New Development and Transport Safety
- Policy CC3: Flood Risk

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

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It 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. This 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 which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 5 – Delivering a Sufficient Supply of Homes

Section 9 – Promoting Sustainable Transport

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed Places

Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

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 it 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 most pertinent SPD's in this case are:

- Parking, November 2019
- Sustainable Travel, July 2022
- Design of Housing Development, July 2023

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

Consultations

Case Management Officer – Initially raised some concerns regarding the size of existing bedroom 2. In response to this the floorplans have been updated to propose that bedroom to be repurposed to a shared living room. No objection to the property being used as a 4 bedroom HMO on this basis.

Environment Agency – No objection, standing advice applies.

Drainage – No response.

Highways DC – No objection.

Local Ward Cllrs – No response.

Representations

The application has undergone two periods of publicity following an update to the development description. This application has been advertised in accordance with the Development Management Procedure Order 2015, as follows:

1st Publicity Period

- Neighbour notification letters sent to adjoining properties/sites, consultation period expired: 2/4/2026

2nd Publicity Period (Updated Description)

- Neighbour notification letters sent to adjoining properties/sites, consultation period expired: 25/4/2026

No neighbour representations have been received in response to the above publicity.

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:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site falls within urban fabric which has no specific land allocation. New buildings and changes of use are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with the relevant policies quoted below.

Local Plan Policy H9 states that the loss of existing larger dwellings will be resisted. Support will be given to the re-establishment of Houses in Multiple Occupation into single family sized houses.

The existing property is a 3/4 bedroom dwellinghouse located on the edge of Barnsley Town Centre. As described above, the property does not benefit from a private rear garden or off-street parking, and therefore does not lend itself as a suitable modern style family dwelling. On this basis, the proposed change of use is considered to be acceptable in this instance.

Section 28 of the Design of Housing Development SPD sets out a criteria for the location of HMOs. Paragraph 28.1 requires:

- HMOs, studio apartments/bedsits account to account for less than 10% of the properties on the street;
- HMOs, studio apartments/bedsits account to account for less than 10% of the residential properties within a 50 metre radius of the site;
- The proposal would not result in 3 or more HMOs being located immediately adjacent to each other or the sandwiching of a dwelling house between two HMOs.

The recorded planning history does not indicate that there are an over-concentration of HMOs within the locality. An existing HMO is registered at No.35 however this is on the opposite side of the road thus would not result in a sandwiching effect. The development would not result in an over-proliferation of HMOs in this section of Dodworth Road.

Based on the assessment against the criteria set out above, the principle of the development is acceptable subject to the considerations below.

Design, Appearance and Impact upon Residential Amenity

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials.

NPPF Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

The proposed development does not include external alterations to the existing property, and therefore will not impact the appearance or character of the locality. The property will retain its existing appearance which is characteristic of a typical Victorian mid-terrace.

The Case Officer Manager has reviewed the proposal in terms of the HMO Licensing requirements and the quality of the internal accommodation for future residents. Initially the HMO was laid out whereby the shared accommodation was on the ground floor and bedrooms 1 and 2 were at the first floor. However, the existing/proposed bedroom 2 was too small to be considered as a suitable HMO bedroom, measuring only 6.5sqm. As such as the proposed layout has been amended so that this room is to be used as a shared living area.

The SPD states that properties to be used as HMOs are required to have suitable shared facilities which are of a sufficient size. Although the shared living room is small, this is considered to be acceptable on balance, due to the property benefiting from a suitably sized shared kitchen and sufficiently sized bedrooms.

Similarly, the property does not benefit from a shared outdoor space, which is also required by the SPD. However, if the property was to be retained as a dwellinghouse this would also have no private garden, meaning residents would be reliant upon nearby public spaces. The lack of outdoor shared amenity is not considered to constitute as a reason for refusal, particularly when taking into account the edge of Town Centre location. Residents are in close proximity to designated Greenspaces including The Cornmill site, which is located only 10m from the property.

Given the retrospective nature of the proposal, a condition is attached to ensure that the small room on the first floor is converted into a living room within one month of this decision and shall not be used as a HMO bedroom.

Whilst the HMO operation may generate more comings and goings than a typical 3 or 4 bedroom dwellinghouse, this is not considered to harmfully impact the amenity of neighbouring residents. It is important to note that if the property remained in a C3 use, the number of residents could not be controlled, whereas C4 uses are restricted to a maximum of 6 residents or less where licenses stipulate. Nevertheless, no neighbour comments have been received from adjoining residents.

Taking all of the above into account, the development is acceptable in terms of the impact upon the character of the area and residential amenity, in accordance with the above policies, and is afforded substantial weight in this regard.

Highways Considerations

Local Plan Policy T4 states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

The Council's adopted Parking SPD recommends two parking spaces for a 3+ bedroomed dwelling and also recommends one parking space per three rooms in a House in Multiple Occupation.

As mentioned above, the property does not benefit from any off-street parking provision and therefore cannot provide the 2 spaces as required by the SPD. However, if the property was to remain in a C3 use, it would also be discordant with the SPD, due to being unable to provide the 2 off-street spaces required for a 3+ bedroom dwelling. Given the edge of Town Centre location and close proximity to sustainable and public transport links, the absence of private parking provision is acceptable in this instance and the Highways DC Officer has no objection.

In summary, the proposal is acceptable in terms of highways, which weighs substantially in favour of the application.

Conclusion

The proposed development relates to the retrospective change of use of a dwellinghouse to a small HMO (4 bedrooms). The principle of the proposed HMO (Use Class C4) use is considered to be acceptable in this location as it would not substantially alter the character of the area or harmfully impact adjoining residents.

The HMO Case Officer has reviewed the proposal, and the proposed floorplans have been updated in response to the comments made regarding the size of the internal accommodation. Subject to the layout being implemented as shown on the proposed floorplan, the Officer has no objection to the property being used as a HMO, and it is considered to provide suitable accommodation for occupiers.

There are no concerns regarding the impact upon the highway safety. The development is therefore recommended for approval subject to strict accordance with the approved plans.

RECOMMENDATION: Approve with conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

- *The proposed floorplan has been updated in response to the Case Management Officer comments in relation to the size of the internal accommodation.*

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 objections, 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.