

Barnsley Metropolitan Borough Council
Development Management
PO Box 604
Barnsley
South Yorkshire
S70 9FE

Our Ref: 102`10/MS
17th September 2010

Dear Sir/ madam,

R.E. PLANNING APPLICATION FOR CHANGE OF USE OF DOMESTIC DOUBLE GARAGE TO BUSINESS USE AT 19 APRIL DRIVE, MONK BRETTON, BARNSELY

On behalf of our client, Mr Harnett, I write with the supporting justification for the above-mentioned planning application. The application seeks planning approval to continue using the domestic garage to the rear of the property (see Appendix 1, photographs 1-4) for purposes associated with Mr Harnett's car body shop business, entailing storage of paints and equipment and the occasional repair of minor chips, scratches, scuffs and dents to cars and the installation of alloy wheels.

Planning permission B/00/1014/BA/HH for the detached double domestic garage at 19 April Drive was granted by Barnsley Council on 29th September 2000. Condition 2 in Planning permission B/00/1014/BA/HH requires that:

"2. The garage shall be used for purposes incidental to the enjoyment of the dwelling house and shall not be used for any trade or commercial purpose.

Reason: In the interests of the amenities of local residents"

19 April Drive is located within the Monk Bretton housing policy area, as identified on the Barnsley Unitary Development Plan (UDP) Proposals Map. The most relevant development plan considerations for this application are therefore policies H8B and H8C in the Barnsley UDP, which respectively relate to non-residential uses in residential areas and home-based business uses. In reflecting the requirements of these policies, the main issues to be addressed in considering this planning application are, firstly, the principle of the business use at the residential property and, secondly, whether the use would have an acceptable effect on the visual amenity of the surrounding area, and the amenities of adjoining occupiers, with particular reference to noise and general disturbance, and privacy. It is also necessary address parking and highway safety considerations.

Principle of Business Use

As detailed in Mr Harnett's supporting letter (enclosed), prior to the economic downfall, he operated his business from a mobile van which visited various garages and called in at customers' addresses to carry out body work repairs, with repair equipment and supplies stored in his garage (see Appendix 1, photograph 4). However, it is understood that the economic downturn has had a severe adverse effect on Mr Harnett's business and, in response he has forcibly had to diversify his business, on which his livelihood depends, to ensure its survival. Mr Harnett only repairs a maximum of 4 cars per week at his garage. However, if his business expands, it is Mr Harnett's long-term aspiration to find suitable and affordable premises to operate his body shop business but,

at this point, he has no option other than to operate the business from his home to ensure its immediate viability. To date, Mr Harnett has not been able to find any units that he is able to afford to buy or rent and many have long tie-in contracts. Failure to grant planning permission for the business use at the garage is likely to result in Mr Harnett's business folding.

UDP Policy H8B makes provision for *"small scale, non residential uses in housing policy areas"*, providing that any potential adverse effects can be mitigated. The support paragraph (1.63) for this policy states:

*"There are also certain businesses which often occupy small sites within older residential areas, manufacturing smaller items or for instance **carrying out car repairs**... they can often be carried out in residential areas **without causing unacceptable disturbance**."*

Non-residential activities can potentially have an unacceptable effect on neighbouring residential areas. However, photographs 10-16 in Appendix 1 illustrate a number of cases in Monk Bretton where non-residential uses sit harmoniously in primarily residential areas, including the terraced property operating as a catering business on Lamb Lane (two streets from April Drive), the car repair garage adjacent to 78 Wakefield road (two miles from April Drive), and the nearby garage with a flat above. In addition, the bungalow at Dodworth Road, Barnsley which been converted into a mosque, also illustrates that non-residential uses, which can often give rise to noise and disturbance, and associated comings and goings, can be accommodated harmoniously in residential areas of the Borough. Moreover, compared to these smaller residential sites, the application site is located within a row of bungalows which are characterised by long garden areas, with large distances between the rear elevations of properties. The garage at the application site occupies a relatively large plot, when compared to these other properties in the Borough, which are mainly characterised by denser, terraced properties and smaller plots.

Whilst the application site is located within a defined housing policy area on the UDP Proposals Map, its immediate location is characterised by a mix of non residential uses. West Green social club (see photograph 6 in Appendix 1) is situated within 35 metres of the application site and operates from 11am to 12 midnight on a daily basis, providing entertainment and events, including live music, with associated coming and goings of patrons, particularly during times outside normal working hours of the day. On occasions, a van selling food has been stationed in the car park of the premises, giving rise to patrons congregating during times outside normal working hours. In addition, the public right of way behind the application site is occupied by allotments, which can be visited, un-restricted, throughout the day, with associated comings and goings of vehicles and the lighting of fires to burn rubbish (see Appendix 1, photographs 7-9).

UDP Policy H8C relates to 'home-based businesses' and states that small scale businesses may be acceptable when undertaken from dwellings where the majority of the property's curtilage would continue to be in residential use. The single storey pitched roof garage has a floor area of around 60 sq metres and occupies only 10 per cent of the curtilage of 19 April Drive. Therefore the majority of the curtilage would remain in residential use.

The business use in question clearly constitutes a use within Class B1 of the Town and Country Planning (Use Classes) Order 1987, which relates to: *"(c) any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"*.

It is considered that the principle of the small scale business use at 19 April Drive is acceptable. Attention now turns to addressing relevant issues of visual amenity, noise and general disturbance, and privacy, and the use of planning conditions requiring mitigation measures to allow the use to proceed.

Amenity and Highways

In reflecting the requirements of UDP policies H8B and H8C, it is necessary to demonstrate that the small scale business use at 19 April Drive will not have an unacceptable effect on: the amenity of neighbouring properties; the visual amenity of the surrounding area; and, highway safety and parking requirements.

It is acknowledged that a planning appeal relating to the erection of a dwelling to rear of 19 April Drive was dismissed on 5th April 2005 (Appeal Decision APP/R4408/A/04/1166554). One of the Inspector's concerns related to the impact of the granny annex on the living conditions of adjoining occupiers. As recognised previously by the Planning Inspector, by virtue of the allotments to the rear of the application site, vehicular access to the garage can only be taken from April Drive via the existing 2.6 m wide driveway which passes between No. 19 and its common boundary with No. 17 April Drive. Mr Harnett continues to provide mobile repair services using his van and only a nominal number of vehicles enter the application site to be repaired, i.e. a maximum of 4 cars per week. Concern may be expressed about the intensification of activity along this drive-way as a result of the business use. However, it is possible to reasonably impose a planning condition that restricts the hours of the use of the repair garage and the associated comings and goings. This is fundamentally different to movements associated with the occupation of a dwellinghouse.

The rear gardens of properties in April Drive and Burton Avenue flanking the application site are reasonably lengthy and there are no windows existing or proposed in any of the garage's elevations. There is no possibility of overlooking of adjacent properties from the garage and there is no conflict with minimum privacy distances. Activity associated with the adjacent allotments and nearby social club (see photographs 6-9 in Appendix 1) creates related background noise and disturbance levels in the vicinity of application site, above those normally expected in a primarily residential area. It is understood that the garage benefits from a double skinned wall and tiled roof, enclosed by a plaster boarded ceiling and Mr Harnett considers that the garage is adequately sound-proofed. Nevertheless, along with the restrictions on the hours in which the business can operate, he is agreeable a planning condition, should it be required by the Council, to allow it to agree details of sound-proofing in order to mitigate any potential additional disturbance for the occupiers of neighbouring residential properties.

As well as using the garage to park his own vehicles - incidental to the enjoyment of his dwelling - Mr Harnett also uses the garage to store repair equipment and supplies, including paints (see Appendix 1, photograph 4). In providing a belt and braces approach, he has sought to mitigate any potential odorous or polluting effects from fumes and smells associated with the paints by installing an extraction flume system. It is understood that this system ensures that body work can be carried out without detriment to the amenity of the area, particularly by reason of odours and fumes. However, to ensure further control, Mr Harnett is agreeable to the Council checking the specification of the extraction system and securing its details through a planning condition.

It is also understood, from the Council's correspondence dated 16th July 2010 that "*complaints have been received*" relating to the unauthorised use of the small scale business at 19 April Drive. The applicant has however not been made aware whether complainants are suggesting that there is demonstrable harm from the use. Notwithstanding this, on balance, correspondence from adjacent neighbours at 18 April Drive and 8 Burton Drive, and nearby 12 April Drive, who have opined that they are in support of Mr Harnett's small scale business use (see Appendix 2), provides evidence that the business use does not bring about demonstrable harm to the living conditions of these adjacent residents, particularly in terms of noise and disturbance, privacy and parking.

Planning permission B/00/1014/BA/HH was granted for the double garage on 29th September 2000 and construction was completed shortly after. By virtue of its siting, design and appearance, the single storey garage provides an acceptable form of development, which is well concealed behind a row of bungalows, set back over 50 metres from the public highway along April Drive. The appearance of the garage continues to provide an acceptable effect on the visual amenity of the surrounding area and has a neutral impact on the general street scene.

As stated above, the allotments effectively block the application property's rear access to the public right of way, which would otherwise be enjoyed. Access is therefore taken via the driveway onto April Drive, which benefits from a drop-kerb crossing. As discussed, when the garage is used occasionally for repairs, movements into this driveway only occur at a maximum rate of two per day. A planning condition restricting the hours in which the business can operate will provide a further control on the times that customer's vehicles can enter the site. There are no on-street parking restrictions on April Drive or Burton Drive. As evidenced in supporting letters from neighbouring residents, the business has not led to any problems with on-street parking. On the occasions when repairs are undertaken from Mr Harnett's garage, a booking system is used, therefore limiting the number of cars which enter drive-way in connection with the business use. It is considered

In view of the above, it has been demonstrated that the business use at 19 April Drive is acceptable in principle, and will have an acceptable impact on the amenity of occupants, the visual amenity of the area and on highway safety in nearby properties. Given its compliance with the Development Plan for the area, it is therefore reasonable to respectfully request that the Council supports Mr Harnett's application.

In anticipation of the Council's validation requirements, this application comprises:

- Completed Application Forms (submitted via planning portal);
- Location Plan @ 1:1250 (submitted via planning portal);
- The attached photographs illustrating the application property and other examples of home-based businesses in Monk Bretton and Barnsley; and,
- The attached supporting letters from neighbours, a local business, a customer and Mr Harnett

A cheque for the pre-requisite planning application fee of £335 will follow shortly by post.

I trust that the information submitted meets the Council's requirements for this type of application and that the application will be dealt with expediently. Should you or your colleagues require any clarification at any point during the Council's consideration of the application, please do not hesitate to contact me.

Yours Sincerely,

Mike Stone
Senior Planner

Encs.

APPENDIX 1 - Photographs illustrating the application property and other examples of home-based businesses

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APPENDIX 2 - Supporting letters from neighbours, a local business, a customer and Mr Harnett

8, BURTON FLOE
MONK BRETTON
BARNESLEY
S71 2PD.
5-8-2010

TO WHOM IT MAY CONCERN,

WITH REGARDS TO
MR. C. ARNOTT OF 19, APRIL DRIVE MONK
BRETTON.

AS HIS NEAREST NEIGHBOUR WE
HAVE NO OBJECTIONS TO HIM WORKING
FROM HOME. HE CAUSES US NO DISTURBANCE
OR INCONVENIENCE. THERE ARE NO ISSUES
OF EXCESSIVE NOISE, OR ADDITIONAL
TRAFFIC AT ANY TIME OF DAY OR NIGHT.

THANKING YOU FOR YOUR KIND ATTENTION
MEANS. A COLLEY

To the best of my knowledge, I have not noticed any difference in the volume of traffic going to or leaving 19 April Drive, To the best of my knowledge there has not been no problems with cars been parked on the road stopping people getting access to their properties.

I have known the occupant of 19 April Drive for the past 10 years and I have had no problems with this person.

S Haigh.

12 April Drive
Monkbretton
Barnsley
S71 2PG

Mr Les. J. Holt
18 April Drive
Monk Bretton
S71 2PG
05/08/2010

To whom it may concern,

I am writing on behalf of on of my neighbours, Mr Christopher Arnott of 19 April Drive, who lives across from me. A complaint had been put in against Mr Arnott.

This is a quiet residential are where we live, we have no daily disturbance by anyone or noise, nor is there any reason for anyone to complain as we have a large Working Men's Club at the bottom of the street. Occasionally very late at night you have your merry singers and people shouting goodnight, but otherwise it is a peaceful area. Please be welcome to call anytime, or contact me on 01226 247380.

Thanking you

L. J. Holt
R. Holt.

BMBC
Planning Department

16 August 2010

Our Ref: 19 April Drive, Monk Bretton

Dear Sir/ Madam

In response to your letter.

F1 Body shop is a small business, which primarily ran as a mobile van working at prestigious garages in and around the Barnsley area. However, due to the down turn in the market and loss of trade I have had to diversify so I can keep my business afloat.

This recession has had a negative impact on my business as well as many others. My plan was to either buy or rent a unit but the commercial cost of a unit is a minimum £1200-£1500 per month and you are tied into a contract for 3 years. This is not financially viable at the moment. Due to this I have had to start and use my garage at the rear of my property. I didn't think this was a problem, until my neighbour complained, as millions of people work from home.

Being a sole trader I do not have an abundance of vehicles parked on my property, nor are they parked on the street causing an obstruction. My property is well presented, there is no signage to say that there's a business here unlike one or two businesses in the local area. ie (Bailey's Catering – Lamb Lane, Monk Bretton.)

I have always tried to respect my neighbours by keeping the noise to a minimum and work the following hours; 9-5 Mon –Fri Sat 9-1pm.

My garage/workshop is not obtrusive to the eye, in fact you wouldn't know it was there. Having a double skinned wall, tiled roof and plaster boarded it's adequately sound proofed.

Ever since I purchased the property (which was rundown, overgrown and full of rubbish) my neighbour Brian Mickethwaite complained to the council, over building the garage and using it (even for domestic use). He just seemed to be intent on making my life Hell even before I had built it.

My fear, if the council rejects retrospective planning, Is that I will lose my home and business that I am holding onto with the skin of my teeth. This business as taken me several years to build, and not only does this effect me but will effect other local small business's that I support and vice versa.

I hope the council will be sympathetic to my plight, and save another local business from going to the wall.

Yours sincerely

C. D. Harnett

Mr C Harnett

19 April Drive
Monk Bretton
Barnsley
South Yorkshire
S71 2PG

A. & M. Hadfield Ltd

(Funeral Directors)

249 Burton Road, Monk Bretton, Barnsley, South Yorkshire, S71 2QE
Tel: 01226 733444 - Fax: 01226 733444

Friday, 8 August 2010

To whom it may concern

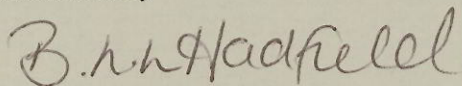
We write with reference and support of Mr Chris Harnett, the owner of a small business in our area, F1 Car Cosmetics. Located at, 19 April Drive, Monk Bretton, Barnsley, S71 2PG. We have enjoyed a good working professional relationship with Mr. Harnett in excess of 11 and half years, and his services and expertise was recommended to us by another small business in the Monk Bretton area. In our dealings with Mr Harnett, over the years we have always found him to be respectful, reliable, honest and dedicated. In our opinion he has succeeded in building and establishing, an excellent reputation for the work and services he provides at fair and very competitive prices.

We are ourselves a small family Business in many cases due to the mature of our profession our first introductions to many of our future customers, is the arrival of our hearse and or limousines be it at someone's home or at the Crematorium etc, in affect our fleet of vehicles is our shop window and the maintenance and appearance is of immense importance us. We only mention this because the cost of maintaining such vehicles can be vast and for us as a small business we have to hire a replacement vehicle which is not easy and is very expensive we then have to pay for the vehicles to be transported to the other side of the country to so call specialists. The costs unfortunately but inevitably are passed to our customers. Any small business has to battle to compete with the big concerns, and this can be the downfall for many a small business, were possible we always try to use local sources, our caters, florist, etc are all located within the Monk Bretton area, this is not only to keep costs down for our customers, which inevitably it does but also to support our local small businesses.

Mr. Harnett has a succeeding small business brought on by hard work and innovation and is developing new ways to adapt his profession and skill to keep his business afloat in these very uncertain financial times. We find it deeply alarming that Mr Harnetts lively hood is being threatened in such a way, when every week another small business is being forced to close down and become yet another bad statistic due to lack of custom or innovation. Mr Harnett is part of a network of small and family run businesses in the Monk Bretton area, which all support each other and work together through recommendation, word of mouth and of course repeated custom. Mr.Harnett's business does not operate under unsociable or irregular hours with unacceptable noise pollution or inconvenience to others.

We find it deeply disturbing that a succeeding small business is being jeopardised by closure in these extremely difficult and uncertain financial times, by what appears to be the narrow and small mindedness of certain individuals, who seem to have no other reason than jealousy or have nothing else better to do with their time. Mr Harnett is living within the bounds of society he is providing himself with a living he is not on any state benefits or receiving help from any government agencies. The actions of these individuals does not only jeopardise Mr Harnetts business but also his home and puts yet another small business person into bankruptcy and on the dole cue.

Yours sincerley



Beverley Hadfield

Administrator / Director

For and on behalf of A & M. Hadfield Ltd

John Andrew Simpson
220 Burton Road
Monk Bretton
Barnsley
South Yorkshire
S71 2HG
10th August 2010

Dear Sir or Madam,

I am writing regarding Mr C. Harnett's planning application.

Having been in the same class at Priory Comprehensive we were very close as children for a couple of years. Upon leaving school we drifted apart as I moved away from Monk Bretton.

I moved back to Barnsley in 2002, I recently became aware of his business from several local contacts as I need a long running project car preparing and painting, and these word of mouth contacts talked of his excellent reputation.

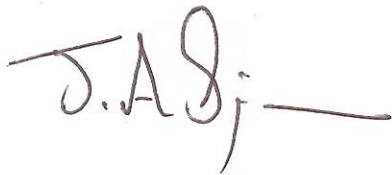
So it was very good to catch up with him again after almost 25 years, and it was also very good to see that after a multitude of setbacks the business he has built from home almost all by himself, starting to prosper.

I've recently carried out some I.T programming and development work for him to help improve his office administration systems and I now understand why he has the above mentioned reputation; His knowledge of vehicle preparation, paint systems, paint application techniques, and all other associated tasks relevant to his trade are first class and on a par with the best in the business, and he is a credit to Monk Bretton and local enterprise.

It would be a shame and in my eyes a complete injustice if his retrospective planning application for change of use of his own garage was refused, as from what I can gather the complaints are an isolated case and nothing more than hearsay.

Yours Faithfully,

J.A.Simpson B.Sc (hons).

A handwritten signature in dark ink, appearing to read 'J.A.S.' followed by a horizontal line.