

<b>Application Reference Number:</b>	2025/0552		
<b>Application Type:</b>	Change of Use.		
<b>Proposal Description:</b>	Change of use from dwellinghouse (Use Class C3) to supported accommodation (Use Class C2).		
<b>Location:</b>	21 The Walk, Birdwell, Barnsley, S70 5UA.		
<b>Applicant:</b>	Pockets of Peace Care Ltd.		
<b>Third-party representations:</b>	X9 Objections.	<b>Parish:</b>	
		<b>Ward:</b>	Rockingham.

**Summary:**

The applicant is seeking planning permission for the change of use from a dwellinghouse (Use Class C3) to supported accommodation (Use Class C2) for two care leavers aged 16-25.

Having balanced all material planning considerations, whilst some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided, and while limited weight is attributed against the proposal because of non-compliance with Local Plan Policy H9, this is outweighed by other material planning considerations in this instance. The proposal is supported by paragraph 61 of the NPPF and Local Plan Policy H6. In accordance with paragraph 128 of the NPPF LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. The proposal is also considered acceptable in respect of its potential impact on visual amenity, residential amenity and highway safety which are attributed modest and moderate weight in favour. The proposal could also prove lawful had it been submitted as a lawful development certificate application.

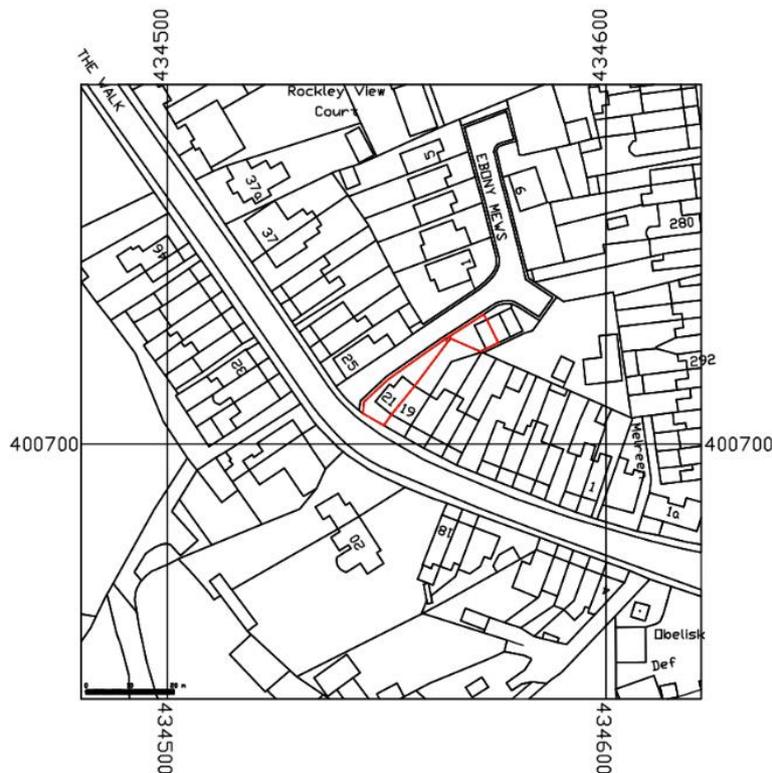
The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

## Site Description

The application relates to a modest-sized corner plot located at the junction of The Walk with Ebony Mews in an area that is principally residential characterised by two-storey terraced, semi-detached, and detached dwellings of varying scale and appearance. A three-storey block of flats is located to the north-west. There are some surrounding agricultural and commercial uses to the east, south and south-east, and west, including an ALDI supermarket. Smaller, local businesses are located to the north along Sheffield Road (A61), including a convenience store and pharmacy. Birdwell Community Centre, sports pavilion and recreation ground are also located nearby. The A61 forms a main route toward and from Barnsley Town Centre and is well-served by public transport links. Junction 36 of the M1 motorway is also located nearby.

The property in question is a two-storey four-bedroom detached dwelling constructed of stone with a pitched roof and front and rear dormer windows. It is fronted by soft landscaping bounded by low-built boundary walls and fencing. To the rear is a slim, triangular-shaped garden bounded by fencing. Beyond the rear boundary fencing there is a small area of hardstanding and a triple detached garage. The hardstanding and southernmost garage form the off-street parking provision of the development site. Ebony Mews is a private road with parking and turning restrictions. On-street parking is common within the surrounding area.



## Planning History

There are several planning applications associated with the development site. However, the most relevant application is:

2007/2041	Erection of detached dwelling.	Approved.
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## Proposed Development

The applicant is seeking planning permission for the change of use from a dwellinghouse (Use Class C3) to supported accommodation (Use Class C2).

A planning statement states that the proposal would cater for two care leavers aged 16-25 and would operate as an OFSTED-registered supported accommodation with placements being on a medium to long-term basis (average 12-24 months). It would be staffed on a 24/7 rota basis, and the staffing model would comprise:

- Daytime: 1 support worker (8am–8pm).
- Overnight: 1 waking night staff (8pm–8am).
- Managerial oversight with daily check-ins.

Pre-approved visitors are allowed within agreed hours (10am – 8pm) but there would be no overnight stays. There would be OFSTED inspections every 1-2 years, Local Authority monitoring as part of any potential contract requirements, and social worker visits when needed. No extensions or external alterations are proposed. Minor internal alterations are proposed to comply with fire regulations such as the installation of fire safety equipment and secure storage.

It is understood that this proposal is retrospective with the first young person having been admitted to the service in May 2025.

## 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 H6: Housing Mix and Efficient Use of Land.*
- *Policy H9: Protection of Existing Larger Dwellings.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*

## 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 5: Delivering a sufficient supply of homes.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*

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:

- *Design of Housing Development (Adopted July 2023).*
- *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 posted nearby, expiring 01<sup>st</sup> August 2025.

A total of 12no. objections were received from 9no. addresses. The concerns raised are summarised as follows:

- Parking and traffic.
- Unsuitability of the area for a Class C2 use.
- Lack of community consultation.

- Increased noise and disturbances.
- Impact on property values and local cohesion.
- Potentially only children will be permanent residents at the property.
- Lack of space within the accommodation.
- The facilities in the area are not suitable for the use and age group.
- Increased impact on the use of local services.
- Existing noise and anti-social behaviour.
- Inaccuracies within the planning statement.
- Worrying the individuals it may attract to this well-respected area.
- Impact on character and appearance of the area.
- Housing mix and strategic policy compliance.
- Attendance of police at all hours.

While all concerns are acknowledged, those raised regarding the potential impact on property values and lack of community consultation from the Applicant are not material planning considerations and cannot be taken into account in the determination of this application.

### Consultations

Case Management Officer	<i>No objection(s).</i>
Children and Adolescent Care Homes	<i>Objection(s).</i>
Highways Development Control	<i>No objection(s).</i>
Pollution Control	<i>No objection(s).</i>
Local Ward Councillors	<i>No comments received.</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 61 of the NPPF states to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need with an appropriate mix of housing types for the local community.

Paragraph 128 of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

Local Plan Policy H9: Protection of existing larger dwellings asserts that the loss of existing larger dwellings will be resisted. Larger dwellings are taken to be those that have four or more bedrooms or can accommodate four or more bedrooms without significant adaptation as stated by paragraph 8.2 within the Design of housing development SPD.

Paragraph 9.34 of the adopted Local Plan supports Policy H9. It establishes that as well as provision – as part of our housing mix – of some new low density, large dwellings and family housing, it is also important to ensure the endurance of existing housing stock of this type as in recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes and an increase in the number of smaller homes contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre.

Local Plan Policy H6: Housing mix and efficient use of land states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Paragraph 9.17 of the adopted Local Plan supports Policy H6. It establishes that various housing types capable of accommodating a range of needs are required across the borough such as family housing and older persons accommodation. In addition, supported housing is required for vulnerable households for example those with physical or mental disabilities and young people with support needs. Proposals will be supported where they are consistent with this policy and other policies in the development plan, or where robust supporting evidence can be provided that would be a material consideration of sufficient weight to take precedence.

A submitted planning statement states that Barnsley Council has identified a growing need for high-quality, community-based supported accommodation for care leavers transitioning to independent living. Research shows that small-scale supported accommodation leads to better outcomes for care leavers in terms of education, employment, and emotional wellbeing compared to larger residential settings.

Children and Adolescent Care Homes were consulted, and it was stated that there is an over-supply of such provisions in Barnsley. There are a plentiful supply of good quality 16+ provisions in Barnsley including setting up the Council's own provision with a planned opening date for August, which means that these places will most likely be filled with care leavers from other local authorities. The ongoing developments of 16+ provision is creating an increasing pressure on local services.

Considering this, the applicant's statement in relation to Barnsley Council having identified a growing need for high-quality, community-based supported accommodation for young care leavers that are transitioning to independent living is disputed by Children and Adolescent Care Homes colleagues. However, further requests from the local planning authority (LPA) for further demonstrable evidence from Children and Adolescent Care Homes colleagues have remained unanswered. Conversely, the Applicant has provided additional evidence throughout the process that demonstrates a demand for the service from a number of local authorities and trusts, including Barnsley MBC. As such, while the proposal would be contrary to Local Plan Policy H9: Protection of existing larger dwellings in that it would result in the loss of a four-bedroom dwellinghouse (Class C3), the proposal would comply with Local Plan Policy H6: Housing Mix and Efficient Use of Land in that it would support a housing type capable of accommodating a range of needs such as supported housing for young people with support needs and vulnerable households. Such uses are actively supported by paragraph 61 of the NPPF. The proposal would also reflect the aims of paragraph 128 of the NPPF which requires LPAs to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. In this instance, it is considered that the benefits of proposal providing accommodation for young people with support needs supported by paragraph 61 of the NPPF and Local Plan Policy H6 would outweigh any potential disbenefits associated with the loss of a larger dwellinghouse contrary to Local Plan Policy H9. Moreover, a condition could be used to require the property to revert to a dwellinghouse (Class C3) use should the Class C2 use cease.

Further to the above, the absence of any demonstrable evidence from Children and Adolescent Care Homes colleagues presents a relatively weak argument for refusal especially where the type of use

proposed is supported by national and local planning policies. In the event that this application was refused without any demonstrable evidence it is likely that a refusal decision may not be upheld by the Planning Inspectorate should the Applicant appeal.

Notwithstanding this, changes of use from a dwellinghouse (Class C3) to supported accommodation (Class C2) can prove to not constitute a material change of use and this is supported by determined applications for a lawful development certificate and several appeal decisions, but what constitutes a material change is not defined within planning legislation and is a matter of fact and degree to be determined on the individual merits of each case, so the local planning authority must weigh up the facts of each case and make a planning judgement as to whether the change would be tantamount to a material change of use or not. It is acknowledged that this application is for planning permission and not a lawful development certificate and therefore, an assessment against national and local planning policies and guidance needs to be undertaken. However, it should be borne in mind that if this application for planning permission were to be withdrawn and a new application submitted for a lawful development certificate, the proposed change of use could prove to be lawful therefore not requiring planning permission.

Considering the above, while the proposal would be contrary to Local Plan Policy H9, the proposal would be acceptable regarding Local Plan Policy H6, and while allowing the proposal could result in the loss of a larger family dwelling, this planning application could be withdrawn and an application for a lawful development certificate made where the proposed change of use could prove to be lawful therefore not requiring planning permission. Such an application would still result in the loss of a 4-bedroom dwellinghouse. However, the local planning authority could not prevent this occurrence in these circumstances as such applications are determined as a matter of fact and law and not against national and local planning policies and guidance. Consequently, considering this important fallback position limited weight is attributed to non-compliance with Local Plan Policy H9 in this instance.

On balance, the proposed change of use could therefore prove to be acceptable in principle subject to consideration of the following matters.

#### Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised in regarding existing noise impacts.

Regarding noise, the LPA can only take into account the potential impacts of the proposal. Existing noise concerns would either need to be enforced through previous planning conditions (if applicable) or through the Council's online reporting procedure.

The Council's Environmental Health Officer (Pollution Control) was consulted, and no objection was received as it was stated that the proposal is at a low risk of having an adverse impact on the health and quality of life of those living and/or working in the locality. Given the concerns raised, additional clarification and expansion of these comments were sought as to why it is considered the proposal would likely be at a low risk of having an adverse impact. Despite this, no expanded comments were received. As such, the LPA is left to assess potential impacts. Given that the application proposal is for the property to be occupied by two young people supported by a small number of staff members, the proposal and any potential impacts would be comparable to the existing lawful use of the property as a dwellinghouse (Class C3), and while there could be some additional noise impact due to specific needs and the behaviour of individuals, it is considered that these could be appropriately managed by trained staff and service protocols. Any potential noise complaints can continue to be reported to the Council and investigated where considered necessary.

The proposal would use the existing internal floorspace of an existing four-bedroom dwellinghouse.

It is not considered that the proposal would contribute to significant overshadowing, overlooking and loss of privacy, or reduced outlook impacts which may otherwise adversely affect the amenity of the

occupants of the application and neighbouring properties as no extensions or external alterations to the property are proposed.

Consequently, it is not considered that the proposal would be materially or significantly more harmful than if the property were to be occupied as a family dwellinghouse (Class C3).

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

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

### Impact on Highways

During the application process, concerns were raised regarding parking and traffic. It was raised that The Walk is a high traffic through road that is already incredibly congested with traffic often queuing back along the road. Cars are already parked closely due to limited space, and the proposed Class C2 use could result in additional vehicle movements from staff, visitors and service vehicles which could exacerbate existing issues and pose a risk to pedestrians. It was also raised that indiscriminate parking is an issue and that Ebony Mews is a private road for use by residents only.

Paragraph 116 of the NPPF states 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, following mitigation, would be severe, considering all reasonable future scenarios.

The development site occupies a modest-sized corner plot located at the junction of The Walk with Ebony Mews. There are no parking restrictions along The Walk except at the junction with Sheffield Road which benefits from double yellow lines. Consequently, and as a result of the lack of available off-street parking space, on-street parking is commonplace on both sides of the road. There is a sign in situ on the side of 25 The Walk that states Ebony Mews is a private road alongside no parking or turning. Beyond the rear north boundary fencing of the development site is an area of hardstanding and a detached garage. The hardstanding and the southernmost garage are shown to fall within the application curtilage and forms the off-street parking provision of the development site. Access to this parking provision is gained off Ebony Mews.

Highways development control was consulted, and no objections were received or specific highways related conditions considered necessary. It was stated that there is a requirement for two off-street parking spaces, and these would be provided to the rear with one being within a garage, in line with the adopted Parking SPD. The care leavers would be supported by staff on a rota basis and no more than two members of staff would be on-site at any given time. Therefore, vehicular trip generation would be commensurate with the existing Class C3 (dwellinghouse) use, and the difference is likely to be negligible. It is stated that it must be borne in mind that while the property fronts onto The Walk which is a fairly busy residential street with parking on both sides, in respect of vehicular access, the site is actually served off Ebony Mews which is a lightly trafficked private cul-de-sac.

Having considered the concerns raised alongside the details submitted and the consultee response received from Highways Development Control, which the LPA has no reason to disagree with in this instance, it is not considered that the proposed use, which anticipates a maximum of one car on-site during core hours within a designated parking space and occasional visits from pre-arranged visitors or associated professionals whom would utilise parking along The Walk, would result in a significant intensified use beyond that which would be anticipated from an average residential household. The development site is also within a sustainable location with good access to local amenities and public transportation. As such, alternative sustainable travel methods could be encouraged such as walking and cycling.

Consequently, it is not considered that there would be an unacceptable impact on highway safety to otherwise justify the refusal of this application on highways grounds in line with paragraph 116 of the NPPF. Therefore, the proposal is considered acceptable in this instance and is attributed moderate weight in favour of its approval.

*The proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.*

#### Impact on Visual Amenity

No extensions or other external alterations are proposed and therefore it is not considered that the proposal would significantly alter or detract from the character of the street scene or broader locality, which is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.*

#### Other matters

During the application process, concerns were raised in respect of inaccuracies within the submitted planning statement, unsuitable local facilities for the use and age group proposed, increased impact on local services, anti-social behaviour and the impact on local cohesion and the types of individuals that may be attracted to the area resulting in police attendance.

The inaccuracies within the submitted planning statement relate to the description of the application property being on a quiet cul-de-sac with low traffic levels and that the property was previously used as a House in Multiple Occupation (HMO) rather than a private residential home and being listed on Airbnb. While neither would materially affect the determination of this application, clarification was sought from the Applicant. The Applicant confirmed that Pockets of Peace Care Limited took tenancy of the application property in April 2025 and prior to this, the premises was operated by the building owner as an Airbnb, accommodating various guests. The applicant has stated that they are '*not privy to the operational history, but it is reasonable to acknowledge that the use may have presented its own challenges, which fall outside the scope of our service*'. Any issues associated with the previous use would also fall outside the scope of this application and cannot be considered.

Regarding being on a quiet cul-de-sac with low traffic levels, the application property does occupy a corner plot which fronts onto The Walk which sees a large amount of on-street parking and increased traffic levels. However, the access to the application property is off Ebony Mews which is a quiet cul-de-sac with lower traffic levels.

The development site is considered to be in a sustainable location with access to local amenities and public transport links. There are some surrounding commercial uses within the locality, including an ALDI supermarket. Smaller, local businesses are located to the north along Sheffield Road (A61), including a local convenience store and pharmacy. Birdwell Community Centre, sports pavilion and recreation ground are also located nearby. It is considered that such amenities are appropriate for young people aged 16-25. The A61 also forms a main route toward Barnsley Town Centre, providing access to a wider range of amenities.

Regarding increased impact on local services, it is not considered that the potential needs of two young people would have a material impact when compared to the likely needs of an average-sized family, which would likely present a greater need and use of local services.

Regarding anti-social behaviour and the impact on local cohesion and the types of individuals that may be attracted to the area resulting in police attendance, paragraph 96 of the NPPF establishes that planning policies and decisions should aim to achieve healthy, inclusive and safe places which

promote social interaction, including opportunities for meetings between people who otherwise might not come into contact with each other, and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Recent incidents have been raised as concerns. The Applicant has acknowledged recent incidents but has stated that they *'believe it is important to avoid generalising or stigmatising young people based on isolated incidents; particularly when such behaviours can and do occur within any family setting. The young people we support have often experienced significant adversity and trauma, and our service exists to provide them with the structure, guidance, and care they need to thrive'*. In addition, the Applicant states that *'the service offers greater consistency and oversight, and all residents are placed through formal channels and are supported by trained staff on-site 24-hours-a-day. Moreover, robust protocols are in place to manage risk and respond swiftly to any emerging concerns, ensuring that no disruptive behaviour is allowed to escalate unchecked. Occasional curfew breaches have occurred; however, these have consistently been managed in line with safeguarding protocols, including timely reporting to the Police, provision of statements, and co-operation during the young person's safe return to the property. There was an isolated incident where both young people coordinated to bring unauthorised individuals into the property during the night, and despite staff intervention, Police assistance was required to safely remove the individuals.'* The Applicant acknowledges the disruption this caused to neighbouring residents and regrets the impact. Following this event, the Applicant states that they *'convened with both placing authorities to review and strengthen our risk management approach. A revised plan was agreed, and increased overnight staffing to mitigate future risks has since been implemented.'* It is stated that *'no further incidents of this nature have occurred and that Police visits continue at a frequency of approximately once every 1-2 weeks, primarily in response to missing episodes, which are managed in accordance with established procedures.'*

Notwithstanding the above, correspondence from South Yorkshire Police (SYP) to the Council's Case Management Officer states that *'The Walk is not subject to any ongoing anti-social behaviour (ASB) issues. The Walk can be a busy road with people using it as a cut through, but the street does not naturally have any gathering points on it which reduces the potential for ASB. There is no current intelligence linking to drug supply and use in the area. Areas of crime have been centralised round found stolen vehicles and localised issues with a public house that have not been ASB-related.'*

Considering the above, while isolated incidents have occurred, it has been demonstrated that these can be managed through existing and reviewed risk management approaches. Anti-social behaviour incidents are also normally managed through other legislation and the involvement of other relevant professionals, including the Police. While such incidents may be worrying for local communities and may present some temporary disruption, it is not considered that they would undermine the quality of life or community cohesion and would instead promote social interaction, including opportunities for meetings between people who otherwise might not encounter each other.

### Planning Balance and Conclusion

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

Having balanced all material planning considerations, whilst some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided, and while limited weight is attributed against the proposal because of non-compliance with Local Plan Policy H9, this is outweighed by other material planning considerations in this instance. The proposal is supported by paragraph 61 of the NPPF and Local Plan Policy H6. In accordance with paragraph 128 of the NPPF LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans. The proposal is also considered acceptable in respect of its potential impact on visual amenity, residential amenity and highway safety which are attributed modest and moderate weight in favour.

Notwithstanding this, changes of use from a dwellinghouse (Class C3) to supported accommodation (Class C2) can prove to not constitute a material change of use and this is supported by determined

applications for a lawful development certificate and several appeal decisions, but what constitutes a material change is not defined within planning legislation and is a matter of fact and degree to be determined on the individual merits of each case, so the local planning authority must weigh up the facts of each case and make a planning judgement as to whether the change would be tantamount to a material change of use or not. Having considered the submitted details of this application, had an application for a lawful development certificate been made, the LPA would likely have concluded that the proposal would not constitute a material change of use therefore being lawful. It should be borne in mind that if this application for planning permission was withdrawn and a new application made for a lawful development certificate, a certificate could be granted, with planning permission not being required. The objections raised during this application process could not be considered under a lawful development certificate application as such applications are only concerned with fact and law and are not assessed against national and local planning policies and guidance.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

**RECOMMENDATION: Approve subject to conditions.**

### **Justification**

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

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Additional information sought in relation to concerns raised during the application process.*
- *Additional information sought to demonstrate the need for the development.*
- *Amended description to better reflect the proposal.*

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.

## Conditions:

1. The development hereby approved shall be carried out strictly in accordance with the plans:

POPCL/2025/1A Location Plan  
POPCL/2025/2A Parking Allocation  
POPCL/2025/3A Existing Ground and First Floor Plan  
POPCL/2025/4A Existing Second Floor Plan  
Planning Statement

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**

2. The use of the property (21 The Walk, Birdwell, Barnsley, S70 5UA) as supported accommodation (Use Class C2) for two care leavers aged 16-25 hereby approved shall only be used/ occupied for this specific purpose and for no other use, including any other use falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection.**

3. The use of the property as supported accommodation for two care leavers aged 16-25 shall only be operated by Pockets of Peace Care Ltd (the Applicant), and in the event that this use permanently ceases, the property shall revert to use as a single dwellinghouse (Class C3a).

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection, and to avoid the total loss of a large dwellinghouse in accordance with Local Plan Policy H9: Protection of Existing Larger Dwellings.**

## Informative(s):

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.