Application Reference Number:	*2025/1075.*

Application Type:	*Change of Use.*

Proposal Description:	*Change of use from a 6-person HMO (Class C4) to a 9-person HMO (Sui Generis) (Amended Description).*
Location:	*61 Longman Road Barnsley S70 2LD.*

Applicant:	*MW Property Holdings Limited.*

Third-party representations:	*11 objections raised to the1st consultation 9 objections raised to the 2nd consultation*	**Parish:**	
		Ward:	*Central.*

Summary:

This application seeks planning permission for a change of use from a 6-person HMO (Use Class C4) to a 9-person HMO (Sui Generis).

The development site is located within an existing settlement in a sustainable location. This proposal would not detract from the current housing mix and would make a positive contribution to meeting the need for new homes through achieving appropriate densities and an effective use of land in accordance with NPPF Policies S3, S4, HO7, L2 and L3, and Local Plan Policies H1, H4 and H6. Substantial weight is attributed in favour of the principle of development in accordance with national decision-making policies.

This proposal is considered acceptable in respect of its potential impacts on residential amenity, health and pollution control; highway safety; design, heritage and visual amenity; and biodiversity and geodiversity, in accordance with NPPF Policies P3, HE9, DP3, TR3 and TR4, and Local Plan Policies GD1, POLL1, T3, T4, D1 and BIO1, and is attributed significant, substantial and modest weight respectively in accordance with national decision-making policies.

The benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4.

For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance.

Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c).

Recommendation: **APPROVE subject to conditions.**

Site Description

This application relates to a two-storey end-of-terrace property which is in use as a six-person House of Multiple Occupation (HMO) (Use Class C4).

The development site occupies a modest-sized triangular-shaped plot located beyond the junctions of Longman Road with Caxton Street at the northern end of Longman Road and to the south of the adjacent railway lines. The immediate surrounding area is principally residential and is characterised by mostly two-storey terraced properties of a similar scale and varying appearance. Barnsley College is located to the east, south-east and south. Barnsley Town Centre is located to the south.

The development site is not located within the Town Centre boundary but does benefit from an edge of Town Centre location that is within walking and wheeling distance of a wide range of local services and amenities and regular public transport services.

The development site is located within the Victoria Road Conservation Area.

The application property is fronted by a modest garden area with trees located adjacent to the west development site boundary. There is a row of detached garages opposite the development site and adjoining row of terraced properties alongside areas of hardstanding which provides some off-street parking. On-street parking restrictions are in place along parts of Longman Road and Caxton Road by virtue of double yellow lines, and there is also dedicated on-street parking spaces along Longman Road and Caxton Road managed by a residents' parking permit scheme.

The application property is constructed of stonework with a pitched slate roof and features a ground floor bay window with a rooflight within the western roof slope.

Planning History

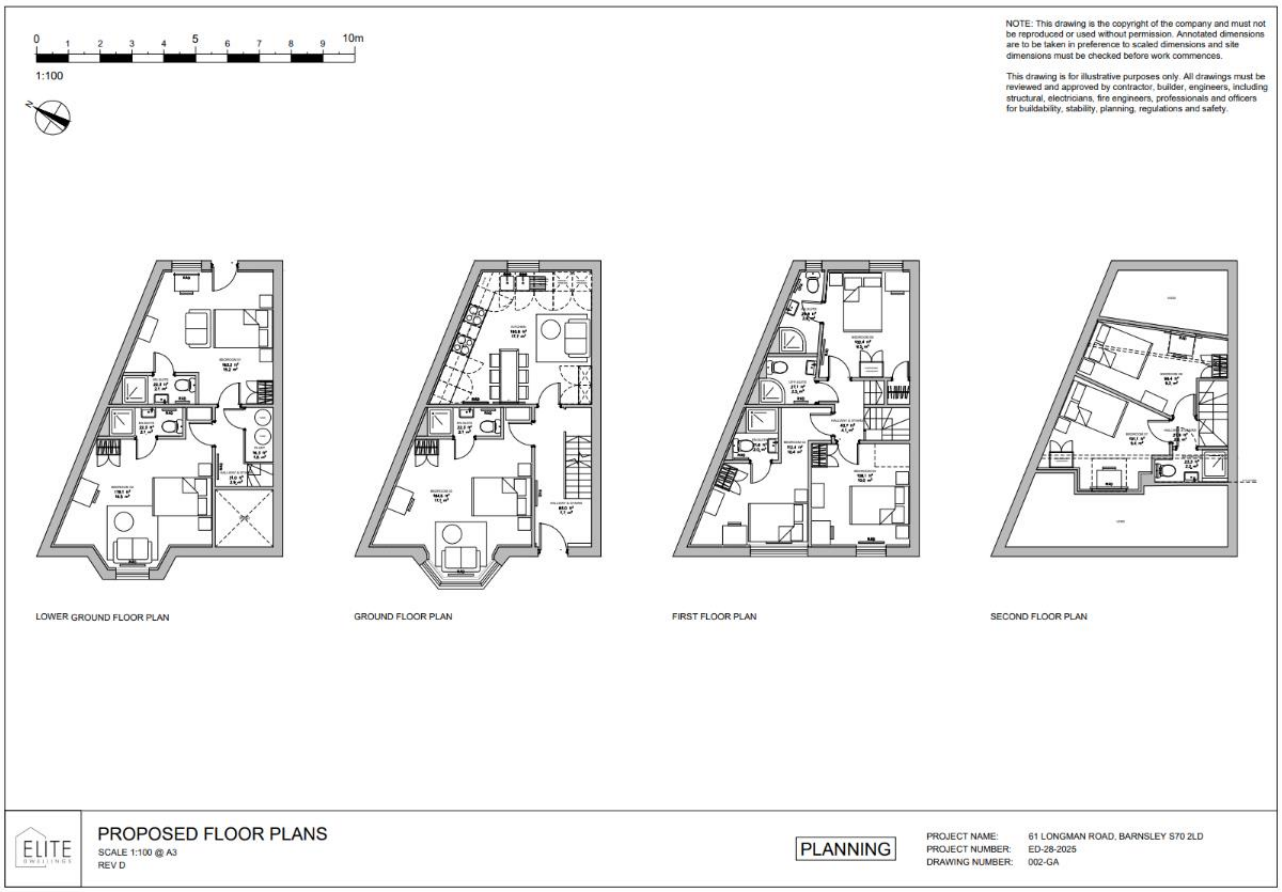
There is no relevant planning history associated with the development site.



Proposed Development

The applicant seeks planning permission for a change of use from a 6-person HMO (Use Class C4) to a 9-person HMO (Sui Generis).

During the application process, the proposed internal layout was amended to address points



raised by the LPA and the Council's Case Management Officer. The proposal was increased from an 8-person HMO to a 9-person HMO.

Relevant Policies

<u>The Development Plan</u>

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 was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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.

Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in the NPPF should be given very limited weight. The only exception to this is where they have been examined and adopted or made against the NPPF (August 2026). Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF (August 2026).

The development site located within the Urban Barnsley settlement and is allocated as Urban Fabric in the adopted Local Plan which has no specific allocation. The development site is also located within the Victoria Road Conservation Area.

The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy LG2: The Location of Growth.*
- *Policy H1: The Number of New Homes to be Built.*
- *Policy H2: The Distribution of New Homes.*
- *Policy H4: Residential Development on Small Non-allocated Sites.*
- *Policy H6: Housing Mix and Efficient Use of Land.*
- *Policy H9: Protection of Existing Larger Dwellings.*
- *Policy HE1 – The Historic Environment*
- *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.*
- *Policy BIO1: Biodiversity and Geodiversity.*

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).*
- *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.

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF, 2026) sets out the overarching planning framework for England. It has replaced the previous version published in December 2024 and introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number in the main body of the NPPF. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable

development, with paragraph 17 setting out the three overarching objectives of sustainable development: economic, social and environmental. Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The following NPPF sections and NPPF policies are relevant in this case:

Section 3: Decision-making policies

- *DM3: Determining development proposals.*
- *DM6: Use of planning conditions and obligations.*
- *DM7: Relationship with other regulatory regimes.*

Section 4: Achieving Sustainable development

- *S3: Presumption in favour of sustainable development.*
- *S4: Principle of development within settlements.*

Section 6: Delivering a sufficient supply of homes

- *HO7: Meeting the need for homes.*

Section 12: Making effective use of land

- *L2: Making effective use of land.*
- *L3: Achieving appropriate densities.*

Section 14: Achieving well-designed places

- *DP3: Key principles for well-designed places.*

Section 15: Promoting sustainable transport

- *TR3: Locating development in sustainable locations.*
- *TR4: Street design, access and parking.*
- *TR6: Assessing transport impacts.*

Section 17: Pollution, public protection and security

- *P3: Living conditions and pollution.*

Section 19: Conserving and enhancing the natural environment

- *N2: Improving the natural environment.*

Section 20: Conserving and enhancing the historic environment

- *HE9: Conservation areas.*

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.

<u>Planning (Listed Buildings and Conservation Areas) Act 1990</u>

- *Section 16: Decision on application.*

- *Section 72: General duty as respects conservation areas in exercise of planning functions.*

Other Material Considerations

- *South Yorkshire Residential Design Guide 2011 (SYRDG).*
- *Barnsley Strategic Housing Market Assessment 2021 (SHMA).*
- *Barnsley Housing Strategy 2024–2028.*
- *Amenities Standards for Licensable and Non-Licensable House in Multiple Occupation (2022).*

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) and paragraph 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (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 which expired 2nd February 2026 and a press notice was used which expired 30th January 2026.

11 objections were received from nine known addresses and two unknown addresses.

A 21-day re-consultation was undertaken due to amended plans and an amended description.

A site notice was posted nearby which expired 21st July 2026 and a press notice was used which expired 24th July 2026.

9 objections were received from four known addresses and five unknown addresses.

A total of six respondents submitted representations to both consultations.

The concerns raised are summarised as follows:

- Impact on the highway network and highway safety – increased competition for limited parking spaces; unable to park within reasonable distances of homes; disproportionate pressure on shared access points; increased wear and tear and highway maintenance impacts; reduced visibility and manoeuvring space; and recent car accident(s) in the area.

- Impact on environmental health – higher refuse output; overflowing bins; incorrect recycling; fly tipping; unkept gardens; smelly drains; and rats.

- Impact on residential amenity, health and pollution control – increased noise and disturbance from comings and goings at all times; and loss of privacy and quiet enjoyment.

- Impact on design, heritage and visual amenity – over proliferation of HMOs in the area; HMO properties in the street are not maintained and kept tidy which makes the area look undesirable and being close to the Town Centre may put off investors and visitors alike.

- Other matters – dangerous tree to the front; fire safety and emergency egress; transient community which makes it unsafe for children to play in the street; property values; existing and previous anti-social behaviour issues; cumulative impact of HMOs in the area by further eroding the proportion of family homes, intensification of transient occupancy patterns reducing community cohesion, and place additional strain on local services and

infrastructure; and concerns regarding the lawfulness of the existing HMO use as it has been vacant from late 2024 – present.

Whilst all concerns raised are acknowledged, only those which are material planning considerations can be taken into account.

Existing and previous anti-social behaviour issues are not a material planning consideration, and such concerns should not be generalised. It should not be assumed that all HMOs contribute to such issues, and it would be unreasonable to assess this current application against issues that relate to other properties in the area.

Fire safety and emergency egress would normally be considered at future regulatory stages such as Building Regulations approval. NPPF Policy DM7: Relationship with other regulatory regimes establishes that matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. However, this is not considered to be the case in this instance.

A separate application for works to trees in a conservation area is required where any required works have been identified. It is understood that the Local Planning Authority is in receipt of such an application (2026/0614) which is under consideration.

Consultations

Case Management Officer	*No objection(s) subject to condition(s).*
Local Ward Councillors	*Objection(s) – Councillor Sumner on the grounds of parking issues and wanting to retain the quality of home ownership and community feel.*
Conservation Officer	*No objection(s).*
Highways Development Control	*No objection(s).*
Pollution Control	*No objection(s).*

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

<u>Principle of Development</u>

During the application process, concerns were raised in respect of the lawfulness of the existing HMO use as the application property has been vacant from late 2024 – present.

The Applicant has provided the Local Planning Authority (LPA) with HMO licenses dated November 2010 – November 2015; January 2017 – January 2022; and August 2023 – August 2028 for a maximum of six people forming six households. The Council's Case Management Officer has also confirmed that their "records indicate this property has been a licensed HMO since 2010" The most recent license was revoked in December 2024 as the application property is no

longer owned by the named license holder. . However, it is evident that the application property has been in use as an HMO (Use Class C4) for several years, and prior to the Article 4 Direction – which removes permitted development rights for a change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation) – coming into force on 24th June 2021. HMOs (Use Class C4) operational prior to the Article 4 Direction coming into force are not required to demonstrate a continuous use, and despite a period of vacancy, the LPA has not been provided with any evidence to demonstrate a change of use in this period. This establishes an important fallback position in this instance as the existing HMO use (Use Class C4) would likely prove lawful in the event of a lawful development certificate application being made to the LPA.

Given that the existing HMO use (Use Class C4) would likely prove lawful in the event of a lawful development certificate application being made to the LPA, an assessment against Local Plan Policy H9 is not required in this instance.

NPPF Policy S3(1): Presumption in favour of sustainable development establishes that decisions on development proposals should apply a presumption in favour of sustainable development. This means that NPPF Policy S4 should be applied when considering development proposals within settlements; and in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay.

In this instance, the development site is located within the Urban Barnsley settlement and therefore NPPF Policy S4 is applicable.

NPPF Policy S4(1): Principle of development within settlements establishes: Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework (NPPF).

NPPF Policy HO7: Meeting the need for homes sets out in applying the policies in this Framework (NPPF), substantial weight should be given to the benefits of providing homes which will contribute towards meeting evidenced accommodation needs of the community, identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.
NPPF Policy HO13(2): Build out of residential and strategic sites establishes that for all proposals involving housing, consideration should be given to whether to impose a planning condition that requires that development begins within a timescale shorter than the relevant statutory default period, where this would expedite the development without threatening its implementation or viability.

NPPF Policy L2(1)(d): Making effective use of land states substantial weight should be given to the benefits where development proposals would achieve one or more of the following: creating additional homes or floorspace within settlements through sensitive redevelopment or additional development within existing plots (including, but not limited to, additional units within residential curtilages). Such proposals should accord with NPPF Policy L2(1)(d)(i-iii).
NPPF Policy L3(1): Achieving appropriate densities sets out development proposals should make efficient use of land, taking into account identified need for different types of housing and other development, local market conditions, availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.

Local Plan Policy H1: The Number of New Homes to be Built establishes that the local planning authority will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033.

Local Plan Policy H2: The Distribution of New Homes establishes that the Urban Barnsley settlement is set to accommodate 43% of the borough's housing needs during the period 2014 to 2033 with a total of 9070 dwellings.

Local Plan Policy H4: Residential developments on small non-allocated sites establishes proposals for residential development on sites below 0.4ha will be allowed where the proposal would comply with other relevant policies in the Local Plan.

Local Plan Policy H6: Housing mix and efficient use of land sets out 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 should also be capable of being adapted to meet the changing needs of the population. Development proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

The Design of Housing Development SPD establishes specific guidance in relation to the conversion of buildings to Houses in Multiple Occupation (HMOs), studio apartments or bedsits.

Paragraph 28.1 of the Design of Housing Development SPD sets out that following guidance applies to proposals for the conversion of non-residential buildings or small dwellings. Such proposals would be allowed where the following criteria are satisfied:

- HMOs, studio apartments or bedsits account for less than 10% of the residential properties located on the street in question.

- HMOs, studio apartments or bedsits account for less than 10% of the residential properties within a 50-metre radius of the development site.

- The proposal would not result in three or more HMOs being located immediately adjacent to each other, or the sandwiching of a dwellinghouse between two HMOs.

- The building and curtilage are of sufficient size to provide suitable facilities for residents.

- HMOs should have a shared lounge and dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres).
- Amenity space, external and internal spacing standards, and separation distances should adhere to the requirements within the general criteria.

- No unacceptable noise nuisance for existing neighbouring residents or occupant(s) of the proposed residential unit(s).

- Satisfactory provision should be made for off-street car parking, or, exceptionally, the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off-street car parking.

- The external appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

Whilst concerns have been raised in respect of a high concentration and an over proliferation of HMOs in the local area, the Applicant has provided the LPA with HMO licenses which establish a lawful fallback position of the existing HMO (Use Class C4) use that is backed up by the Council's Case Management Officer.. Given that the HMO is existing, this proposal would not contribute to increased concentrations beyond existing levels. This proposal would also not result in three or more HMOs being located immediately adjacent to each other, or the sandwiching of a dwellinghouse between two HMOs, in accordance with Paragraph 28.1.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable degree, for existing and new and future residents, including visual amenity and highway safety.

Considering the above, the principle of development is considered acceptable subject to assessment of the following matters.

The principle of development is attributed substantial weight in accordance with national decision-making policies.

Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised in respect of increased noise and disturbance from comings and goings at all times; and loss of privacy and quiet enjoyment, including between internal party walls.

NPPF Policy P3(1): Living conditions and pollution establishes: Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. Within this context development proposals should accord with NPPF Policy P3(2) (a-f) where applicable.

Local Plan Policy GD1: General Development, indicates that support will be given to development if there will be no significant adverse impact on the living conditions and residential amenity of existing and future residents, and the development would be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

Local Plan Policy POLL1: Pollution Control and Protection, establishes that support will be given to development if it is demonstrated that proposals would not be likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause nuisance to the natural and built environment or to people.

The application property has been vacant from late 2024 – present; and the concerns raised in respect of increased noise and disturbance from comings and goings at all times relate to previous occupancy or other HMOs in the local area. Such impacts are not material considerations in the determination of this application as the LPA must consider each application on its own merits. As such, no weight is attributed to the concerns raised in respect of increased noise and disturbance from comings and goings at all times relating to previous occupancy or other HMOs in the local area in this instance.

Notwithstanding the above, this proposal relates to an established HMO within a residential area and whilst this proposal would enable increased occupancy levels, it would not introduce a materially different land use. The proposal would in essence be increasing the occupancy of the building by 3 people from its licensed use as a 6 person HMO to a 9 person HMO. The increase by 3 people is not considered to result in a significant increase in noise and disruption and would be be commensurate with a how a family occupancy of a larger family dwellinghouse could increase over time and would be consistent with that ordinarily expected within a residential environment. NPPF Policy DM7 establishes that development proposals should be assessed on the basis of

whether they represent an acceptable use of land and that separate regulatory regimes should be assumed to operate effectively unless there is clear evidence to the contrary. In this case, there is no evidence to indicate that this proposal would result in unacceptable levels of noise or disturbance that would warrant refusal of planning permission. It would also be reasonable to conclude that such matters would also be considered during future regulatory stages, such as Building Regulations approval, which would seek to mitigate against unreasonable levels of noise and disturbance between internal party walls.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction works. However, any impact is anticipated to only be temporary and construction hours could be controlled by condition.

Environmental Health (Pollution Control) colleagues were consulted; and no objections were received.

This proposal would be contained within the existing footprint of the application property with no extensions or significant external alterations proposed. No new windows are proposed, and existing separation distances would be maintained. As such, it is not considered that this proposal would contribute to significantly increased overshadowing, overlooking and loss of privacy, or reduced outlook impacts.

The proposed layout shows two bedrooms with en-suites at lower ground level, one bedroom with an en-suite and a shared living, kitchen and dining area at ground level, three bedrooms (two with en-suites) and a shared bathroom at first floor level, and two bedrooms with a shared bathroom at second floor level. All habitable rooms would be served by windows or roof lights providing reasonable access to natural light.

Whilst the proposed internal layout would not wholly comply with the minimum internal spaces' standards established by Table 4A.1 in the SYRDG, most of the rooms are existing and the proposed layout would comply with the Council's amenities standards for HMOs. The Council's Case Management Officer was consulted; and no objections were received.

The application property benefits from front (west) and rear (east) garden areas. However, the rear garden area is not directly accessible to all occupants. Whilst this is not ideal, the development site is in a sustainable location with access to a wide range of local services and amenities and local green spaces, including the Dearne Valley Country Park to the south-east, which is considered acceptable in this instance, on balance.

Considering the above, this is considered to weigh significantly in favour of this proposal and its approval, on balance.

This proposal is therefore considered to comply with NPPF Policy P3: Living conditions and pollution and Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection and is considered acceptable regarding its impact on residential amenity, health and pollution control.

Impact on Highways

During the application process, concerns were raised in respect of the potential impact on the highway network and highway safety through increased competition for limited parking spaces; inability to park within reasonable distances of homes; disproportionate pressure on shared access points; increased wear and tear and highway maintenance impacts; reduced visibility and manoeuvring space; and recent car accident(s) in the area.
NPPF Policy TR3: Locating development in sustainable locations supports development that is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure.

NPPF Policy TR4: Street design, access and parking establishes that to contribute to creating well-designed places, transport considerations should be integral to the design of development, proposals for which should: give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating easy access to high quality public transport, with layouts and densities which maximise the catchments for bus or other public transport services. Proposals should also provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan.

NPPF Policy TR6(4): Assessing transport impacts establishes that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

The development site occupies a modest-sized triangular-shaped plot located beyond the junctions of Longman Road with Caxton Street at the northern end of Longman Road and to the south of the adjacent railway lines. The immediate surrounding area is principally residential and is characterised by mostly two-storey terraced properties of a similar scale and varying appearance. Barnsley College is located to the east, south-east and south. Barnsley Town Centre is located to the south.

The development site is not located within the Town Centre boundary but does benefit from an edge of Town Centre location that is within walking and wheeling distance of a wide range of local services and amenities and regular public transport services.

The application property is fronted by a modest garden area with trees located adjacent to the west development site boundary. There is a row of detached garages opposite the development site and adjoining row of terraced properties alongside areas of hardstanding which provides some off-street parking. On-street parking restrictions are in place along parts of Longman Road and Caxton Road by virtue of double yellow lines, and there is also dedicated on-street parking spaces along Longman Road and Caxton Road managed by a residents' parking permit scheme.

Highways Development Control colleagues were consulted; and it was established that the Council's adopted Parking SPD recommends one parking space per three rooms in an HMO. As such, the application property should be served by two off-street parking spaces at present with this requirement increasing to three off-street parking spaces as a result of this proposal. The application property does not benefit from dedicated off-street parking spaces at present, and this remains the case with this proposal.

Under normal circumstances, Highways Development Control Officers would seek additional off-street parking provision to make up any shortfall, but it has to be acknowledged that Longman Road is in close proximity to the Town Centre and an approximate 650-metre walk to the main public transport interchange. Given the sustainable location of the development site, Highways Development Control Officers would not wish to raise objections to this proposal as any potential increase in vehicle numbers associated with the development site could not be considered to cause a severe traffic issue, especially with the site being so near to Barnsley Town Centre and the fact Longman Road is already protected by Traffic Regulation Orders (permit parking and no waiting at any time).

The LPA has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance.

Notwithstanding the above, Crash Map data does not identify any slight, serious or fatal traffic incidents on Longman Road or Caxton Street in the last five years.

It was also suggested that the Applicant should consider installing six cycle parking spaces to promote sustainable alternative modes of transport in line the Council's adopted guidance. The Applicant has indicated that they would have no objection to providing cycle storage where there is an identified demand for it but did not wish to simply install substantial covered cycle facilities where there is no evidence of likely use and that could result in unnecessary infrastructure within the site. Given that the existing HMO use has operated without cycle parking spaces to date and is in such close walking distance to Barnsley Town Centre and the main public transportation hub, the LPA would not wish to secure cycle parking spaces via condition in this instance as it is not considered such a condition would meet the relevant tests. The Applicant could provide cycle parking spaces in the future should a demand be identified.

Furthermore, there is no legal right to park in front of a home on a public road, and as established, Longman Road is already protected by Traffic Regulation Orders (permit parking and no waiting at any time) which is anticipated to continue to be effective in managing on-street parking in the area. It is not anticipated that there would be disproportionate pressure on shared access points or significant reduced visibility and manoeuvring space or increased wear and tear and highway maintenance impacts.

Consequently, considering the above, it is not considered that this proposal would have a severe impact on the transport network (in terms of capacity and congestion, including cumulative impacts) or an unacceptable impact on highway safety to otherwise justify a refusal in accordance with NPPF Policy TR6.

Considering the above, this is considered to weigh significantly in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policies TR3: Location development in sustainable locations and TR4: Street design, access and parking, and 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.

Impact on Design, Heritage and Visual Amenity

During the application process, concerns were raised in respect of impact on design, heritage and visual amenity due to an over proliferation of HMOs in the area; and HMO properties in the street not being maintained and kept tidy which makes the area look undesirable.

Sections 16 (2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving conservation areas or their setting or any features of special architectural or historic interest which they possess.

NPPF Policy DP3(1): Key principles for well-designed places establishes development proposals should respond to their context so that they integrate with and enhance their surroundings. This should not preclude innovation or change where appropriate.

NPPF Policy DP3(3) establishes that substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Local Plan Policy D1: High Quality Design and Placemaking, establishes support would be given to development if proposals would achieve a high quality of design and would respect, take advantage of, and reinforce the distinctive local character and features of Barnsley.

No extensions or other significant external alterations are proposed to the application property or its setting and therefore, it is not considered that this proposal would significantly alter or detract from the character of the street scene, broader locality or the significance of the Victoria Road Conservation Area.

The Council's Senior Conservation Officer was consulted; and no objections were received as the architectural and historic contribution the application property makes to the wider conservation area would remain unchanged.

Whilst concerns have been raised in respect of a high concentration and an over proliferation of HMOs in the local area, the Applicant has provided the LPA with HMO licenses which establish a lawful fallback position of the existing HMO (Use Class C4) use. Given that the HMO is existing, this proposal would not contribute to increased concentrations beyond existing levels. This proposal would also not result in three or more HMOs being located immediately adjacent to each other, or the sandwiching of a dwellinghouse between two HMOs, in accordance with Paragraph 28.1 of the Design of Housing Development SPD.

Whilst concerns have been raised in respect of HMO properties in the street not being maintained and kept tidy which makes the area look undesirable, such impacts are not material considerations in the determination of this application as the LPA must consider each application on its own merits and not against generalised existing issues.

The Council's Case Management Officer commented on the rear garden in that it would not provide a practical or accessible location for communal bin storage for all occupants. It was added that without suitable alternative provision, there would be potential for waste and recycling bins to be stored inappropriately, which could impact the appearance of the street scene. A condition is therefore recommended to secure waste and recycling storage facilities details.

Notwithstanding the above, in this case, there is no evidence to indicate that this proposal would result in unacceptable levels of impact in respect of design, heritage and visual amenity that would warrant refusal of planning permission. Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals in accordance with NPPF Policy DP3.

Considering the above, this is considered to weigh substantially in favour of the proposal, on balance and subject to condition(s).

This proposal is therefore considered to conserve or enhance the character and appearance of the Vicotria Road Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would comply with NPPF Policies HE9: Conservation areas and DP3: Key principles for well-designed places and Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding its impacts on design, heritage and visual amenity.

<u>Impact on Biodiversity and Geodiversity</u>

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 is not subject to the BNG requirement and falls within one of the listed exemptions.

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

This proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable regarding its impacts on biodiversity and geodiversity.

Planning Balance and Conclusion

In accordance with the provisions of NPPF Policy S3 and Local Plan Policy SD1 this proposal is considered within the context of the presumption in favour of sustainable development.

This application seeks planning permission for a change of use from a 6-person HMO (Use Class C4) to a 9-person HMO (Sui Generis).

The development site is located within an existing settlement in a sustainable location. This proposal would not detract from the current housing mix and would make a positive contribution to meeting the need for new homes through achieving appropriate densities and an effective use of land in accordance with NPPF Policies S3, S4, HO7, L2 and L3, and Local Plan Policies H1, H4 and H6. Substantial weight is attributed in favour of the principle of development in accordance with national decision-making policies.

This proposal is considered acceptable in respect of its potential impacts on residential amenity, health and pollution control; highway safety; design, heritage and visual amenity; and biodiversity and geodiversity, in accordance with NPPF Policies P3, HE9, DP3, TR3 and TR4, and Local Plan Policies GD1, POLL1, T3, T4, D1 and BIO1, and is attributed significant, substantial and modest weight respectively in accordance with national decision-making policies.

The benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4.

For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance.

Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c).

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:

- *Amendments to the internal layout to address comments from the Council's Case Management Officer.*

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.