
2024/0532

Mr Nigel Ashton

Change of use of land to car sales

Noroyds, Wakefield Road, Staincross, Barnsley, S75 6DL

Background

Since 1974 there have been a number of applications on this site. The most recent and relevant are as follows:

1988/0812 – Change of use from private repair garage to commercial repair garage - Granted

1990/1435 – Change of use from haulage yard to offices and workshops and siting of temporary offices – Granted

2006/1602 – Residential development of five dwellings (Outline) – Approved with conditions

2008/0122 - Change of use of land for the storing and maintenance of mini buses and extension of use. (Retrospective) – Refused

2011/0488 – Change of use of premises to vehicle repair garage and car sales – Refused for the following reason:- In the opinion of the Local Planning Authority, the car sales and vehicle repairs are materially detrimental to the visual amenity of the area and amenities of the occupiers of Noroyds and Tipsey Court, by reason of noise, smells and disturbance arising from vehicle repairs and the intensified use of the site and cluttered appearance from the sale of cars. The uses are therefore considered contrary to Policy H8B and S8 of the Barnsley Unitary Development Plan and Policy CSP 29 and CSP 40 in the submissions version of the Core Strategy.

2013/1285 - Change of use to B2 (Vehicle Servicing and Repair) - Approved subject to conditions including the following:-

The premises shall be used as a car repair and servicing garage (including ancillary storage of equipment and parts) and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Accordingly no sales of vehicles or spray painting of vehicles shall be carried out at the site at any time. Reason: In order to protect the amenity of adjacent residents in accordance with Policy CSP40.

The permitted use shall only take place between the hours of: -Monday to Friday 08:00 to 18:00, Saturday 09:00 to 13:00, with no working on Sundays or Bank Holidays. Reason: In order to protect the amenity of adjacent residents in accordance with Policy CSP40.

All vehicle movements including delivery of parts, collection of waste and any vehicle recovery operations shall be carried out within operating hours. Reason: In order to protect the amenity of adjacent residents in accordance with Policy CSP40.

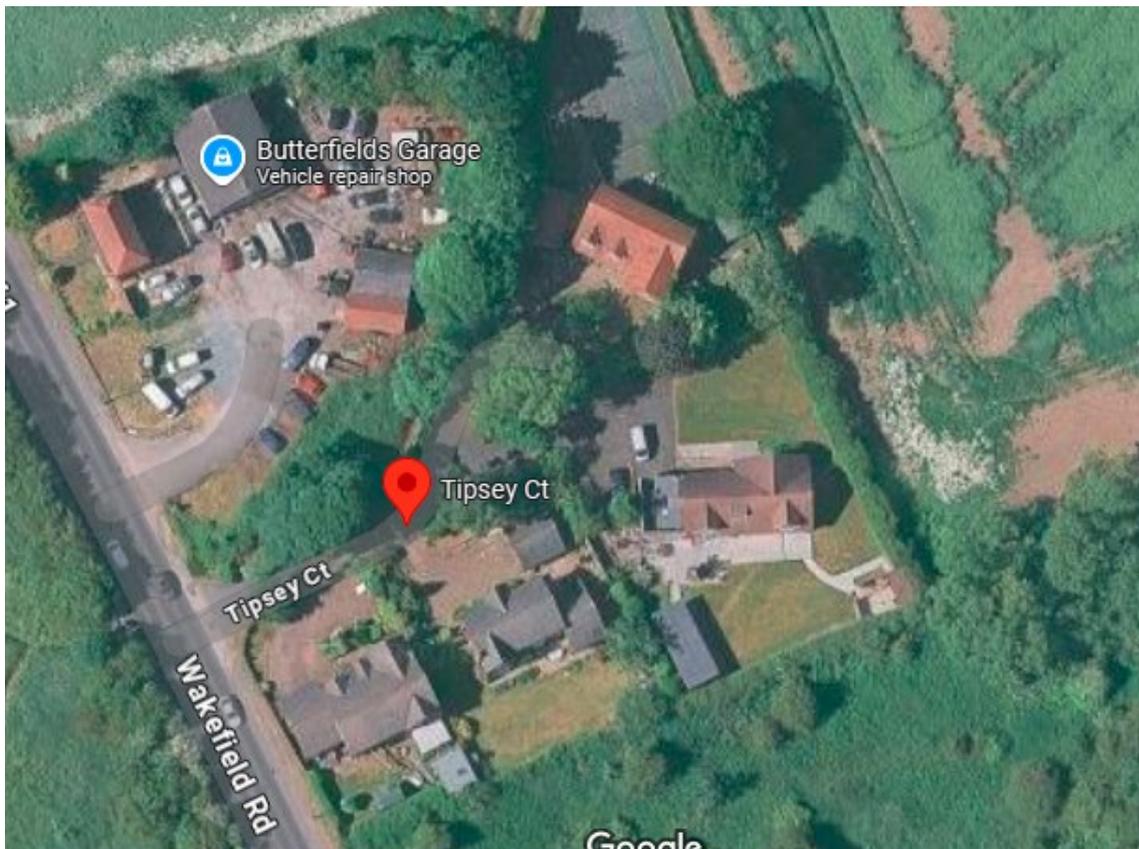
The doors to the work shop shall remain closed during noisy work activities. Reason: In order to protect the amenity of adjacent residents in accordance with Policy CSP40.

Description

The site currently consists of a detached dwelling known as Noroyds which faces onto Wakefield Road, and large brick and blockwork built workshop buildings and large areas of hardstanding. The site has planning permission for a vehicle servicing and repair use under application reference 2013/1285.

To the south of the site is Tipsey Court, a small residential development of four properties. To the north is open fields and countryside. The site fronts the Wakefield Road. There is a public right of way which runs along the eastern boundary of the site.

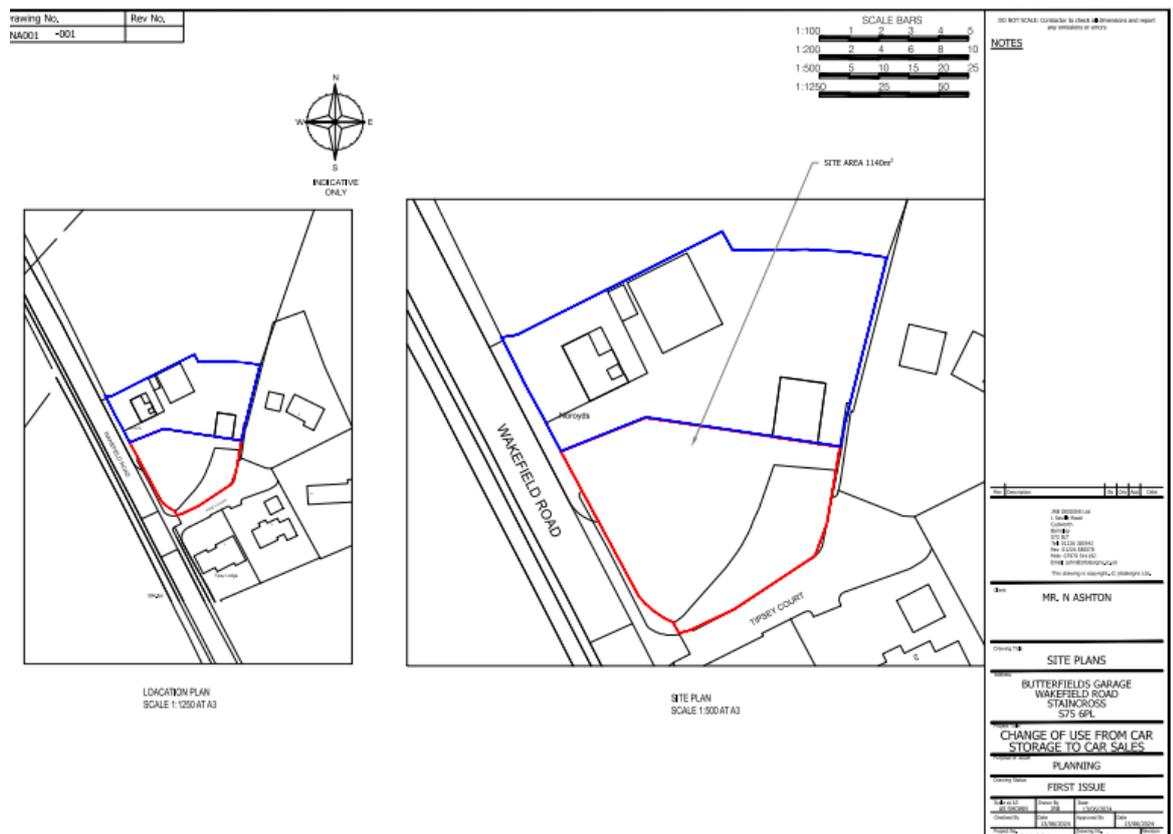
Reports have been made that the site is being used for car sales and numerous cars are parked at the site giving a cluttered appearance.



Proposed Development

The proposal is for the change of use of part of the site from car storage to car sales. The application appears to be retrospective which has arisen as part of an enforcement complaint. There is limited information submitted with the application and no numbers of cars for sale have been indicated with the application. A recent site visit showed a significant number of cars parked on the site. The application form indicates that the site is approximately 1140sqm. No hours of operation have been provided.

The agent has provided the following additional information in terms of the number of employees at the site, at the request of the Highways Officer – ‘There are only 2 persons work there one the owner who is one of them lives on site.’



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now 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 and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

Policy POLL1 Pollution Control and Protection

Development will be expected to demonstrate that it is not 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 a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy T4 New development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Supplementary Planning Documents (SPD):

Parking – sets out parking standards that will be applied to all new development.

Consultations

Ward Councillors – Cllr Hunt has provided the following comments:-

'The application does not contain any restrictions over the hours that the business trades. There should be a designated visitor parking area so that people visiting do not park on the adjoining Tipsey Court private driveway disrupting residents. I have received complaints for many months that the business has been selling cars from the site so I feel that this should be a retrospective application. I object to the application in its current form but would be supportive if it was presented in a way that was understanding to the neighbouring properties and that the business operated only during set hours. eg Mon - Fri 9am - 5pm. Saturday 9am to 1pm.'

Highways - No objections

Enterprising Barnsley - actively support this application that will help to support the growth of the business, employment and higher land value use activity.

Pollution Control – No objections

Yorkshire Water – No objections subject to condition

Drainage – Details to be checked by Building Control

PROW Officer - A public footpath Darton FP 29 runs adjacent to the site. This should remain safely open and available for the public to use at all times. If the application is accepted, an informative should be added to any decision notice.

Representations

2 representations have been received:-

- 'With regard to the area highlighted in red please be aware that some of the land is not owned by the planning applicant. Also a public footpath runs through the middle of the proposed area. This is a retrospective planning application as the land is already used to sell and repair cars . We do not object in principle to this , however the area is not well presented and we experience noise pollution and debris regularly floats onto our property. For example stuffing from car seats and burning of rubbish. This is not the most recent change of planning permission as there has been a previous one for garage repairs after Dial a Ride moved from this property. This was granted with restrictions, which are not currently being adhered to. We do have a copy of this on file should you require this information.'
- 'An application to use the site as a car sales area was submitted back in 2011 and was refused as the use was considered inappropriate for this site. We do not believe planning policy has changed in the intervening period such that car sales would now be acceptable.
- The application site red line boundary is incorrect in respect of the southern boundary and includes land that is not owned by the applicant and through which a public footpath passes. The application form states there are no trees on or adjacent the application site.
- There are in fact a number of trees on the site boundary which have landscape value in our opinion.
- The application form states that hours of operation and employment numbers are not relevant, surely they are both relevant in this case.
- We consider the sale of vehicles from this site would create an unacceptable increase in vehicular activity, encouraging visitors to park on the roadside.
- Recent planning approvals for substantial residential development across from and below the site will generate much greater levels of traffic in the locality and a further use of a site for car sales would only result in an increase in hazardous highway issues'

Assessment

Principle of development

The proposal lies within an area of Urban Fabric (no specific allocation) on the Local Plan Proposals Map, where development may be considered acceptable where, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and where they are compatible with neighbouring land and will not prejudice the current or future use of land. Issues such as the impact upon residential amenity, visual amenity and highway safety and compliance with policy GD1 are assessed below:-

Residential Amenity

The site is set within an area of urban fabric where proposals should not cause any significant adverse effect on the living conditions and residential amenity of existing and future residents. The site is being used for the sale of cars which is an unauthorised use, in addition to the authorised car repair/servicing use. Normally car sales uses will be expected to occupy sites associated with other commercial and business operations when uses are compatible and disturbance to surrounding property is minimised. However, in the instance, the site is located immediately adjacent to residential properties on Tipsey Court. It is therefore necessary for

the proposed use to achieve an acceptable relationship with residential property and an acceptable appearance.

The addition of the change of use of the land to motor vehicle sales in addition with the approved vehicle servicing and repairs is materially detrimental to neighbouring residential amenity by increasing the number of activities at the site, comings and goings of customers viewing cars, increased vehicular parking/manoeuvring close to the neighbouring properties. In addition, there are no indications of numbers of cars to be sold at the site, nor any opening/operating hours, therefore concerns are raised that this could be a significant, potential 24hr use.

It is considered that the car sales use is not acceptable due to the increased impact on neighbours by way of noise and disturbance contrary to policies GD1 and Poll1 of the Local Plan.

Visual Amenity

The site is located adjacent to the Green Belt, however the use cannot be seen from the northern Green Belt boundary due to the existing trees and vegetation providing a significant landscape buffer. Due to the elevated nature of the site the vehicles parked can clearly be seen from Wakefield Road and Tipsey Court. In this instance it is considered that the vehicles parked close to the entrance of the site for the car sales appears cluttered and spoils the character of this area. The proposal is therefore considered contrary to Policy D1 and GD1 of the Local Plan.

Highway Safety

Highways do not have any objections to the proposal. The Highways Officer has stated that , it is apparent that the site is large enough to accommodate *some* area of sales pitch without affecting the other business elements on the site. It is likely that customers will park as and where they can within the site, as occurs now and at similar garages within the district. No objections have been raised in terms of highway safety in accordance with policy T4 of the Local Plan.

Recommendation

Refuse