



Appeal Decision

Site visit made on 6 October 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/R4408/W/25/3368790

Manor Court, 31 Churchfield Lane, Kexbrough, Barnsley S75 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Conrad Baranyai against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2025/0093.
 - The development proposed is change of use of part of residential home to HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of residential home to HMO at Manor Court, 31 Churchfield Lane, Kexbrough, Barnsley, S75 5DH in accordance with the terms of the application, Ref 2025/0093, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development and site address above from the decision notice. Although different to that given on the application form, they more accurately and succinctly describe the development and its location.
3. The appellant has suggested a willingness to reduce the proposed House in Multiple Occupation (HMO) from 13 bed to 10 bed. However, the appeals procedure guide makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought.
4. Whilst I note that the Council has commented, the appeal must be determined on the basis of the plans that formed the Council's reason for refusal. To do otherwise would prejudice the interests of third parties and consultees, who may not have had the opportunity to comment on the changes, and who may have observations to make. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issue

5. The main issue is the effect of the proposal on highway safety, with particular regard to parking.

Reasons

6. The site comprises a large building which is split into three separate uses consisting of a training centre, respite daycare and care home. A shared car park

to the front has been shown to provide 10 car parking spaces. The surrounding area is predominantly residential, comprising a mix of detached and semi-detached dwellings with front gardens and driveways. There are bus stops situated a short distance away on Churchfield Lane, and nearby roads did not appear to be subject to parking restrictions.

7. The Barnsley Local Plan, Supplementary Planning Document: Design of Housing SPD (Housing SPD), support HMO development where satisfactory provision for off-street car parking in accordance with the Council's standards is achieved 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 Barnsley Local Plan, Supplementary Planning Document: Parking (Parking SPD) supplements Barnsley Local Plan (BLP) Policy T3 by setting out the parking standards that the Council will apply to all new development. There is no dispute between the main parties regarding the minimum parking provision required for the HMO.
8. The Council's officer report acknowledges the appeal site is in a sustainable location, and based upon my observations of nearby services, including shops and community facilities, I see no reason to disagree. The appeal site is also located close to public transport, with bus stops nearby and rail services a short cycle or a modest walk away.
9. At the time of my visit, there was parking for three cars available on the appeal site carpark and additional on-street parking within the vicinity of the appeal site. The lack of parking restrictions in the wider area also indicates that the surrounding area is unlikely to suffer from long-term parking pressures.
10. Whilst my observations are only a snapshot in time, my findings indicate that capacity for on-site and off-site parking is available. Occupants of the HMO and other visitors to the separate uses would also have a range of transport modes available to them. Provision for cycle storage within the site would further encourage sustainable modes of travel. This would likely lessen reliance on the private car and so therefore car parking.
11. Moreover, given the extant uses of the appeal site, I have not been supplied with any compelling evidence to demonstrate that there have been incidents where levels of parking exceeded the capacity of the site and the nearby area, which could substantiate the Council's position. In view of the loss of the care home element, which would have seen staff and visitor parking, including during busier times of the day, there is no evidence that the parking provision would be inadequate or that the parking arrangement would result in vehicles impeding the free flow of traffic in the area or obstructing the local footways.
12. I acknowledge the concerns of the Highway Officer in respect of details on the generated number of trips. However, as one element of the business is training, the number of attendees is unlikely to be consistent.
13. There is no mechanism before me which seeks to secure the intended occupiers of the HMO, including those employed within the National Health Service. There is little evidence presented to demonstrate that the increase in car parking associated with the development would increase the severity of local parking pressure to a harmful extent should working professionals occupy the development.

14. Given the likely limited difference in the number of vehicles associated with the care home element in comparison to the proposed HMO, there does not appear to be cogent reasons that would require double yellow lines to be required as part of the scheme. Consequently, even if there were to be a minor shortfall in parking provision on the site, the scheme is unlikely to give rise to unacceptable congestion or safety conditions on the adjoining public highway.
15. For the above reasons, I conclude that the proposal would not have a harmful impact on highway safety, having regard to car parking. Accordingly, I find no conflict with BLP Policies T3 and T4, or with the guidance aims set out in the Housing SPD or Parking SPD. Amongst other things, these collectively seek new development to be accessible by public transport and avoid creating or adding problems to the safety or efficiency of the highway.

Other Matters

16. Concerns have also been raised that suggest that anti-social behaviour or crime is likely to increase through the presence of a HMO. This is a fear of crime. The fear of crime can be a material consideration in a planning application. However, there must be a reasonable and evidential basis for that fear. There is no convincing evidence before me to suggest that the development would give rise to anti-social behaviour, such as high noise levels or crime that would warrant the refusal of the scheme.
17. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. I note the strong opposition to the use of the premises as a HMO. However, there is no compelling evidence that the proposed scheme for residential accommodation cannot assimilate within this existing residential area similar to the existing permitted use. There is also no compelling evidence that the proposed use will place a greater strain on nearby services and facilities than the permitted use as a care home.
18. Matters related to shared boundary planting fall outside the scope of the appeal and are private matters.

Conditions

19. The Council has suggested conditions, some of which I have amended for the sake of clarity and precision. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
20. A condition relating to the HMO maximum occupancy of the property is necessary in the interests of amenity and living conditions. Conditions requiring the provision of cycle parking, bins stores and kitchen/dining and lounge rooms are necessary to ensure that provision is made to encourage the use of sustainable modes of travel and in the interest of amenity of future occupiers.

Conclusion

21. For the reasons given above the appeal should be allowed.

A Hickey INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Proposed Elevations and Proposed Ground and First Floor Layout.
- 3) Prior to the first occupation of the development hereby permitted, details of secure, covered, and accessible cycle storage facilities for residents shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed in accordance with the approved details prior to occupation and shall be retained thereafter for the lifetime of the development.
- 4) Prior to any occupation of the development hereby permitted full details of bin storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to first occupation of the property and shall be retained thereafter.
- 5) The communal kitchen/dining and lounge rooms shown on the approved plans shall be constructed and made fully available prior to the development first being occupied for residential purposes and shall be retained for those purposes during the lifetime of the development.
- 6) The House in Multiple Occupation hereby approved shall be occupied by a maximum of 13 persons at any one time.

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