Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2025

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/R4408/D/25/3373336
The Bungalow, 1 Green Lane, Hoyland Common, Barnsley S74 0DR

- 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 Mrs E Barton against the decision of Barnsley Metropolitan Borough Council.
- The application reference is 2025/0534.
- The development proposed is a granny flat annex.

Decision

1. The appeal is allowed, and planning permission is granted for a granny flat annex at The Bungalow, 1 Green Lane, Hoyland Common, Barnsley in accordance with the terms of the application, reference 2025/0534, and the plans submitted with it, subject to the following 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: A1_09 Rev P02, A1_08 Rev P02 and A1_07 Rev P02.

    3) The materials to be used in the construction of the external surfaces shall match those of the existing buildings.

    4) The development hereby permitted shall only be used as ancillary residential accommodation to the dwellinghouse by the occupants and their immediate family members and shall not be sold or rented as a separate dwelling or planning unit at any time.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The council's main concern appears to be that the proposal would result in, or appear as, a separate dwelling. Given the planning history, this is not an unreasonable concern. This is not however a proposal for a new dwelling. It must therefore be determined whether the works would result in a change of use and a separate planning unit as a change of use could not be considered under the procedure adopted. Furthermore, such a proposal has previously been considered and refused, and this procedure is not able to have regard to the matters previously considered, particularly with regard to representations previously made.

4. The building would result in accommodation that could be used independently from the main dwelling as it includes a full range of facilities. The subdivision of the curtilage could be simply achieved and parking allocated for the new use. However, this is not proposed. It is intended that no subdivision of the plot would take place. It is suggested that the use be for a dependent family member and that a condition restricting the use to the same household and preventing sale, rental or subdivision, would be acceptable. Access between the proposal and the main house would be across of the front of the intervening garage and as such the occupants of both would be closely physically related. The main house would have very limited outdoor space if the main area of garden was subdivided and as such, I am satisfied that it is more likely than not, that the garden would remain shared.

5. Given these circumstances, as the occupants would live as part of the household in the main house; the accommodation would share facilities such as access for drivers and pedestrians, parking and the garden; it would be small in size, particularly compared to the main house and it would be closely linked to it, then subject to an appropriate condition, the proposal would not result in a material change of use but would remain ancillary to the main dwelling. It is appropriate therefore that it be considered under the householder application and appeal procedure. If the structure is not built or used as proposed; or if there is a material change of use in the future to create a separate dwelling, then planning permission would be required and would need to be assessed against the appropriate policies.

6. The building itself would effectively double the size of the partially completed garage. It would however reflect the materials and detailing of the garage and the house. Whilst together with the garage, it would result in a large overall amount of building works, it would remain subservient to the overall scale of the dwelling and would retain a sufficient garden area to serve the greater scale of residential accommodation. Overall, it would not result in harm to the character or appearance of the area as in combination, the buildings would appear as a relatively subservient range of garden buildings, closely associated with the house. It would not therefore conflict with the design requirements of policy D1 of the Barnsley Local Plan 2019.

7. The council's Supplementary Planning Document: House extensions and other domestic alterations 2024 (SPD), accepts such a building in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. It should normally have a close physical relationship with the host dwelling and maintain a reliance with it, having some shared facilities. It should be single storey and be of a size up to 39m^2 and no larger than the size of a double garage. The proposal generally meets these requirements although it is marginally larger than the garage.

8. The SPD also requires that proposals should be accompanied by a planning statement outlining the relationship between the existing dwelling and the proposed annex and that of the proposed residents. The planning statement refers to a dependent relative although no further information is provided. The Grounds of Appeal similarly avoid the provision of any further detail. Whilst the lack of specifics no doubt contributed to the council's concerns, overall, the proposal gains support from the SPD.

9. As the proposal would not result in harm to the character and appearance of the area and would generally satisfy the development plan policy and the SPD, I allow the appeal.

10. The SPD advises that such a permission will almost always be subject to a condition which requires the annex to remain ancillary to the main dwelling, be in the same family occupancy and be prevented from being used, sold or rented as an independent dwelling or a separate planning unit. The council have suggested such a condition and the appellant has indicated agreement to it. Whilst a simpler and less prescriptive form of wording may achieve the same objectives, given the planning history; the limited information relating to occupation; and the specific requirements of the SPD, I am satisfied that the suggested condition satisfies the tests for conditions set out in the Framework. The use of the garage is already controlled by a separate condition, and this proposal would not alter that.

11. I have also imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have imposed a condition to require that the materials would match the rest of the property to ensure that the development would have a satisfactory appearance. Given the nature and position of the property, the conditions suggested by the council with regard to pollution control are not necessary. The suggested condition relating to the access and parking area is also not necessary as it has been approved by a separate permission and does not form part of this proposal.

Peter Eggleton

INSPECTOR