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## Appeal Decision

Site visit made on 27 November 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

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**Appeal Ref: APP/P4415/W/25/3373487**

**110 Badsley Moor Lane, Clifton, Rotherham S65 2PS**

- 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 Mr Saeed Hussain against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref is RB2025/0621.
  - The development proposed is change of use to podiatry clinic with flat above.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed development upon highway safety; and,
  - its effect upon the living conditions of future occupiers, with particular regard to living space and outlook.

### Reasons

#### *Highway safety*

3. The appeal site comprises a two-storey end-terraced property, currently in use as a residential dwelling, in what is a predominant residential location. Properties in this area of Badsley Moor Lane are terraced dwellings which do not typically host driveways. Off-street parking is therefore significantly limited and as such, on-street parking is subject to significant demand.
4. The proposed development seeks to convert the lounge area at the front of the ground floor into a podiatry clinic, with the remainder of the building utilised as a two-bedroom flat. It is asserted that the business would operate on an appointment-only basis, thereby requiring no more than a single on-street parking space during its hours of operation.
5. However, no evidence has been provided regarding the details of the booking system or the scheduling of appointments. In the absence of such information, it is reasonable to conclude that, even if appointments were restricted to one patient at a time, overlaps between treatment sessions and waiting clients would be likely. Consequently, the development would attract multiple visitors and associated vehicles during its operating hours, including the vehicles associated with the flat which forms part of the proposed development.

6. Visitors to the clinic would be reliant on on-street parking. This would place additional pressure on the already constrained parking environment, particularly during the proposed operating hours of 08:00 to 17:00. In such circumstances, it is likely that vehicles would be parked in opportunistic and potentially unsuitable locations, including outside the heavily used designated bays along Badsley Moor Lane, on footways, or at corner positions near the site. These locations would result in conflict between road users and would lead to an unacceptable impact upon highway safety.
7. It is suggested that customers would travel on foot or by public transport, with several bus stops located along Badsley Moor Lane providing access to the proposed development. This assertion, however, is anecdotal and unsupported by convincing evidence. No mapping has been provided to confirm the precise location of these stops, nor has any timetable information been submitted to demonstrate the frequency or reliability of the service. Moreover, based on the evidence before me, I am not persuaded that customers would be restricted to those arriving on foot or by bus, particularly given the site's location in an area where the use of private vehicles represents an attractive and convenient option.
8. To conclude, the proposed development would conflict with Policy SP 56 of the Rotherham Local Plan Sites and Policies Document 2018 (LP) and Paragraph 116 of the National Planning Policy Framework. These policies require development proposals to not have an unacceptable impact on highway safety, amongst other things.

#### *Living conditions*

9. The proposed development would involve the conversion of the lounge area at the front of the ground floor into a podiatry clinic, with the remainder of the property retained as a two-bedroom flat. Accordingly, the residential accommodation would be arranged across the first floor and the rear section of the ground floor of the appeal building.
10. The Council has referred to the Nationally Described Space Standards (NDSS), which set out minimum internal space requirements for dwellings across all tenure types. The parties disagree as to which specific standard should be applied in this case. However, the appellant acknowledges that, irrespective of the standard adopted, the proposed development would fall below both of the NDSS figures cited. The NDSS represent a minimum threshold for internal space provision. The proposal would therefore fail to achieve the required standard.
11. The assessment of internal space should not be confined solely to numerical measurements. Having reviewed the submitted plans and observed the property during my site visit, I note that the rear rooms on both the ground and first floors are served only by a small window facing Ellesmere Terrace, offering a limited outlook. While this arrangement reflects the existing layout, the proposal would remove the ground floor front lounge, which currently benefits from a large window overlooking Herringthorpe Playing Fields. This room is host to a large window. The loss of this room would not only diminish the overall quantum of living space available to future occupants, but would also materially reduce the quality of outlook from within the dwelling.
12. In conclusion, the proposed development would fail to meet the minimum requirements of the NDSS and would not provide an adequate outlook to its

principal living area. Taken together, these shortcomings would result in unacceptable living conditions for future occupiers. Accordingly, the proposal would be contrary to Policy SP55 of the LP, which requires all forms of development to deliver decent living environments, among other objectives.

13. The Council has cited Policy CS 27 of the Rotherham Local Plan Core Strategy 2014 in relation to this main issue. In my assessment of this policy, I note that it refers to pollution, natural hazards or land stability. Therefore, I am not immediately convinced that this particular policy is immediately applicable to this main issue and the harms explored within it.

### **Conclusion**

14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*J Smith*

INSPECTOR