



Appeal Decision

Site visit made on 8 October 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/R4408/W/25/3368482

Darley Cliff Hall, Kingwell Road, Worsbrough, Barnsley S70 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for [outline] planning permission
 - The appeal is made by Mr Mark Ludlam against Barnsley Metropolitan Borough Council.
 - The application Ref is PP-13784404.
 - The development proposed is described as: 'Change of use from a dwelling house to holiday accommodation'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwelling house to holiday accommodation at Darley Cliff Hall, Kingwell Road, Worsbrough, Barnsley S70 4AG in accordance with the terms of the application, Ref PP-13784404, and the plans submitted with it, subject to the conditions in the attached schedule.
 - 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 drawing nos:
Site Plan 5177-PBA-ZZ-GR-DR-A-(00)-02
Location Plan 0075-A-G000-PLN-001 Rev 2
Proposed Floor Plans 5177-PBA-ZZ-ZZ-DR-A-(00)07-A2-P02
Darley Cliff Hall Front Garden Sketch Design, Draft produced by Bestall and Co
Darley Cliff Hall Rear Garden Proposed Landscape Plan Rev 2 produced by Bestall and Co.
 - 3) The holiday accommodation shall operate in accordance with the details set out in the application form and shall be managed in strict accordance with the document 'Proposed Management Plan Darley Cliffe Hall'.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the appeal form, in the interests of brevity.
3. The appeal is against the Council's failure to reach a decision within the relevant statutory timeframe. However, the Council has provided a statement at appeal that makes clear that had it been in a position to do so, it would have granted permission subject to conditions. It has provided a copy of its recommended

conditions on which the appellant has also provided comments. The consideration of these conditions shall therefore form part of my assessment below. Local residents have raised concerns with regard to the effect of the proposal on the living conditions of neighbouring properties with particular regard to noise and disturbance. I have considered this matter in my main issue below.

Main Issue

4. The effect of the proposed change of use on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

5. The appeal scheme proposes a change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses of the entire property. The appellant makes clear that this would be operated as a large holiday let which would be used on a short-term basis and managed by a management company. This is set out in the application form and the Management Plan which has been submitted as part of the application. The proposal would involve no alterations or built development and is simply limited to a change of use of the appeal site.
6. Darley Cliff Hall is located within a complex of residential dwellings some of which constitute its former outbuildings that have now been converted to separate dwellings. Additionally, the Dower Cottage adjoins the south elevation of the building.
7. I am mindful that the existing use as a large dwelling would have generated comings and goings as well as a degree of associated noise. In that regard an eight-bedroom property such as this could be occupied by a family with multiple vehicles leaving and returning throughout the day.
8. Whilst I appreciate that the nature of comings and goings arising as a result of the proposed use would likely be different to that of the existing C3 use, I do not consider that there would likely be a significant increase, overall, in movements to and from the property. Indeed, I am mindful that those staying temporarily are unlikely to leave and return to attend work or school during the week. There would also be likely to be significantly reduced movements associated with postal or package deliveries. Any cleaning of the accommodation would be unlikely to take place outside of normal working hours. In any case, I am mindful that such a large property could be visited by cleaners on a regular basis in its present use.
9. In accordance with the Management Plan, visitors would arrive and be met on site to receive a tour and reinforce the house rules. I see no reason why this would take place at more sensitive times such as late night or in the early morning. It also informs guests that, should neighbours have cause to complain, matters can be escalated to the management company who will take appropriate action. In the case of the most serious breaches this would require the guests to vacate the premises.
10. The outside space associated with the appeal property lies to the west, directly to the rear of the property and is enclosed by boundary walls and fences. This is a substantial area extending to three acres. Given the extent of open space, the effect on neighbouring properties from the maximum of 18 people occupying the garden would be limited. Furthermore, I am mindful that the Management Plan

- restricts the use of the outside space to the front of the dwelling which lies close to residential properties.
11. The Management Plan also sets out that music should not be played outside during the hours of 11pm and 7am. It also notes that any music outside in the rear garden must be kept to a reasonable level, respectful of neighbouring properties and that, were music to be played inside the property, then the windows and doors should be kept closed and the music must be kept to a reasonable level.
 12. Taking into account the extensive nature of the rear garden and the provisions within the Management Plan with regard to music and the use of the outside spaces, this would prevent the proposal from leading to a significant increase in noise levels arising from the property, when compared to that which could be expected to arise from the existing use.
 13. I am mindful of a planning enforcement appeal decision¹ that both parties have directed my attention to. In that appeal, the Inspector quashed an enforcement notice concerning a similar seven bedroom holiday let in a similar residential context. This was, in part, because he concluded that a suitably worded management plan would address concerns about noise and disturbance. This reinforces my above assessment.
 14. The appeal property is served by two accesses. One, to the south from Kingwell Road and the second to the north from Upper Sheffield Road. The southern access is an unobstructed and reasonably direct route through trees. The northern access is narrow with speed bumps and passes close by numerous residential properties with blind bends. In my view, guests would choose to use the southern access as it is more desirable, particularly for those not familiar with the locality. Nonetheless, the Management Plan sets out that guests should arrive via the southern access. This provides me with confidence that the use of the access to the north, past residential properties, would be very limited. Given that the existing use as a dwelling could generate daily vehicle movements along the northern access, I am satisfied that vehicles accessing the appeal property would not lead to significant levels of disturbance to the occupiers of neighbouring properties.
 15. For the above reasons, and subject to a planning condition to secure the Management Plan, the proposed change of use would not result in a significant increase in noise and disturbance, over and above what could be expected from the existing residential dwelling.
 16. I therefore conclude that the proposal would preserve the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. On this basis the proposal would comply with Policy GD1 of the Barnsley Local Plan (2019) which states that development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing residents.

Other Matters

Listed Building

17. Darley Cliff Hall is a Grade II* listed building. The Council considers in its statement that: *'the change of use is acceptable from the perspective of the listed building and*

¹ APP/R4408/C/20/3263058.

*its significance*². Mindful of the statutory duty set out in section 66(1) of the Act², I have had special regard to the desirability of preserving this listed building. The special interest and significance of this asset largely stems from its architectural and historic interest as a handsome late seventeenth century house with alterations, including the provision of the current neo-Classical façade, in the eighteenth century.

18. The appeal scheme proposes no changes to or alterations to the fabric of the building and relates simply to a change of use. As such, and, taking into account the potential for the change of use to secure the future of the building, I consider that the listed building would be preserved, and its significance would not be harmed. On this basis it would meet the requirements of the Act, and the provision of the National Planning Policy Framework (the Framework). I note that the Council's conclusion was on a similar basis.

Protected Species

19. Third party comments reference a bat roost that lies close to the appeal site. Bats are protected by law³ and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity⁴. Paragraph 187 (d) of the Framework seeks to minimise impacts on, and provide net gains for, biodiversity. Given that the proposal is for a change of use of an existing dwelling to a holiday let, I am not convinced that this different form of residential use would be likely to lead to a greater potential for impact on bats located outside the appeal site than from its existing use as a dwelling. In coming to that conclusion, I am mindful that no alterations or built development are proposed. I therefore conclude that the proposal would not be likely to result in harm to bats or their habitat and therefore would comply with the provisions of the Framework in that regard.

Highway Safety

20. As set out above, guests would predominantly use the southern access onto Kingwell Road. This is an established access that is currently used by visitors to the appeal property. For the reasons above, I do not consider that that proposal would lead to a significant increase in comings and goings compared to the existing situation as a large family dwelling. As such there would be no discernible intensification of the access. On this basis there would be no adverse effect on highway safety. This conclusion is supported by the comments of the Highway Authority who raised no objections to the application.

Health and Safety

21. Third party comments also refer to the ruined stone wall and tower that lie within the grounds of the appeal property. The wall incorporates a flight of steps. There is concern that if granted permission, the proposal would significantly increase the risk of injury. Given the site's existing residential use, I am satisfied that the ruins would not represent a greater risk of harm to an individual exercising reasonable levels of caution than exists at present. Nonetheless, the appellant has set out that the area will be securely cordoned off for the safety of the guests and notices put

² Planning (Listed Buildings and Conservation Areas) Act 1990.

³ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

⁴ Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

up warning of its danger. On this basis I am satisfied that the proposal would not result in a danger to public safety.

Conditions

22. I have considered the conditions suggested by the Council in the light of the tests and advice within the Framework and the Planning Practice Guidance. Conditions are necessary in respect of commencement time and relating the development to the submitted plans. As is clear from my above reasoning, a condition securing the operation and management of the proposal in accordance with the submitted details and the Management Plan is necessary in the interests of preserving the living conditions of the occupiers of neighbouring properties.
23. I do not consider that a condition restricting the operation of the use for a temporary period is necessary. The Council has not provided a clear reason for the imposition of such a condition. Such a condition was not considered necessary in the enforcement appeal that both parties have referenced. As is inherent in my above reasoning, I am of the view that the Management Plan as submitted would provide an adequate framework to manage the proposed use. Any breaches could be appropriately enforced during the lifetime of the development.
24. A condition requiring the control over amplified music would partially control what is already restricted through the Management Plan. However, the Council's suggested condition is more restrictive, requiring no amplified music whatsoever to be played outside the premises. The Management Plan requires any music outside to be kept to a reasonable level with none to be played during the hours of 11pm and 7am. It also requires any internal music to be played with all windows shut and kept to a reasonable level. Considering that amplified music could be played outside the premises at present without any control, I am satisfied that the Management Plan would prevent any significant adverse effect to the living conditions of the occupiers of neighbouring properties. I have therefore not imposed the Council's suggested condition.
25. As set out in my above reasoning, I do not consider that the appeal scheme would be likely to result in regular use of the northern access. There are controls within the Management Plan in this regard. I therefore do not consider a condition restricting guests to the southern access would be necessary or reasonable.
26. Similarly, I do not consider a condition restricting the times of deliveries necessary or particularly relevant to the appeal scheme. Deliveries outside of the hours of 7am and 7pm could and, likely would, occur as part of the use as an existing dwelling. I do not consider that the frequency of deliveries or their timing would significantly increase as a result of the proposed change of use. Moreover, as set out above, the amount of deliveries would actually be likely to decrease.
27. A condition requiring the Council to be notified of any complaints in relation to the Management Plan is unnecessary as local residents would be able to contact the Council directly with concerns with regard to any breaches, as is the case with any development. It is in the holiday let management company's interest to address local residents complaints in relation to the management plan in order to avoid any breach of their planning permission and potential enforcement action.

Conclusion

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

Paul Martinson

INSPECTOR