

Application Reference Number:	2025/0548
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Application Type:	<i>Variation of Condition(s).</i>
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Proposal Description:	<i>Variation of condition 2 of planning application 2024/0190 (Rebuilding and repair works to a section of collapsed battlement walling (Listed Building Consent)) to include the introduction of a concrete kerb at the base of a section of the rebuilt wall due to the discovery of unsuitable bedrock conditions during excavation works.</i>
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Location:	<i>Battlements located within National Trust - Wentworth Castle Gardens, Park Drive, Barnsley, S75 3EN.</i>
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Applicant:	<i>Mr Jordan Grady (Donald Insall Associates).</i>
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Third-party representations:	<i>None.</i>	Parish:	<i>Stainborough.</i>
		Ward:	<i>Penistone East.</i>

Summary:
<p>The applicant is seeking retrospective permission for the variation of condition 2 (approved plans) relating to application 2024/0190. Proposed changes to the approved scheme include the introduction of a concrete kerb at the base of a section of the rebuilt battlement wall due to the discovery of unsuitable bedrock conditions during excavation works.</p> <p>Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a consent. The Local Planning Authority (LPA) can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original listed building consent will continue to subsist whatever the outcome of the application under Section 73.</p> <p>The retrospective development is considered to have no adverse impact on design, heritage and visual amenity and no objections were raised from an arboricultural perspective. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024) and listed building consent should be granted subject to necessary conditions.</p> <p>Recommendation: APPROVE subject to conditions.</p>

Site Description

This application relates to a previously collapsed section of an existing grade II-listed battlemented wall located in the Green Belt, within the curtilage of the grade I-listed Wentworth Castle Registered Park and Garden (RPG), and within the Wentworth Castle and Stainborough Park Conservation Area.

The RPG accommodates several grades I, II*, and II-listed buildings, including the grade I-listed Wentworth Castle. The previously collapsed section of battlemented wall is located approximately 50 metres to the south-east of the grade II*-listed Stainborough Castle.

The battlemented walls are some 300 metres in length and extend from the formal gardens of Wentworth Castle through to Stainborough Castle and form the bulk of the southern boundary to the Wilderness. The battlemented walls range in height from a couple of metres to several metres where the landform dictates, and in some places forms a significant retaining wall structure. The walls are sandstone and there are several areas of severe weathering and where crenelations and ashlar copings are missing.

Works have been progressing to carry out repair works in accordance with the Listed Building Consent granted under application 2024/0190.



Planning History

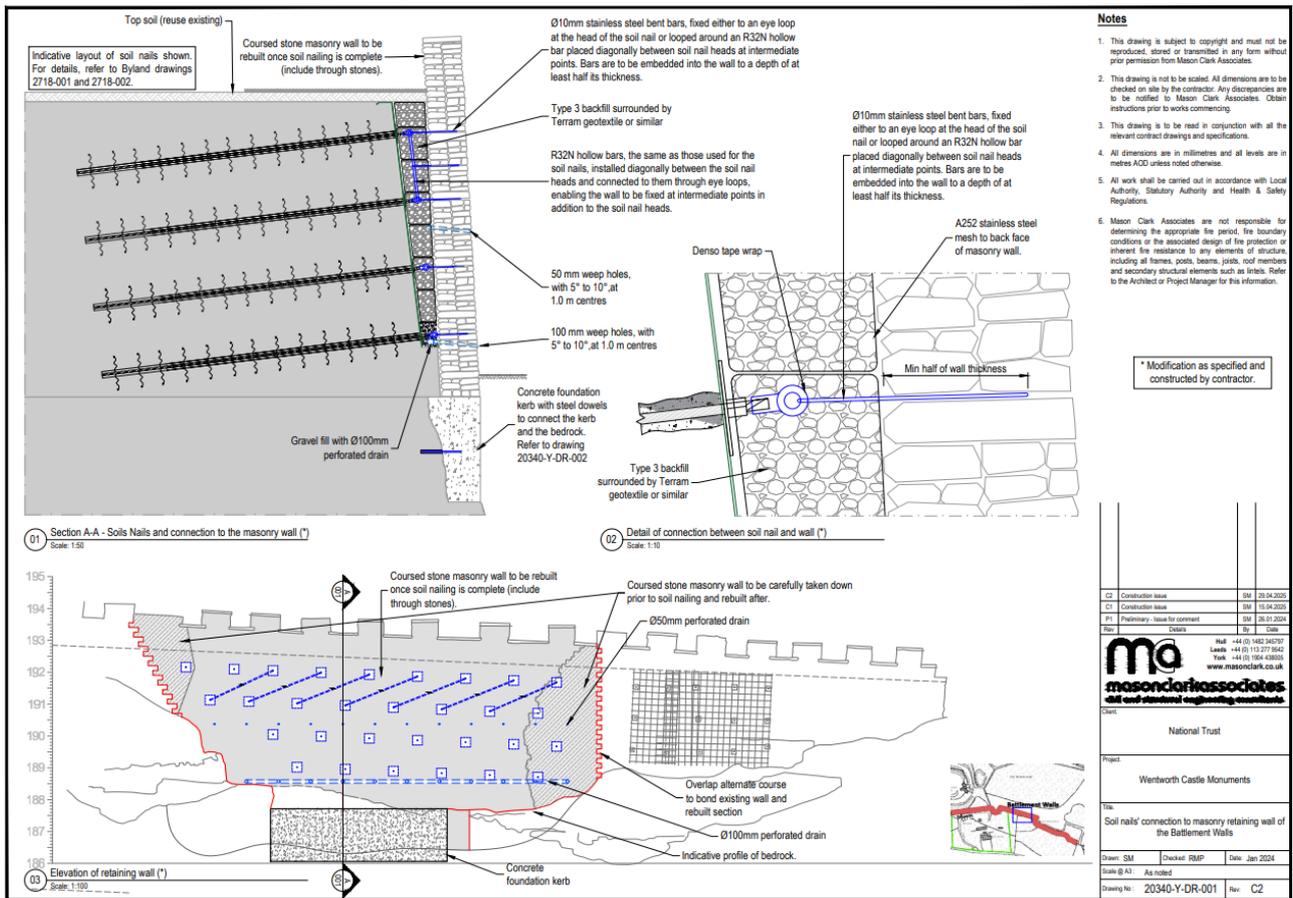
There is an extensive planning history associated with the Wentworth Castle RPG. However, the most recent and relevant applications are:

Application Reference	Description	Status
2023/0058	Repair works to Battlements including rebuilding and reinstating several crenelations (Listed Building Consent).	Approved.

2024/0190	Rebuilding and repair works to a section of collapsed battlement walling (Listed Building Consent).	Approved.
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Proposed Development

The applicant is seeking retrospective permission for the variation of condition 2 (approved plans) relating to application 2024/0190. Proposed changes to the approved scheme include the introduction of a concrete kerb at the base of a section of the rebuilt battlement wall due to the discovery of unsuitable bedrock conditions during excavation works.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as Green Belt within the adopted Local Plan, forms the curtilage of the Wentworth Castle RPG and is located within the Wentworth Castle and Stainborough Park Conservation Area. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy GB1: Protection of Green Belt.*
- *Policy HE1: The Historic Environment.*
- *Policy HE3: Developments affecting Historic Buildings.*
- *Policy HE4: Developments affecting Historic Areas or Landscapes.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High quality design and place making.*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 12: Achieving well designed places.*
- *Section 13: Protecting Green Belt land.*
- *Section 16: Conserving and enhancing the historic environment.*

Planning (Listed Buildings and Conservation Areas) Act 1990

- *Section 16: Decision on application.*
- *Section 66: General duty as respects listed buildings in exercise of planning functions.*
- *Section 72: General duty as respects conservation areas in exercise of planning functions.*

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Residential amenity and the siting of buildings (Adopted May 2019).*
- *Heritage Impact Assessment (Adopted May 2019).*
- *Trees and hedgerows (Adopted May 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

This application was publicised in accordance with Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A site notice was placed nearby and a press notice used, expiring 25th July 2025. The application has also been advertised on the Council website. No representations have been received.

Conservation Officer	<i>No objection.</i>
Forestry Officer	<i>No objection.</i>
Historic England	<i>No comments.</i>
National Trust	<i>No comments received.</i>
The Gardens Trust	<i>Support.</i>
Local Ward Councillors.	<i>No comments received.</i>

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The rebuilding and repair work to a section of collapsed battlement walling is acceptable in principle subject to the assessment of matters of detail below.

Impact on Design, Heritage and Visual Amenity

The proposed changes to the approved scheme under application 2024/0190 to include the introduction of a concrete kerb at the base of a section of the rebuilt battlement wall due to the discovery of unsuitable bedrock conditions during excavation works is not considered to harm the listed battlement walls or their setting, and is entirely necessary from a structural perspective and recommended by a Structural Engineer to provide a stable footing. The proposed changes are considered to be justified interventions. The Council's Conservation Officer was consulted, and no objections were received.

Considering the above, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to conserve or enhance the character or appearance of the heritage asset(s) in accordance with Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered acceptable and in compliance with Local Plan Policy HE1: The Historic Environment, Local Plan Policy HE3: Developments affecting Historic Buildings, Local Plan Policy HE4: Developments affecting Historic Areas or Landscapes, Local Plan Policy GB1: Protection of Green Belt, Local Plan Policy GD1: General Development and Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity.

Impact on Trees

This proposal was discussed with the Council's Forestry Officer, and it was initially determined that due to the additional excavation works, introduction of new materials and works below ground, an updated Arboricultural Survey and Impact Assessment to set out the extent of the additional works, potential impacts and how the concrete would be brought onto site should be provided. However, during the application process, it transpired that the proposal is retrospective with the works being completed. This was supported by a photograph of the affected area. This is not an ideal situation, and the additional works should have been applied for prior to being undertaken to have allowed the local planning authority (LPA) and relevant interested parties to consider any potential impacts. Nevertheless, it is acknowledged that the Agent has stated that the additional works did not involve any further site setup or activities near existing trees and that the works traffic followed the original access and movement plan, and as such, there has been no additional arboricultural impact.

Whilst the extent of any potential additional impact is not known, following further discussions with the Council's Forestry Officer, it was felt that requiring further evidence and works in the area could potentially cause more harm and therefore, in this instance, no objection was raised.

Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance and listed building consent should be granted subject to necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of this application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions:

1. The development hereby approved shall be carried out strictly in accordance with the plans:

Collapsed Battlement Section - Addendum to 2024/019 LBC Application dated 12th April 2024.

20340-Y-DR-001 Rev. P1

20340-Y-RP-005 Rev. R0 dated 12th February 2024.

2718-001 Rev. 0

2718-002 Rev. 0

Arboricultural Impact Assessment dated August 2024 and received 7th October 2024.

20340-Y-DR-002 Rev. P1

20340-Y-DR-001 Rev. C2

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy HE1 The Historic Environment and Local Plan Policy D1 High Quality Design and Place Making.

2. All in curtilage planting, seeding or turfing comprised in the approved details of replacement tree planting contained within the Arboricultural Impact Assessment dated August 2024 and received 7th October 2024 shall be carried out no later than the first planting and seeding season following the reinstatement of the collapsed battlement walling; and any trees or plants which die within a period of 5 years from first being planted, or removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy HE1 The Historic Environment and Local Plan Policy D1 High Quality Design and Place Making.

3. A written and photographic record of the approved works equivalent to a Historic England Level 1 record and in accordance with the standards set out in the SYAS Archaeological Building Recording Photographic Record (Standards & Guidance) with the exception of the requirement for a written scheme of investigation. The photographic record shall be carried out by a suitably qualified heritage design professional or archaeologist and upon completion of the works a copy of the record shall be submitted to the Local Planning Authority, The South Yorkshire Archaeology Service and shared with the estate archives.

Reason: To ensure that a record is kept of the works to the Battlements and saved for posterity in the interests of the understanding of history of the building and in accordance with Local Plan Policy HE1 The Historic Environment and Local Plan Policy HE3 Developments affecting Historic Buildings.

Informative(s):

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.