The Planning Inspectorate

Appeal Decision

Site visit made on 15 June 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/R4408/W/20/3245976
The Hawthorns, Keresforth Hall Road, Kingstone, Barnsley S70 6NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Karen Neville against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2019/0712, dated 4 June 2019, was refused by notice dated 30 October 2019.
- The development proposed is for the change of use of dwelling (use class C3) to a mixture of a dwelling and a venue for wedding/civil ceremonies, seasonal events and afternoon teas (use classes C3, A3 and Sui Generis).

Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of clarity and brevity I have taken the description of development from the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on highway safety with regards to access and parking and whether the proposal would affect the living conditions of the occupiers of neighbouring properties with respect of noise and disturbance.

Reasons

Highway safety – access

4. The appeal site can be accessed two ways, via Beech Grove and from Keresforth Hall Road (KHR). It is the intention that the primary access for the proposal would be taken from the access off KHR.

5. The existing access into the site from KHR is flanked by pillars and there is no footpath on the side of KHR adjacent to the appeal site. Visibility is restricted by the existing pillars and due to the lack of footpath it is likely that vehicles exiting the site would have to edge out onto the highway to gain visibility. This existing access is also located within close proximity to a bend in the road which further restricts visibility for vehicles exiting the site.

6. All these factors would lead to an unacceptable access arrangement for the proposal and the safety of highway users would be severely compromised.

7. The Council Officers report included comments that the Highways Officer had no objection. However, this is contradicted by further comments from the Highways Officer stating objections are raised and refusal is recommended on grounds of inadequacy of the access. The appellants highway statement also states *"visibility from the current site access is severely restricted in both directions by the restraints mentioned above i.e. gate pillars / wall height etc."*

8. Planning conditions have been suggested including the need for a car park management plan which, amongst other things, would require staff to guide vehicles out of the site when exiting. This requirement would be problematic as it would be reliant on guests notifying a member of staff when they intend to leave the site, something which I consider would unlikely happen on every occasion. This requirement for staff to guide out exiting vehicles would not be enforceable.

9. I therefore find that the proposal would have a harmful effect on highway safety with regards to access. The proposal fails to comply with Policy T4 of the Barnsley Local Plan 2019 (BLP) and the National Planning Policy Framework which seeks development to be suitably served by the existing highway and not have unacceptable impacts on highway safety.

10. I have had regard to the appellants statement of case including the highway statement and the proposed new access plan[1]. However, there is no evidence before me to suggest that this plan has gone through any formal statutory consultation. I therefore afford no weight to this plan in my assessment.

Highway safety - parking

11. The proposal would introduce around 10 parking spaces on site. The number of guests would be restricted to no more than 30 which would be on a booking basis only. There are no parking restrictions on the surrounding highways and any overspill from the on site car park would be low and unlikely to create any adverse highway effects in terms of on street parking. I am satisfied that the proposal provides sufficient parking provision.

Living conditions

12. The appeal site is located within a predominately residential area and there are neighbouring properties within close proximity to the appeal site.

13. The proposal would host events of up to 30 people which would lead to people congregating inside and outside the appeal building. Events would be restricted to between 1000 hours and 1900 hours with a maximum of 12 events per month. Nevertheless, the congregating of people, particularly outside, with talking, raised voices, laughing and the inclusion of amplified music, in close proximity to residential properties, would create noise which would adversely affect the living conditions of the occupiers of nearby neighbouring dwellings.

14. I have had regard to the noise control management plan which includes specific designated outdoor areas for events and monitoring of noise levels. Whilst there are walls and trees in the area which may provide some noise attenuation, there is a lack of evidence relating to expected and acceptable noise levels resulting from the proposal. The absence of convincing evidence relating to noise levels, gives me considerable doubt in my mind that the

[1] Drawing Number: 1740-102

operations proposed can be undertaken without harming the living conditions of neighbouring occupiers.

15. On the evidence that is before me, I am not convinced that the proposal can operate without causing harm to the living conditions of occupiers of neighbouring properties with regards to noise and disturbance. The proposal would contradict Policy GD1 of the BLP which seeks development to have no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Other matters

16. The proposal would be the re-use of an existing building for mixed use development bringing economic, social and cultural benefits with the creation of jobs and introducing a new service into the community that would support other local businesses.

17. My attention has been drawn to other planning permissions[2] however, I do not have full details of these cases and so cannot be sure if they represent a direct parallel to the appeal proposal, particularly with regards to location and proposal details. In any case, I have determined the appeal on its own merits. A letter of support has been received for the proposal and I have had regard to the pre and post submission negotiations between the appellant and Council Officers. These matters do not alter my findings on the main issues above.

Conclusion

18. I have found that the proposal would provide adequate parking provision and have some economic, social and cultural benefits which I would attribute moderate weight. These benefits, however, do not outweigh the harm I have identified to highway safety with regards to access, effect on the living conditions of neighbouring occupiers and the conflict with the BLP.

19. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

[2] Local Planning Authority References: 2017/0014; 2017/0640 & 2018/1271