

<b>Application Reference Number:</b>	2025/0743
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<b>Application Type:</b>	Listed Building Consent.
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<b>Proposal Description:</b>	Listed Building Consent to replace lead parapet valley gutter and internal valley gutter.
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<b>Location:</b>	Osbourne House, Osborne Court, Monk Bretton, Barnsley, S71 2JS.
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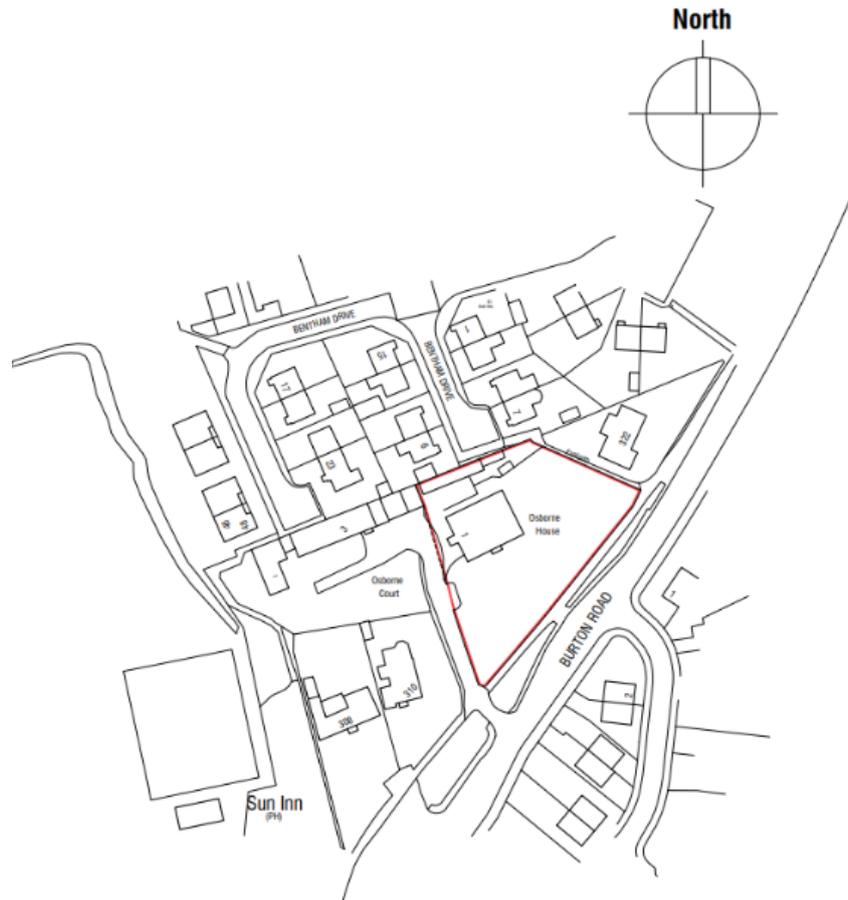
<b>Applicant:</b>	Mr Paul Senior.
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<b>Third-party representations:</b>	None.	<b>Parish:</b>	
		<b>Ward:</b>	Monk Bretton.

<p><b>Summary:</b></p> <p>The applicant is seeking retrospective listed building consent for the replacement of a lead parapet valley gutter and internal valley gutter with dark grey fibreglass.</p> <p>Development comprising alterations to a listed building are considered acceptable in principle if the proposals would be proportionate, would adopt a sympathetic design and would respect architectural detail. Development should also not detrimentally affect the amenity afforded to adjacent properties, including visual amenity and highway safety.</p> <p>The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. 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).</p> <p>Recommendation: <b>APPROVE subject to conditions.</b></p>
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## Site Description

This application relates to Osbourne House – a grade II-listed, stone-constructed, detached dwelling set within a relatively large plot located to the north of Burton Road and on the east side of Osborne Court and within an area that is principally residential. The building features hipped roofs with valley guttering.



## Planning History

There are several planning applications associated with the development site. However, the most recent and relevant application is:

Application Reference	Description	Status
2023/0044	Variation of condition 2 of planning permission 2020/0674 to enable changes to the positioning and the elevations of the detached garage - Internal and external alteration to Osbourne House and existing outbuilding, erection of detached garage building, hard and soft landscaping works and alterations to boundary treatments (Part-retrospective).	Approved.

## Proposed Development

The applicant is seeking retrospective listed building consent for the replacement of a lead parapet valley gutter and internal valley gutter with dark grey fibreglass.

## 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 urban fabric within the adopted Local Plan which has no specific allocation. The development property is a grade II-listed building, and the Huddersfield Conservation Area is located to the south. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy D1: High quality design and place making.*
- *Policy HE1: The Historic Environment.*
- *Policy HE3: Developments affecting Historic Buildings.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T4: New Development and Transport Safety.*

### 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 16: Conserving and enhancing the historic environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

## 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:

- *House extensions and other domestic alterations (Adopted March 2024).*
- *Heritage Impact Assessment (Adopted May 2019).*

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

## 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.*

## **Consultations**

This application was publicised in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

A site notice and press notice were utilised, both expiring 26<sup>th</sup> September 2025, and the application was advertised on the Council website. No representations were received.

Historic England	<i>No comments.</i>
Conservation Officer	<i>No objections.</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

Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA Act) provides that, subject to the following provisions of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. (Section 9 of the 1990 Act provides that if a person contravenes Section 7, he/she shall be guilty of an offence.)

There is a legal requirement for listed building consent for any works likely to impact on the fabric, appearance and special interest of a listed building. The justification and need can be a significant factor in agreeing a proposal, even if some minor harm is caused. As such, dialogue (even if this is

informal) with the LPA prior to the commencement of any works is strongly encouraged and would provide a good opportunity for open discussion in the interests of finding best and most sustainable solutions.

Section 8(3) of the LBCA Act 1990 enables an application for listed building consent to be made after work to a listed building has taken place. However, work is only authorised from the actual date the consent is given, so anyone carrying out the demolition of a listed building or altering or extending in a way which would affect its character prior to this can still be prosecuted.

Development comprising alterations to a listed building are considered acceptable in principle if the proposals would be proportionate, would adopt a sympathetic design and would respect architectural detail. Development should also not detrimentally affect the amenity afforded to adjacent properties, including visual amenity and highway safety.

### Impact on Design, Heritage and Visual Amenity

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The application property is Osbourne House – a grade II-listed building of notable architectural and historical interest. Constructed circa 1820 for a colliery owner, it is a two-storey, five-bay symmetrical ashlar building with a Welsh slate roof. It features a central doorway with a Doric portico, over-light, and a panelled and glazed door. Osbourne House is a refined yet decorative example of early 19th-century architecture. Osbourne House underwent substantial restoration works in 2022.

The Council's Conservation Officer was consulted, and it was stated that the existing lead guttering were recently renewed but later identified to be failing and in need of replacement to prevent water ingress and to protect the building's historic fabric. As such, the proposal involves the replacement of the lead valleys and gutters behind the parapets with dark grey fibreglass, chosen for its durability and improved resistance to water penetration. Following discussions with the Architect, Mark Booth, it has been established that the works have already been completed, resulting in this retrospective application. Initial correspondence between the Council's Conservation Officer and the Architect determined that the works require Listed Building Consent (LBC) and that undertaking any work prior to obtaining LBC is done at the Applicant's own risk. However, the approach was agreed and justified given the modern fabric to be replaced, the likely superior performance of the repair, and the lack of visibility of the works. Photos have therefore been provided by the Architect as evidence of the completed and existing works, which have been submitted as part of the supporting documentation. The replacement material (dark grey fibreglass) is visually unobtrusive and sympathetic, resulting in no impact or harm on the character or appearance of the listed building. It is also agreed that the works would benefit the building long-term enabling its continued conservation for years to come. Consequently, given the minor nature of the proposal, the clear justification, and no visual or material harm to the listed building, it is considered that the proposal is acceptable.

The LPA has no reason to disagree with the professional opinions of the Conservation Officer in this instance.

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 and appearance of the the grade II-listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would comply with Local Plan Policies D1: High Quality Design and Placemaking, HE1: The Historic Environment and HE3: Developments affecting Historic Buildings and is acceptable regarding visual amenity.*

### Impact on Residential Amenity

The proposed development is retrospective and has been completed. Therefore, there would be no impact on the amenity of the application and neighbouring occupants.

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

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

### Impact on Highways

The proposed development is retrospective and has been completed. Therefore, there would be no impact on highway safety.

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

*The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.*

### Planning Balance and Conclusion

In accordance with the provision 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. 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.