

**Proof of Evidence on Heritage Matters on Behalf of Barnsley
Metropolitan Borough Council**

APPEAL REFERENCE: APP/R4408/W/24/3341097

Local Planning Authority Reference: 2022/0115

APPELLANT: Network Space Developments Limited

DATE OF HEARING: 6th August 2024

SITE ADDRESS: Land North of Shaw Lane, Carlton, Barnsley

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1. Introduction

1.1 Qualifications

1.1.1 My name is Tony Wiles. I hold a BSc in Geology (Manchester University) and an MA in Heritage Management - IHBC Accredited (Sheffield Hallam University).

1.1.2 Since 2006 I have been employed as a Local Authority Conservation Officer. Since 2012 I've held the post of Senior Conservation Officer, employed by Barnsley Metropolitan Borough Council within the Planning Policy section of the Council's Directorate of Growth and Sustainability. During my time working for the Council, I have regularly assessed applications for planning permission, and listed building consent where proposals were likely to affect the significance of heritage assets. I have regularly been involved with the assessment of a range of applications from minor proposals through to masterplan frameworks and national infrastructure projects. I have regularly participated in appeals against the refusal of planning permission and listed building consent. I have also had regular involvement in enforcement matters including the drafting and serving of Listed Building Enforcement Notices, Full Repairs Notices and Urgent Works Notices. I was involved in preparing the Barnsley Local Plan for adoption in 2019. This included the assessment of sites and their suitability for allocation in terms of the potential impact on heritage. I was also involved and spoke on heritage matters at the examination in public of the Local Plan prior to its adoption.

1.1.3 I can confirm that the evidence in this proof is accurate and in line with the Institute of Historic Building Conservation code of conduct and recommendations. I can confirm the evidence presented is my true and professional opinion.

1.2 Background

1.2.1 This evidence relates to the appeal against the refusal of outline planning permission 2022/0115 at Land North of Shaw Lane Carlton, Barnsley. My evidence is for the Local Planning Authority (the Council) against the appeal submitted by Network Space Developments Limited (The Appellant)

1.2.2 To prepare this evidence I carried out an initial site visit on the 11th of August 2023 (assessment of application 2022/0115). Subsequently, I visited the site on the 23rd of May and the 19th of June 2024. I have also reviewed the documentation provided by the Applicant in support of their appeal including the Heritage Impact Assessment (NWS01.01)

1.3 Scope and Purpose of Evidence

1.3.1 This proof of evidence on behalf of the Council will provide information in relation to the heritage matters that relate to the appeal case. The evidence is concerned with the possible impacts of the proposed junction alteration of Shaw Lane, Church Street, and Fish Dam Lane (the junction). This proof of evidence has been drafted in support of the reason for refusal (RfR) 6 of application 2022/0115:

In the opinion of the Local Planning Authority, the street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policies D1 'High Quality Design and Place Making' and HE1 'The Historic Environment'. In the opinion of the Local Planning Authority, the street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policies D1 'High Quality Design and Place Making' and HE1 'The Historic Environment'.

In relation to other matters including that of the planning balance, I will defer to colleagues.

1.3.2 In relation to the impacts on heritage assets, I will:

- Describe and summarise the significance of the heritage assets in question and review the heritage impact assessment information provided by the Appellant
- Describe the impact and quantify the related harm caused by the junction alterations.

2. Relevant Planning Policy and Legislation

2.1 National Planning Policy

- 2.1.1 Paragraphs 200, 205, 206, 208 and 209 of the NPPF are relevant to this case.
- 2.1.2 Chapter 16 of the NPPF sets out the Government's policies relating to the conservation and enhancement of the historic environment. The significance of the heritage assets affected should be identified and assessed (NPPF paragraph 200)¹. The setting of a heritage asset may contribute to that significance or an appreciation thereof, may detract from significance or may have a neutral effect. A noticeable change to setting may have a harmful, beneficial, or neutral effect.
- 2.1.3 If the proposed development is concluded to cause harm to the significance of a designated heritage asset, such harm should be categorised as either less than substantial or substantial². If a proposal would result in harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation³, meaning the avoidance of harm and the delivery of enhancement where appropriate
- 2.1.4 Where less than substantial harm is identified, the clear and convincing justification the Framework requires can be provided by countervailing public benefits⁴ delivered by a proposal.

2.2 Local Planning Policy

- 2.2.1 The following Local Plan policies of the Barnsley Local plan area relevant:
- HE1 – The Historic Environment
 - HE2 – Heritage Statements and General Application Procedures
 - D1 - High Quality Design and Place Making

2.3 The Planning (Listed Buildings & Conservation Areas) Act 1990

- 2.3.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 (the Act) places a general duty on decision makers in relation to planning functions. At S.72(1) it requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.

¹ Heritage interest – or significance - may be archaeological, architectural, artistic or historic (Glossary to the NPPF).

² NPPF paragraphs 208 and 207 respectively.

³ NPPF paragraph 205.

⁴ Public benefits can include heritage benefits and can also include benefits to the way an area appears or functions or land use planning benefits.

There is no statutory duty to protect the setting of a Conservation Area. The NPPF makes the setting of a Conservation Area part of what may make it significant (see Ouseley J in **Safe Rottingdean Ltd v Brighton and Hove CC** [2019] EWHC 2632 at para 88).

In **R. (on the application of Irving) v Mid-Sussex DC** [2016] EWHC 1529 (Admin) Gilbert J held that if there was harm to the character and appearance of one part of the conservation area, the fact that the whole would still have a special character did not overcome the fact of that harm. It followed that the character and appearance would be harmed. Although the question of the extent of the harm was relevant to the consideration of its effects, it could not be right that harm to one part of a conservation area did not amount to harm for the purposes of considering the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 s.72. Where there is harm to a heritage asset, a decision-maker must give that harm “*considerable importance and weight*” when carrying out the planning balance exercise (**Barnwell Manor**⁵, **Forge Field**⁶). A less than substantial harm does not equate to a less than substantial objection. A decision maker may not treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit (**Forge Field**⁷).

There is no requirement in the Act or in policy that a decision-maker must undertake a "net" or "internal" balance of heritage-related benefits and harm as a self-contained exercise preceding the wider balance envisaged by NPPF 202. However, the Inspector can choose to undertake such an exercise when performing the s.66 duty (**Bramshill v SSHCLG** [2021] EWCA Civ 320 at para 71 *et seq*).

⁵ **Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG** [2014] EWCA Civ 137.

⁶ **R (oao The Forge Field Society) v Sevenoaks DC** ([2014] EWHC 1895 (Admin)).

⁷ Public benefits can include heritage benefits and can also include benefits to the way an area appears or functions or land use planning benefits.

- 2.3.2 Section 69 of the Act directs decision makers to determine areas of special architectural or historic interest whose appearance should be preserved or enhanced. These areas become designated as conservation areas under the Act. The Carlton Conservation area was identified and designated in December 1977. A map of the Carlton Conservation Area is included at Appendix A. The application for the outline planning permission to develop the site North of Shaw Lane is outside the Carlton Conservation Area. However, the junction alterations proposed by the Appellant are within the conservation area. Consequently, the Council has due regard for the impact of the proposed junction alterations on the designated heritage asset.

3. Impacts on Heritage Assets

3.1 The Significance of the Heritage Assets and the HIA

- 3.1.1 The conservation area currently has no adopted appraisal or management plan. The Appellant submitted a Heritage Impact Assessment (HIA NWS01.01) provided by Prospect Archaeology in support of application 2022/0115. This document describes the significance of the heritage assets affected around the junction. It furthermore focusses on the proposed changes to the junction and describes the impact and harm associated with this.

- 3.1.2 I note that there are a number of significant buildings in the conservation area including three listed buildings:

- The Late C19 Church of St John
- The Gables
- The Manor House

Appendix C includes the full list description of the above. Other unlisted but historic buildings of note in the vicinity of the junction (and visible from it) include:

- The (former) Wharncliffe Arms
- 2 Church Street
- 3 Church Street (Ivy Farmhouse)
- 4 to 8 Church Street
- 5 & 7 Church Street (50m north of the junction).
- Former Barn 25m north of Manor House

Photos of the buildings above in context with the junction can be seen at Appendix B. The listed and unlisted buildings mentioned above are also marked on the map at Appendix A. Historic buildings Numbers 2, 3, 5 & 7 Church Street are early and appear on the first 1844 Tithe Map and 1850 OS map. Numbers 4 to 8 and the Wharncliffe Arms date to the later 19th Century. Travelling north along Fish Dam Lane to the junction there are longer distance views of the

Church of St John, but these are only glimpsed due to the bend in the road. Passing the entrance to Manor Farm Close, the historic and converted barn 25m north of the Manor House with its gable fronting the road are visible together with the junction. However, the Wharncliffe Arms is highly prominent on the junction, as is Number 2 Church Street when travelling west along Shaw Lane towards the junction. Views of Number 3 Church Street (Ivy Farmhouse) are less prominent on the junction due to its position and a degree of screening by vegetation. Views of Number 4 to 8 Church Street are easily possible from the roadside 30m northwest of the junction. 5 & 7 Church Street are further north of the junction at 70m but are also readily visible from the road. Together, these historic buildings have a vernacular character and shared group value due to their age and their appearance and they contribute positively. They are typified by buildings of late C18 to late C19 age, with locally occurring sandstone walls, stone or replacement grey slates to the roofs with stone dressings to openings.

3.1.3 Some modern developments elsewhere in the conservation area have emulated this to an extent. However, some loss of the character in the surrounding area has occurred due to the use of non-traditional forms, details, materials, and layouts. The presence of the Premier Foods site to the southeast of the conservation area and the junction is also notable and impacts negatively on the setting. The impact of Wharncliffe Court is also significant and it is a dominant presence when approaching the junction along Fish Dam Lane. However, although somewhat eroded, the conservation area character and its special interest are still evident.

3.1.4 The overall significance of the conservation area is derived from its historic associations, the architectural qualities of its built forms, and its communal value derived from the meaning people place on it. The historic buildings on and around the junction whilst unlisted contribute positively to this.

3.2 The Impact and the Harm of the Junction Alterations

3.2.1 The Heritage Impact Assessment (NWS01.01) focusses on the proposed changes to the junction. It sets out the heritage significance of the assets that contribute and describes the impact and the harm associated with this. It notes at page 6 that:

No listed buildings are significantly affected by the proposals. The widening of the footpath will have a negligible impact on the conservation area. The proposed installation of traffic light signals at the junction will introduce additional and contemporary street furniture into the conservation area. By definition these features will be visible and will have a minor negative impact on the conservation area and the historic buildings in proximity to

the junction. However, the additional furniture will not overly hinder the appreciation or understanding of the historic assets within the area and the impact will equate to less than substantial harm.

- 3.2.2 I agree with this. Due to the proposed junction alterations, there will be an increase in modern street furniture. I accept that the junction already has modern signage associated with it (bridge height restrictions, a give way sign, warning old people, no left turn) as well as two bus stops and a number of lighting columns in close proximity. However, the proposed junction alterations will increase the modern infrastructure on the junction. This in my view will cause a cumulative impact and will amount to minor non-substantial harm to the significance of the conservation area. I also feel the historic buildings mentioned above that are close to the junction will undergo some minor harm to their setting.

4. Summary of Heritage Planning Policy Objections and Proposed Mitigation

- 4.1.1 The proposal detailed in 2022/0115 is contrary to HE1(a) and He1(e) of the Local Plan due to a failure to conserve and enhance the significance and setting of a designated and other undesignated heritage assets.
- 4.1.2 It is also contrary to D1 of the Local Plan due to its failure to respect, take advantage of and reinforce the distinctive local heritage and townscape character. It also fails to complement and enhance the character of the conservation area.
- 4.1.3 Due to the less than substantial minor harm identified to the conservation area, 208 of the NPPF is relevant:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 4.1.4 Due to the minor harm to the setting of other undesignated assets paragraph 209 of the NPPF is relevant:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.1.5 I would suggest the proposed junction alteration detailed in 2022/0115 will result in minor harm to the designated asset (the conservation area) and the individual non-designated historic buildings close by. Together with the negative elements already present in the conservation area and close to the junction this will amount to cumulative but minor non-substantial harm.

4.1.6 During preparations for the Inquiry, discussions between the Appellant and the Council have centred on the degree of minor harm (which we agree on) and measures that might offset and mitigate that. In particular, examples and measures within best practice guidance from Historic England (Streets for All) were suggested to mitigate the impact. The Appellant has submitted a number of measures to mitigate the impact of the junction alteration. These include:

- The works will be designed with due cognisance to Historic England's guidance in the document entitled '*Streets for All- Advice for Highway and Public Realm Works in Historic Places, 2018*'.
- Traffic signs and road markings - to be kept to a minimum and in accordance with the Traffic Signs Road markings General Directive (TSRGD).
- Single stage crossings – retaining the current design to provide straight across single stage pedestrian crossings.
- No pavement edge barriers – avoid the use of guard railing and other physical barriers.
- Controller - The traffic signal controller will be located at the back of existing footway and in a suitable safe and convenient location and designing them with raised relief panels deters flyposting.

I agree these measures will in principle mitigate the harm identified. I also believe there is scope for minor enhancement by way of rationalising street clutter including signage in the vicinity of the junction. Whilst in agreement (in principle) I feel it is for the Appellant to demonstrate that the proposed mitigation can be secured through an appropriately worded condition. Assuming that mitigation can be secured, I would agree there will on balance be no harm to the conservation area or the setting of individual undesignated buildings in the vicinity of the junction.

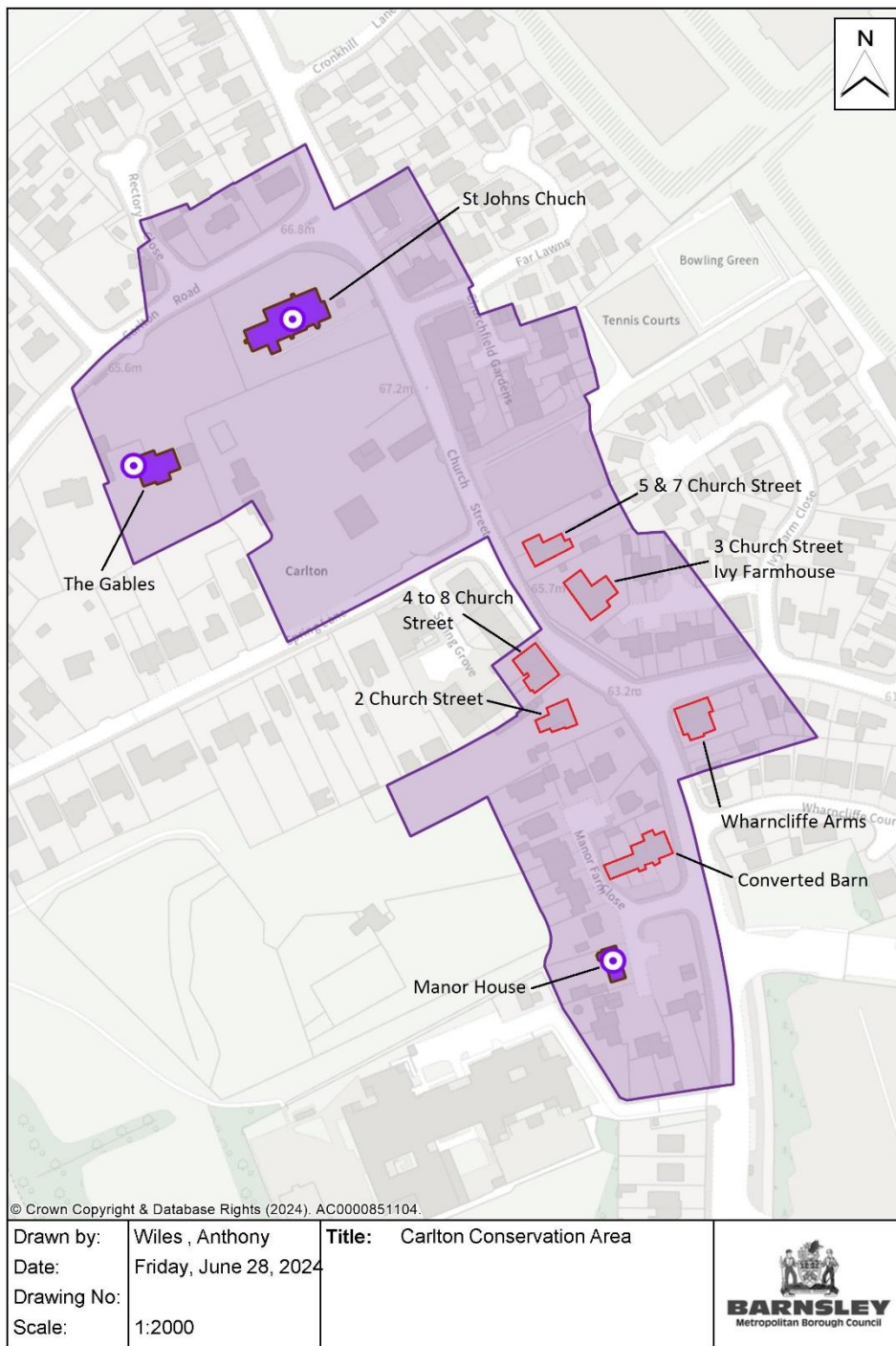
4.1.7 I make no observations on the acceptability of the mitigation in highways terms, which I leave to the highways witness for the LPA.

5. Summary

5.1 Conclusions

- 5.1.1 The outline development proposal submitted under 2022/0115 includes the alteration of the junction between Shaw Lane, Church Street and Fish Dam Lane. The development site is outside the conservation area, but the junction is within it.
- 5.1.2 The conservation area is a designated heritage asset of evident historic significance. Its significance has been eroded by a variety of inappropriate changes over time, but its heritage significance is legible in its historic, architectural and communal values.
- 5.1.3 There are six unlisted historic buildings close to the junction which contribute positively to the group value of the conservation area.
- 5.1.4 In support of the application for outline permission, a Heritage Impact Assessment was included. This concluded that the new traffic signals and footpath widening would have a minor negative impact on the conservation area. It further concluded this would amount to less than substantial harm.
- 5.1.5 I agree with the contents of the submitted HIA that the junction will introduce minor non-substantial harm. This minor harm will occur to both the conservation area and the setting of undesignated buildings close to the junction that contribute positively.
- 5.1.6 The measures proposed by the Appellant will reduce the harm resulting in no harm. This mitigation will be secured by condition.

Appendix A Carlton Conservation Area Map



Note:

- Purple shaded area is the conservation area
- Darker purple polygons are listed buildings
- Red outlined are non-designated buildings of merit in the vicinity of the junction

Appendix B Photographs



Plate 1. Looking West along Shaw Lane towards the Junction. The Wharnccliffe Arms is in the left foreground, with 2 Church Street in the distance.



Plate 2. Number 2 Church Street looking west.



Plate 3. The opposing view to Plate 2 looking east towards Shaw Lane with the Wharnccliffe Arms in the right foreground



Plate 4. Looking south along Fish Dam Lane. The Wharnccliffe Arms is in the left foreground with the modern development of Wharnccliffe Court to the rear.



Plate 5. Looking north along Fish Dam Lane at the entrance of Premier Foods. The converted barn at Manor Farm Close is visible in the middle distance.



Plate 6. Looking north along Church Street from the junction. Number 2 Church Street is just off the image at left. Numbers 4 to 8 Church Street are visible in the middle distance on the left, with the gable of 3 Church Street (Ivy Farmhouse) on the right-hand side of the road.



Plate 7. The opposing view to plate 6 looking south along Church Street. Number 4 Church Street is visible to the right hand. The Wharncliffe Arms is visible in the distance.



Plate 8. Numbers 4 to 8 Church Street looking south.



Plate 9. Numbers 5 and 7 Church Street looking east. Number 3 Church Street (Ivy Farmhouse) is visible at the right-hand side.

Appendix C – Listed Building Descriptions

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1151146

Date first listed:13-Jan-1986

List Entry Name: CHURCH OF ST JOHN

Statutory Address : CHURCH OF ST JOHN, CHURCH STREET

District: Barnsley (Metropolitan Authority)

Parish: Non Civil Parish

National Grid Reference: SE 36616 10154

Details

SE31SE BARNSELEY CHURCH STREET (west side), Carlton 2/15 Church of St. John GV II Church. 1879 by G. E. Street. Hammer-dressed stone, tile roof. 4-bay nave with 3-bay north aisle, 2-bay chancel with square tower over 1st bay on south side. 2-, 3-, and 4-light windows with Decorated tracery. Large 4-light east window. Two tall 2-light west windows separated by a buttress. Circle in west gable apex with 4 trefoils. Circular stair turret with conical roof on south side of tower. The tower rises one stage above the roof ridge and has 2-light, louvred belfry openings and a saddleback roof.

Interior: nave: 2-bay north arcade on short octagonal piers. Arch-braced roof. Chancel: Piscina and sedilia. Stone vaulted roof to 1st bay and wooden vaulted roof to 2nd bay. Wood-block floor. Round stone pulpit on pedestal with stone spiral stair. Straight-backed, straight-sided pews.

N. Pevsner, *The Buildings of England*, 1967.

Listing NGR: SE3661610154

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1151181

Date first listed: 13-Jan-1986

List Entry Name: THE GABLES

Statutory Address : THE GABLES, CARLTON ROAD

District: Barnsley (Metropolitan Authority)

Parish: Non Civil Parish

National Grid Reference: SE 36553 10096

Details

SE31SE BARNSELY CARLTON ROAD (east side), Carlton 2/6 The Gables GV II Vicarage. Probably c1879 by G. E. Street (designed church (q.v.)). Coursed, squared rubble. Tiled roof. Two storeys. 3-gabled bays with a lower intermediate gable which together with the right bay breaks forward slightly. Pointed-arched entrance in 2nd bay. Single-, 2- and 3-light windows. A 4-light window to ground floor right and a 6-light mullioned and transomed window to 1st floor of the lower gabled bay, both with relieving arches. The 3 main gable apexes are decoratively tile-hung. Tall ashlar end stacks with plinths and cornices. Ridge crestings. Garden front: 3 gabled bays, the central bay breaking forward. 4-light windows, some mullioned and transomed, and one 8-light mullioned and transomed window to 1st-floor centre.

Listing NGR: SE3655310096

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1286987

Date first listed: 13-Jan-1986

List Entry Name: MANOR HOUSE

Statutory Address: MANOR HOUSE, FISH DAM LANE

District: Barnsley (Metropolitan Authority)

Parish: Non Civil Parish

National Grid Reference: SE 36743 09900

Details

SE30NE BARNESLEY FISH DAM LANE (west side), Carlton 4/31 Manor House - II Farmhouse. Late C18, of 2 builds. Hammer-dressed stone, stone slate roof. Two storeys. The main part of the house, to the left, is of 3 symmetrical bays and has raised ashlar quoins. Central doorway in eared, moulded architrave with pulvinated frieze and small cornice. Flanked by 3-light flat-faced mullion windows with raised surrounds on both floors. Stone end stacks. The part to right is probably slightly earlier and has entrance to left with wide jambs and deep lintel. Later entrance to right. On each floor is a 3-light flat-faced mullion window with recessed mullions. Stone gutter brackets. Gable copings on moulded kneelers. Later brick stack with cornice. A later, lower, addition to right is not included in the item. At the rear is a projecting wing with a later addition.

Listing NGR: SE3674309900