

# Darley Cliffe Hall, Worsbrough Heritage Impact Assessment – Tree Removal and Front Garden



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**Jenny Wetton Conservation  
8 Gorsey Brow  
Broadbottom  
Hyde  
Cheshire  
SK14 6EA**

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**Darley Cliffe Hall  
Heritage Impact Assessment – Tree Removal and Front Garden**

**Prepared for Mark Ludlam**

**by**

**Jenny Wetton Conservation**

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# Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
1.1	Background to the Report.....	4
1.2	Purpose of the Report.....	4
1.3	Copyright .....	4
<b>2</b>	<b>HERITAGE PLANNING CONTEXT.....</b>	<b>5</b>
2.1	National Planning Policy Framework (July 2021).....	5
2.2	Barnsley MBC Local Plan (Jan. 2019) .....	8
<b>3</b>	<b>HERITAGE IMPACT ASSESSMENT.....</b>	<b>11</b>
3.1	The Proposals.....	11
3.2	Impact of Changes on the Significance of the Listed Building .....	11
3.2.1	<i>Tree Removal</i> .....	11
3.2.2	<i>Impact of Landscaping Works on the Setting of the Listed Building</i> .....	12
3.3	Overall Impact of Changes .....	13

# **1 INTRODUCTION**

## **1.1 Background to the Report**

This report was commissioned from Jenny Wetton Conservation in 2021 by Mark Ludlam. Its purpose is to assess the impact of proposals to remove some trees, currently protected by a Group Tree Preservation Order, and to carry out landscaping work within the grounds. Darley Cliffe Hall and the attached front garden wall are listed at Grade II\*. This report is based on the recent associated recent *Assessment of Significance* by the same author and the existing *Heritage Statement* from 2020 by Peter Thornborrow, which should be read with this report. The NPPF requires significance to be assessed when changes are proposed to heritage assets, and for the impact of proposals to be assessed in relation to significance.

## **1.2 Purpose of the Report**

The report is designed to provide the author's professional opinion of an assessment of the impact of the proposals.

This report has been written by Jenny Wetton, BA MSc (Arch Cons) IHBC, Consultant, based on the recent *Assessment of Significance* by the same author and existing *Heritage Statement* from 2020 by Peter Thornborrow, documentary evidence, and two site visits.

## **1.3 Copyright**

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## 2 HERITAGE PLANNING CONTEXT

### 2.1 National Planning Policy Framework (July 2021)

The national legislative framework for development affecting listed buildings and conservation areas is provided by the Planning (Listed Buildings and Conservation Areas) Act 1990; often referred to as the Listed Buildings Act. This sets out the duty on local planning authorities with regard to listed buildings and any buildings or land within a conservation area, when determining applications for planning permission. It is essential that these legal duties are considered, alongside the contents of the NPPF and other planning policies and guidance.

For listed buildings, the planning authority *'shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'* (section 66).

Listed building consent is required for alterations which are likely to affect the character and special interest (significance) of the building. It is not required for like-for-like repairs, nor for alterations to modern fixtures and fittings which will not affect historic fabric, such as the removal of a modern partition.

The National Planning Policy Framework (NPPF) was revised in July 2021 replacing all former planning policy statements (previous edition NPPFs). *The Planning Practice Guide: Conserving and Enhancing the Historic Environment* should be read in the light of the NPPF and does not comprise policy.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Government has three interdependent objectives to sustainable development: economic, social and environmental. The latter objective includes contributing to 'protecting and enhancing our natural, built and historic environment.' So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**. Policies 189-208 are related to conserving and enhancing the historic environment.

The *Planning Practice Guide* states: 'In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.'

Policy 193 states: 'Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.'

Policies 194 and 195 of the NPPF require planning applicants and local planning authorities to assess the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be appropriate to the assets' importance and no more than sufficient to understand the potential impact of the proposal on their significance. Local planning authorities should take this assessment into account when the potential impact of proposed development to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy 196 states: 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

Policy 197 states: 'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Policy 199 states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Policy 200 states: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Policy 201 states: 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and  
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and  
d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

The *Planning Practice Guide* gives guidance on how to assess if there is substantial harm:

'In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm<sup>1</sup>.'

Policy 202 states; '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.'

Policy 205 states: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

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<sup>1</sup> Department for Communities & Local Government. *Conserving and enhancing the historic environment: Decision-taking: historic environment* [online]. Available at: <http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/why-is-significance-important-in-decision-taking/> [accessed 13.05.15]

## **2.2 Barnsley MBC Local Plan (Jan. 2019)**

### **Policy HE1 The Historic Environment**

We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.

This will be achieved by:-

a. Supporting proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place.

These elements and assets include:-

The nationally significant industrial landscapes of the Don Valley which includes Wortley Top Forge and its associated water management system.

Elsecar Conservation Village, its former ironworks and its workshops which were once part of the Fitzwilliam Estate.

A number of important 18th and 19th century designed landscapes and parks including Wentworth Castle parkland (the only grade I Registered Park and Garden in South Yorkshire), and Cannon Hall Park.

The well preserved upstanding remains of the Cluniac and Benedictine monastery at Monk Bretton.

18 designated conservation areas of special and architectural interest including three town centre conservation areas, as well as large areas incorporating Stainborough Park, Cawthorne, Penistone and Thurlstone.

The 17th century Rockley Blast Furnace and its later engine house. Gunthwaite Hall Barn, a large 16th century timber framed barn.

Barnsley Main Colliery Engine House and Pithead structures.

The 17th century Worsbrough Mill (the only historic working water mill in South Yorkshire).

Relatively widespread evidence of pre-historic settlements, and occupation which are often archaeological and below ground but sometimes expressed as physical or topographic features.

The boroughs more rural western and Pennine fringe characterised by upland and (often) isolated settlements or farmsteads surrounded by agricultural land and dominated by historic and vernacular buildings built from local gritstone.

b. By ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance such as a Scheduled Ancient Monument) conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances where there is a clearly defined public benefit.

c. By supporting proposals that would preserve or enhance the character or appearance of a conservation area. There are 18 conservation areas in the borough and each is designated for its particular built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.

d. By ensuring that proposals affecting an archaeological site of less than national importance or sites with no statutory protection conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, an understanding of the evidence to be lost must be gained in line with the provisions of Policy HE6.

e. By supporting proposals which conserve Barnsley's non-designated heritage assets. We will ensure that developments which would harm or undermine the significance of such assets, or their contribution to the character of a place will only be permitted where the benefits of the development would outweigh the harm.

f. By supporting proposals which will help to secure a sustainable future for Barnsley's heritage assets, especially those identified as being at greatest risk of loss or decay.

### **Policy HE2 Heritage Statements and general application procedures**

Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting. This description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal. For sites with significant archaeological potential, a desk based assessment may be required in line with the provisions of Policy HE6. Applications made in outline form will not be accepted for proposals which will affect a conservation area, a listed building or any other designated heritage asset. In such cases, sufficiently detailed plans and drawings to enable an assessment to be made of the likely impact of the development upon the significance of any heritage assets affected will be required.

### **Policy HE3 Developments affecting Historic Buildings**

Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to:

Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building. Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

### **Policy HE6 Archaeology**

Applications for development on sites where archaeological remains may be present must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following: Information identifying the likely location and extent of the remains, and the nature of the remains; An assessment of the significance of the remains; and Consideration of how the remains would be affected by the proposed development.

Where preservations of the remains are not justified, permission will be conditional upon:-

Archaeological recording of the evidence (including evidence that might be destroyed), whether buried remains or part of a standing structure or building;  
Analysis of the information gathered;  
Interpretation of the results gained;  
Public dissemination of the results; and  
Deposition of the resulting archive with an appropriate museum or archive service.

## **3 HERITAGE IMPACT ASSESSMENT**

### **3.1 The Proposals**

Bestall Co. have drawn up proposals for limited tree removal and landscaping works at the front of the house. This statement should be read in conjunction with the associated drawings.

Taking account of the assessment of significance and Policies 194 and 195 of the NPPF, the impact of the proposal on the aspects of significance and setting of the designated assets is considered below. Darley Cliffe Hall is listed at Grade II\* and substantial harm should be exceptional. There are further details in the drawings which accompany the application.

### **3.2 Impact of Changes on the Significance of the Listed Building**

This analysis is based on the guidance given within the Historic England *Advice Note 2: Making Changes to Heritage Assets*. In Chapter 3 *Addition and Alteration*, and under *General Points*, the guidance states:

'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.<sup>2</sup>'

#### **3.2.1 Tree Removal**

A tree in the front walled garden proposed for removal was examined by JCA Ltd, Arboricultural and Ecological Consultants in January 2020.

The survey found that, in the front walled garden, the mature copper beech was surveyed and was found to be in a good structural and physiological condition. However, cracks in a Grade 2 listed building (wall) are visible on both the north and south sides of the wall adjacent to the main stem of the tree.

The secondary thickening of the tree's root system is causing direct structural damage to the wall and therefore the tree has been

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<sup>2</sup> Historic England. *Making Changes to Heritage Assets: Historic England Advice Note 2* (Historic England, February 2016), parag. 41

recommended for removal so the wall may be repaired and to avoid future damage and repair works.<sup>3</sup>

Wilkinson includes an illustration of Darley Cliffe Hall in his book, *Worsborough: its historical associations and rural attractions*<sup>4</sup>. Although this shows the front of the Hall, much of the remainder appears to include some artistic licence as it does not show the walled garden at the front but a rather stylised garden with pathways and the windows are rather longer than they appear here. There is a tree shown in this position in a photograph dated 1983 and shown by Elliott but which cannot be reproduced here for copyright reasons<sup>5</sup>. JCA did not make any suggestions regarding the age of the tree and records have not shown how long it has been part of the setting of the Hall.

Although the proposals will result in changes to the setting of the Hall, they will enable important repair work to the Grade II\* listed wall and the impact is considered to be **beneficial overall**.

Three trees are proposed for removal in the rear garden. Paul Robinson, landscape designer, considers both the holly and cherry trees to be 'in poor health and offers no visual merit to the existing garden' and the pine tree is growing in very close proximity/through the existing oak and would like to remove this to preserve the health of the oak tree. These are proposed to be replaced by a number of new trees, including native deciduous species. Although the proposals will result in changes to the setting of the Hall, they will result in the planting of new trees in considered locations and the impact is considered to be **beneficial overall**.

### **3.2.2 Impact of Landscaping Works on the Setting of the Listed Building**

There will be landscaping in a formal design in the front walled garden in an appropriate style, with new planting and surfacing in natural materials. Brick pathways will re-use historic bricks from other works on the site, which will retain the embodied carbon within the bricks.

The impact of the proposals is considered to be **beneficial**.

The north and front east walls will be re-pointed with lime mortar. The northern wall and its east return will be re-faced on the external side with suitable period bricks to match the internal wall face. The front wall will be patch treated in a similar manner, to replace the modern facing bricks. The cracks on both sides of the southern wall will be filled, and grouted as necessary, in lime mortar, with the removal of the cement fill. A hazel screen will be erected in front of the south wall.

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<sup>3</sup> JCA Ltd. *ARBORICULTURAL SAFETY SURVEY at: Darley Cliffe Hall, Kingswell Road, Barnsley, South Yorkshire S70 4AG JCA Ref: 15687/DK*

<sup>4</sup> Wilkinson, J. *Worsborough: its historical associations and rural attractions*. (London: Farrington, 1872), opp. 179

<sup>5</sup> Elliott, B. 'Darley Cliffe Hill, an Architectural and Family History,' *Aspects of Barnsley: Discovering Local History 2* (Barnsley: Wharnccliffe, 2007), 129

The impact of the proposals is considered to be **beneficial**.

To the north of the walled garden, a formal parking area will be laid out with a setted area for three cars on the south side, a coursed sandstone wall with planting in front on the west side and a resin-bound gravel disabled parking space on the north side bordered with a stone wall. A ramp with wrought-iron railings will lead up to the house level where there will be stone paving in front of the Hall. The side garden will be graded down evenly to the top of the wall by the disabled parking space.

The impact of the proposals is considered to be **beneficial**.

### **3.3 Overall Impact of Changes**

Although the proposed removal of the copper beech in the front walled garden will result in changes to the setting of the Hall, this will enable important repair work to the Grade II\* listed wall. Other proposed changes are also beneficial and will enhance the significance of the listed building.

The proposals are considered to be **beneficial overall** and to meet the requirements of local and national planning policy.

Jenny Wetton Conservation  
8Gorse Brow  
Broadbottom  
Hyde  
Cheshire  
SK14 6EA

Telephone 07973-127464

[www.jwconservation.co.uk](http://www.jwconservation.co.uk)