

BARNSLEY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR M LUDLAM

DARLEY CLIFFE HALL, KINGWELL ROAD, BARNSLEY, S70 4AG

**APPEAL STATEMENT SUBMITTED
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**LPA REF: 2024/0104
PLANNING INSPECTORATE REF: APP/R4408/W/25/3368482**

Introduction

This appeal is against the against Barnsley Metropolitan Borough Council for non-determination of the application. The appellants statement of case does not raise any new issues which lie outside the application 2025/0104 as submitted.

The Councils Statement of Case below will address all relevant material planning considerations.

The Site and its Surroundings

The appeal property is the 17th Century, Grade II* listed Darley Cliffe Hall which is a two storey, stone-built dwelling located within extensive grounds in an elevated position at the junction of Kingwell Road and Park Road. The Hall is located within a complex of buildings, which historically would have served the Hall as ancillary outbuildings and have since been converted to residential properties. These buildings include seven dwellings and Oak House, a 6-bed residential care home for semi-independent living.

The property benefits from 2 accesses, one from Sheffield Road, which also serves The Acorns, Oak House, Barncroft, The Gables, The Byre, and The Lodge, with the access to Kingwell Road serving the Dower Cottage in addition to the Hall.

The dwelling is designed with two frontages, one facing east and one west and a pair of chimney stacks which sit within a central lead flat roof. The property is designed with an unusual roof which has a pitched roof framing the central lead flat roof to all elevations. This gives the appearance of a hipped roof profile, which screens a central flat roof.

An extensive, enclosed rear garden is located beyond the western elevation, which is laid to grass and benefits from numerous mature trees which are protected by a tree preservation order. Directly to the rear of the western elevation, an area of garden has been landscaped to form a small patio area along with a more formal garden arrangement in the form of raised planted beds.

Planning History

2019/0720 – Removal and replacement of lead roof following works to roof, repair works to existing lead lined gutters and provision of roof top glass screen balustrades – Approved October 2019

2019/0725 – Removal and replacement of lead roof following works to roof, repair works to existing lead lined gutters and provision of roof top glass screen balustrades (Listed Building Consent) – Approved October 2019

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2019/1550 – Erection of a single storey extension to the northern courtyard side and associated internal and external alterations (Listed Building Consent) – Approved October 2020

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associated internal alterations to main house (Listed Building Consent) – Approved December 2020

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2021/1564 – External landscaping works to the front garden including repair works to the existing Grade II* listed wall, resurfacing of parking area, disabled access ramp and changes to the soft landscaping (Listed Building Consent) – Approved February 2022

2021/1567 - Remove and replace Holly (T1), Cherry (T2), Pine (T3), Silver Lime (T4) and Copper Beech (T5) and replace with 26 new native deciduous trees – Approved February 2022

2021/1409 - Change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses (for a holiday let) of the entire property. - Approved for a temporary period of 24 months September 2022

Application proposals

The applicant seeks permission to change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses (for a holiday let) of the entire property. It is proposed to convert the existing dwelling to a holiday let for a maximum of 18 and no pets are allowed. The property will not be let on a room by room basis and the entire property will be let to a single group of people. Parking is to be provided to the front of the property (east) with access to the site being taken from Kingwell Road. No external alterations are proposed as part of this application and any such works have been previously approved as outlined above.

The submitted information indicates that the property will be advertised for weekend or mid-week stays with each booking being a minimum of 2 nights and a maximum of 4 weeks.

Policy Context

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Local Plan

The building is a listed property, and the site is allocated as Green Belt within the Local Plan Proposals Maps and therefore the following policies are relevant:

- Policy HE1 The Historic Environment
- Policy HE2 Heritage Statements and general application procedures
- Policy HE3 Developments affecting Historic Buildings
- Policy GB1 Protection of Green Belt
- Policy GB3 Changes of use in the Green Belt
- Policy Poll1 Pollution Control and Protection

Policy H9 Protection of Existing Larger Dwellings
Policy E5 Promoting Tourism and Encouraging Cultural Provision
Policy E6 Rural Economy
Policy SD1 Presumption in favour of Sustainable Development
Policy GD1 General Development
Policy D1 High Quality Design and Place Making
Policy T3 New Development and Sustainable Travel
Policy T4 New Development and Transport Safety

SPDs/SPGs

SPD Sustainable Travel

National Planning Policy Framework

Chapter 13 Protecting Green Belt Land

Paragraph 153 states that, When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that Development in the Green Belt is inappropriate unless one of the following exceptions applies. These include:

- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

Chapter 15 Conserving and enhancing the natural environment

Paragraph 198 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 201 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Chapter 16 Conserving and enhancing the historic environment

Paragraph 202 states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 208 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 210 states that 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.

Paragraph 212 states that 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.

Paragraph 213 states that 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.

Consultations

Conservation Officer – No objections

Highways DC – no objections subject to conditions

Pollution Control – no objections

Historic England – No objections received

Ward Councillors – Cllr Lodge - Access – the change of use to a holiday let for a significant number holidaymakers would lead to severe access issues from neighbouring properties within this small area of Worsbrough. In addition to this, there are concerns around the use of access on Upper Sheffield Road and Kingwell Road, which are considered to be concealed entrances. In the case of Kingwell Road, access is on a blind bend and on Upper Sheffield Road, which is too close to the Zebra Crossing.

Potential ASB - If used as a holiday let, it is feared that there is potential for associated anti-social behaviour, which would put significant pressure on an already overstretched Neighbourhood Policing Team and wider response teams.

Location - Whilst there is mention of existing holiday lets within the applicant's portfolio, and these are in very different areas and locations, which don't fit in with this area.

Building character - Utilising the building as a holiday let would be appropriate for the character and history of Darley Cliffe Hall, which has a significant part in the history of the wider community.

Representations

Neighbour notification letters were sent to 13 surrounding properties, a site notice was placed nearby and a press notice placed in a local newspaper.

3 representations were received. The 3 representations raised the following material planning issues:

- The access drive from Upper Sheffield Road is approximately 300m long, is single track with no passing points and serves five properties and a home for disabled people.
- Loss of privacy due to removal of trees
- The proposed use will disrupt a quiet residential area
- Increase in traffic passing neighbouring properties

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- The owners were given a 24 month probationary period to run the premises and advantage was not taken, presumably to avoid complaints and noise pollution.
- Damage to neighbouring property
- Blocking of drains
- Works have been ongoing for several years
- Gates at Kingwell Road entrance preventing neighbours, visitors and services accessing properties
- Fly tipping
- Allowing trees to block light
- Impact on mental health and wellbeing

Assessment

The main issues for consideration are as follows

- The principle of development
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the character of the area

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 property lies within the Green Belt, Local Plan Policy GB3 states that where changes of use are considered acceptable provided that:

- The existing building is of a form, scale and design that is in keeping with its surroundings.
- The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use.
- The proposed new use is in keeping with the local character and the appearance of the building; and
- The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and
- Preserve the openness of the Green Belt.

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

- There are not strong economic reasons why such development would be inappropriate; and
- Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use

The existing building is a private domestic dwelling, which is structurally sound and is not in need of major or complete reconstruction. In addition, there are no external alterations proposed (other than those already approved under the applications outlined above). The proposed residential use, holiday let, is a similar use as a private dwellinghouse and its change is not considered to impact the openness of the Green Belt by the introduction of additional domestic paraphernalia or increase light pollution. It is therefore considered that the proposal complies with the policy in terms of its impact on the Green Belt.

In addition, promoting and growing the tourism is supported by Local Plan Policies E5 & E6 subject to certain provisions being met. The property is a Grade II* listed building and is therefore a notable heritage asset, with works being carried out within the existing building, avoiding any impact on the countryside, biodiversity, Green Belt, landscape, or local character of the area and is therefore consistent with the aims of those policies.

The increase in conversions of larger homes over recent years has seen the reduction in larger homes and an increase in smaller homes contributing to an imbalance in the housing stock towards smaller homes. Whilst the proposal would see the loss of a larger dwelling, although being of the size that it is, the property is not considered to be a conventional family dwelling. Darley Cliff Hall is an 8-bed Grade II* listed dwelling, it is to remain as one unit and is not being converted into flats or being subdivided into separate smaller dwelling units and therefore, the changes proposed would be easily reversible in the future and as such would be in compliance with Policy H9.

The most recent Barnsley SHMAA published in 2021 identifies that the demand for five, or more bedroom properties in the South Barnsley and Worsbrough area of the Borough is very low (3% demand). Therefore the risk that the property could end up becoming vacant given

the lack of market demand for a private dwelling of this size in this area of the borough does exist. It is important to find a sustainable use for this large grade II* listed building in the context that vacant or underused listed buildings can fall into a state of disrepair. Paragraph 212 of the NPPF states that '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'. The proposed holiday let is considered to represent an opportunity to provide a more certain and sustainable future to enable the continued occupancy of the building, which is a consideration that attracts great weight in favour of the proposal.

An assessment of the proposal in relation to the other material planning considerations relevant to the assessment of the proposal and the relevant policies is set out below.

Residential Amenity

Local Plan Policy GD1 states development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing residents. As mentioned previously there are no external alterations under consideration as part of this application and therefore the change of use of the dwelling from a C3 dwellinghouse to a holiday let would not increase levels of overshadowing, overlooking or loss of outlook of the surrounding residential properties. This weighs considerably in favour of the application.

The main concern in relation to this development is the potential for increased noise and disturbance generated by the proposed use impacting upon the existing residents of the surrounding properties. As mentioned previously the Hall is located within a complex of residential dwellings which would have historically been outbuildings serving the Hall and have subsequently been converted to residential properties, resulting in the dwellings being in close proximity to one another.

The surrounding residential properties are located to the north and east of the Hall, with the Dower Cottage, attached to the southern elevation of the Hall. The nearest properties to the Hall being, the Dower Cottage to the south, The Lodge to the east, which is located adjacent to the eastern boundary, and The Byre to the north, which abuts the northern boundary.

The comments of the objector regarding the impact of noise and disturbance are acknowledged and this is not to say that the issues raised are unfounded, but the key concern is the fact and degree to which they would be likely to create a nuisance in the locality.

There is no evidence to suggest that holiday lets such as the one proposed cannot take place in a residential area when suitable mitigation measures are introduced, and reasonable operating restrictions are adhered to. The building is a large, detached 8-bed dwelling, and is currently capable of housing a significantly sized family within it, which could create a comparable amount of 'noise and disturbance' to that which could be created by the proposed use, however, this assumes that people renting the property would create excessive noise. It is possible that some noise would be incurred from alcohol consumption on the premises but, this is no more likely to occur than if a social gathering was to take place were it in use as a large dwellinghouse.

A management plan has been submitted which outlines house rules in terms of behaviour, music and noise, activity, and escalation. It states, amongst others, that music should not be played outside during the hours of 11pm and 7am, that activity should be kept to the rear garden and that guests are reminded to be respectful and considerate of neighbours. It is proposed that guests will be met on site to receive a tour and reinforce the house rules. It also informs guests that should neighbours have cause to complain, matters can be

escalated to the management company and that they will take appropriate action, which in the case of the most serious breaches, would require the guests to vacate the premises.

The outside space is located to the west of the dwelling, directly to the rear of the property and enclosed by the rear garden. The rear garden is located some distance from the surrounding properties and is lined with the dwellinghouse to the east, a walled section to the north, and trees to the west and south which would disrupt noise travel that may radiate from this area when the outside space is being utilised.

A Planning Inspector quashed an enforcement notice that was served by this Local Planning Authority concerning a 7-bed holiday let property in the Millhouse Green area of the Borough (ref APP/R4408/C/20/3263058). With that case the Inspector in question concluded that a suitably worded management plan would be a workable solution to address concerns about noise and disturbance and that was sufficient to enable planning permission to be granted. We have therefore had to be conscious of that appeal case law.

Paragraph 201 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. Whilst anti-social behaviour is a genuine concern, any noise and disturbance generated by the use of the property as a holiday let, as with its existing use as a domestic property, would be dealt with under other legislation, separate from planning control.

The management plan also provides details in relation to the access to the property and it stipulates that guests will be directed to the Kingwell Road access, minimising vehicle disturbance to the existing residents who utilise the northern access onto Sheffield Road.

It is acknowledged that the location of the parking area and the use of the premises as a holiday let could create additional movements to adjacent to the neighbouring property, The Lodge, however it is not considered that given the size of the building this would be significantly greater than in comparison to the large family dwelling. Whilst the proposed use may create additional movements in terms of cleaners etc, the reverse could also be said, as there could be less movements as there is unlikely to be deliveries for goods bought online, for example. In addition, guests on vacation generally leave the house for the day and return in an evening, whereas day-to-day family movements may result in many more.

The holiday let is to be used on a short-term basis and will be managed by a management company employed by the owner of the property who is experienced in operating holiday let properties. A management plan has been submitted as part of the application which outlines the operating restrictions being put in place to limit a rise in noise and disturbance levels. The Council's Pollution Control service have been consulted on the application and raise no objections to the proposal.

However, it is considered prudent to include a suitably worded condition limit the use for a temporary period of 24 months to allow for the use to become established and to allow for any changes to the management plan to be made and implemented.

On balance it is considered that with operating restrictions being put in place and the development being control by a management plan, the proposal would not give rise to noise and disturbance levels that would warrant the proposal being refused. This weighs significantly in favour of the application.

Highway Safety

The proposed development would see the intensification of the access onto Kingwell Road which Highways DC initially objected to during application 2021/1409, as it was considered that the access track was substandard in terms of its width, visibility, and surfacing. The applicant subsequently submitted additional information as part of this application and highways subsequently withdrew their objection subject to the inclusion of conditions. The information submitted as part of this application was identical to that submitted as part of the earlier application.

The planning statement submitted as part of this application states that it is anticipated that traffic movement will not differ significantly from typical residential use and whilst there could be more vehicles parking on the property, guests will not be coming and going at normal commuter times. It is acknowledged that maintenance vehicles will need access to the property, potentially on a weekly basis, this could be comparable to delivery vehicles visiting a standard residential property.

The applicant has indicated that the northern access from Upper Sheffield Road is privately used by neighbouring residents and in order to facilitate the use of the house as a holiday let and limit disturbance to neighbours, the southern private access from Kingwell Road will be used by guests and maintenance vehicles.

The development also provides parking for 9no vehicles, whilst this may not be laid out in a traditional manner, this is a private dwelling/holiday let where the property is let to a group of people that know each other and where 'double' parking would not be considered an issue. Highways have been consulted on this application and have raised no objection to the proposal which is afforded considerable weight in favour of the application.

The comments made in relation to the use of the Upper Sheffield Road access have been acknowledged, however, a condition can be included to limit access to the property via the Kingwell Road entrance. The comments made in relation to limited access by neighbours of the Kingwell Road entrance are noted, however the applicant has indicated that this access is within their ownership, and that the relevant ownership certificates have been signed. This is not a material planning consideration and would be a civil matter and as such is afforded limited weight against the application.

It is therefore considered, based on the above assessment, that the proposed change of use is acceptable and in compliance with Local Plan Policy T4: New Development and Transport Safety.

Visual Amenity and Impact on Listed Building

The building is Grade II* listed and sits within the Green Belt. Given the historic importance of the building the proposed works must protect or improve the character and/or appearance of the heritage asset in order to be considered appropriate.

The building has been listed in recognition of its special architectural and historical significance. Local Plan Policy HE3 identifies the importance of securing the continued protection and improvement of the boroughs listed buildings, therefore provided that such works are carried out in a sensitive manner which is respectful of the buildings special character the works are acceptable in principle.

No changes are proposed to the Grade II* listed Darley Cliff Hall, other than those already consented previously under, most recently, 2020/0933, 2020/0935, 2021/1406 and 2021/1564, a variety of renovation works and schemes for alteration such as extensions,

internal alterations, and external landscaping, which the authority has been heavily involved with and consulted upon.

In terms of the proposal the application does not seek permission for alterations or changes to the fabric of the listed building, and therefore the change of use is acceptable from the perspective of the listed building and its significance. Such a large dwelling was intended to be occupied and accommodate significant numbers of people, with the proposed use providing a sustainable future for the buildings long term retention in accordance with NPPF paragraph 212. This is afforded significant weight in favour of the application.

Planning Balance and Conclusion

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposed use is considered to be located within a sustainable, compatible location and would not impact on residential amenity, highway safety or upon the character of the area, and these weigh considerably in favour of the application.

The potential noise and anti-social behaviour associated with the proposed use are speculative. The applicant has provided a management plan outlining the proposed restrictions and any anti-social behaviour or noise complaints would be dealt with under separate legislation and this also weighs considerably in favour of the application.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations and as such the proposal is therefore, on balance, acceptable.

Based on the assessment above, it is considered that the likely recommendation of the Local Planning Authority would have been one of approval subject to conditions given that a very similar application have been approved in September 2002. The officer report and decision notice of the earlier application are provided within Appendix 1 and 2 respectively.

Appendix 1 – Officer Report 2021/1409

2021/1409

Applicant: Mr M Ludlam

Proposal: Change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses (for a holiday let) of the entire property.

Site address: Darley Cliffe Hall, Kingwell Road, Worsbrough

Site Description

The 17th Century, Grade II* listed Darley Cliffe Hall is a two storey, stone-built property located within extensive grounds in an elevated position at the junction of Kingwell Road and Park Road. The Hall is located within a complex of buildings, which historically would have served the Hall as ancillary outbuildings and have since been converted to residential properties. These buildings include seven dwellings and Oak House, a 6-bed residential care home for semi-independent living.

The property benefits from 2 accesses, one from Sheffield Road, which also serves, The Acorns, Oak House, Barncroft, The Gables, The Byre, and The Lodge, with the access to Kingwell Road serving the Dower Cottage in addition to the Hall.

The dwelling is designed with two frontages, one facing east and one west and a pair of chimney stacks which sit within a central lead flat roof. The property is designed with an unusual roof which has a pitched roof framing the central lead flat roof to all elevations. This gives the appearance of a hipped roof profile, which screens a central flat roof.

An extensive, enclosed rear garden is located beyond the western elevation, which is laid to grass and benefits from numerous mature trees which are protected by a tree preservation order. Directly to the rear of the western elevation, an area of garden has been landscaped to form a small patio area along with a more formal garden arrangement in the form of raised planted beds.



Planning History

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2021/1567 - Remove and replace Holly (T1), Cherry (T2), Pine (T3), Silver Lime (T4) and Copper Beech (T5) and replace with 26 new native deciduous trees – Approved February 2022

Proposed Development

The applicant seeks permission to change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses (for a holiday let) of the entire property. It is proposed to convert the existing 8-bed dwelling to an 8-bed holiday let, with accommodation split over the three floors of the property. Parking is to be provided to the front of the property (east) with access to the site being taken from Kingwell Road. No external alterations are proposed as part of this application and any such works have been previously approved as outlined above.

The proposed management plan states that during school holidays the property will be let for a minimum of weekly stays, and outside of this, the minimum length of stay would be three nights and to further minimise frequency of movement to and from the property there will be a maximum of 2no. three-night stays within a single week.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, and the National Planning Policy Framework 2021 (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted by the Council in January 2019 along with a series of Supplementary Planning Documents.

Local Plan

The building is a listed property, and the site is allocated as Green Belt within the Local Plan Proposals Maps and therefore the following policies are relevant:

- Policy HE1 The Historic Environment
- Policy HE2 Heritage Statements and general application procedures
- Policy HE3 Developments affecting Historic Buildings
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Policy GB3 Changes of use in the Green Belt
Policy Poll1 Pollution Control and Protection
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Policy D1 High Quality Design and Place Making
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Supplementary Planning Documents (SPD)

SPD Sustainable Travel

Chapter 13 Protecting Green Belt Land

Paragraph 147 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

Chapter 15 Conserving and enhancing the natural environment

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development in doing so, they should

- a) Mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation

Chapter 16 Conserving and enhancing the historic environment

Paragraph 189 states that heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise.

Paragraph 197 states that in determining applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that

conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that 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).

Paragraph 200 states that 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.

Consultations

Conservation Officer – No objections subject to conditions
Highways DC – no objections subject to conditions
Pollution Control – no objections subject to conditions
Ward Councillors – No comments received

Representations

Neighbour notification letters were sent to surrounding properties and the application was advertised by the way of a site notice and press notice. Two letters of objection have been received along with nine letters in support of the application. The letters of support have been given little weight as the majority are from people located outside of the borough.

The objections received relate to:

- Access to the property.
- Noise and disturbance – particularly at night
- Impact on residential amenity – increase in noise and disturbance
- Impact on highway safety
- Impact on listed building
- Need for associated infrastructure – such as parking, external toilets, external entertaining areas.

The grounds of support from the Barnsley resident state that the provision of hotel type use would be welcome due to a lack of provision in the area for that type of facility.

Assessment

Planning Policy considerations

The property lies within the Green Belt, where changes of use are considered acceptable provided that:

- The existing building is of a form, scale and design that is in keeping with its surroundings.
- The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use.
- The proposed new use is in keeping with the local character and the appearance of the building; and
- The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and
- Preserve the openness of the Green Belt.

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

- There are not strong economic reasons why such development would be inappropriate; and
- Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use

The existing building is a private domestic dwelling, which is structurally sound and is not in need of major or complete reconstruction. In addition, there are no external alterations proposed (other than those already approved under the applications outlined above). The proposed residential use, holiday let, is a similar use as a private dwellinghouse and its change is not considered to impact the openness of the Green Belt by the introduction of additional domestic paraphernalia or increase light pollution. It is therefore considered that the proposal complies with the policy in terms of its impact on the Green Belt and is acceptable in land use planning policy terms.

In addition, promoting and growing the tourism is supported by Local Plan Policies E5 & E6 subject to certain provisions being met. The property is a Grade II* listed building and is therefore a notable heritage asset, with works being carried out within existing building, avoiding any impact on the countryside, biodiversity, Green Belt, landscape, or local character of the area and is therefore consistent with the aims of those policies.

The increase in conversions of larger homes over recent years has seen the reduction in larger homes and an increase in smaller homes contributing to an imbalance in the housing stock towards smaller homes. Whilst the proposal would see the loss of a larger dwelling, Darley Cliff Hall is an 8-bed Grade II* listed dwelling, it is to remain as one unit and is not being converted into flats or being subdivided into separate smaller dwelling units. Therefore, the changes would be reversible in that the property would be able to revert to a large dwellinghouse in the future. In any case, neither would the proposal involve garden grabbing and being of the large size that it is, with 8 bedrooms, the property is not considered to be a conventional family dwelling. As such, it is considered that policy H9 is not an impediment to the proposal being granted taking into consideration the main planning policies that are relevant to the proposed change of use that have already been explained. Indeed, it is important to find a sustainable use for what is a grade II* listed building in the context that vacant or underused listed buildings can fall into a state of disrepair. Paragraph 199 of the NPPF states that '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'. The most recent Barnsley SHMAA published in 2021 identifies that the demand for five, or more bedroom properties in the South Barnsley and Worsbrough area of the Borough is very low (3% demand). That means that the risk does exist that the property could end up becoming vacant given the lack of market demand for a private dwelling of this size in the area of the borough in question. The proposed holiday let is considered to represent an opportunity therefore to provide a more certain and sustainable future to enable the continued occupancy of the building, which is a consideration that attracts great weight in favour of the proposal as per paragraph 199 of the NPPF.

An assessment of the proposal in relation to the other material planning considerations relevant to the assessment of the proposal and the relevant policies is set out below.

Residential Amenity

Local Plan Policy GD1 states development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing residents. As mentioned previously there are no external alterations under consideration as part of this application and therefore the change of use of the dwelling from a C3 dwellinghouse to a holiday let would not increase levels of overshadowing, overlooking or loss of outlook of the surrounding residential properties.

The main concern in relation to this development is the potential for increased noise and disturbance generated by the proposed use impacting upon the existing residents of the surrounding properties. As mentioned previously the Hall is located within a complex of residential dwellings which would have historically been outbuildings serving the Hall and have subsequently been converted to residential properties, resulting in the dwellings being in close proximity to one another.

The surrounding residential properties are located to the north and east of the Hall, with the Dower Cottage, attached to the southern elevation of the Hall. The nearest properties to the Hall being, the Dower Cottage to the south, The Lodge to the east, which is located adjacent to the eastern boundary, and The Byre to the north, which abuts the northern boundary.

The comments of the objector regarding the impact of noise and disturbance are acknowledged and this is not to say that the issues raised are unfounded, but the key concern is the fact and degree to which they would be likely to create a nuisance in the locality.

There is no evidence to suggest that holiday lets such as the one proposed cannot take place in a residential area when suitable mitigation measures are introduced, and reasonable operating restrictions are adhered to. The building is a large, detached 8-bed dwelling, and is currently capable of housing a significantly sized family within it, which could create a comparable amount of 'noise and disturbance' to that which could be created by the proposed use, however, this assumes that people renting the property would be loud and uncivilized. It is possible that some noise would be incurred from alcohol consumption on the premises but, this is no more likely to occur than if a social gathering was to take place were it in use as a large dwellinghouse.

A management plan has been submitted which outlines house rules in terms of behaviour, music and noise, activity, and escalation. It states, amongst others, that music should not be played outside, that activity should be kept to the rear garden and that guests are reminded to be respectful and considerate of neighbours. It is proposed that guests will be met on site to receive a tour and reinforce the house rules. It also informs guests that should neighbours have cause to complain, matters can be escalated to the management company and that they will take appropriate action, which in the case of the most serious breaches, would require the guests to vacate the premises.

The outside space is located to the west of the dwelling, directly to the rear of the property and enclosed by the rear garden. The rear garden is located some distance from the surrounding properties and is lined with the dwellinghouse to the east, a walled section to the north, and trees to the west and south which would disrupt noise travel that may radiate from this area when the outside space is being utilised.

The management plan sets out how the applicant intends to mitigate any potential threats to residential amenity by not allowing the playing of outside music to the front of the property and whilst it has not been referred to regarding the rear, a condition will be included preventing the playing outdoor music. The Council's Pollution Control service have been consulted on the application and the content of the management plan and raise no objections to the proposal or the content of the document and request that it is conditioned as part of the approved plans. In addition, they have stated that in this instance a Noise Impact Assessment (NIA) is not required, as noise from predicted anti-social behaviour is not appropriate to be assessed by a NIA as anti-social noise cannot be presumed and is not forecastable. Furthermore, it is typically low in tonal

frequency and duration and therefore it would not predict an exceedance of the relevant standards when measured as an average. The concerns raised are therefore better addressed via a management plan and a suitably worded condition, as is proposed. Indeed, a Planning Inspector recently quashed an enforcement notice that was served by this Local Planning Authority concerning a 7-bed holiday let property in the Millhouse Green area of the Borough (ref APP/R4408/C/20/3263058). With that case the Inspector in question concluded that a suitably worded management plan would be a workable solution to address concerns about noise and disturbance and that was sufficient to enable planning permission to be granted. We have therefore had to be cognizant of that recent appeal case law.

The management plan provides details in relation to the access to the property and it stipulates that guests will be directed to the Kingwell Road access, minimising vehicle disturbance to the existing residents who utilise the northern access onto Sheffield Road. The submitted plans indicate that the northern access to Sheffield Road is controlled by a pin-access electronic gate, and it is indicated that this pin number would not be provided to the guests with only the applicant having access via this access. However, it is still considered prudent to include a condition stipulating that this access is not to be used by guests.

It is acknowledged that the location of the parking area and the use of the premises as a holiday let could create additional movements to adjacent to the neighbouring property, The Lodge, however it is not considered that given the size of the building this would be significantly greater than in comparison to the large family dwelling. Whilst the proposed use may create additional movements in terms of cleaners etc, the reverse could also be said, as there could be less movements as there is unlikely to be deliveries for goods bought online, for example. In addition, guests on vacation generally leave the house for the day and return in an evening, whereas day-to-day family movements may result in many more.

The holiday let is to be used on a short-term basis and will be managed by a management company employed by the owner of the property who is reportedly experienced in operating holiday let properties. On balance it is considered that with the operating restrictions being put in place the proposal would not give rise to noise and disturbance levels that would warrant the proposal being refused. However, it is considered prudent to limit the use for a temporary period of 24 months to allow for the use to become established and to allow for any changes to the management plan to be made and implemented. This would require the imposition of suitably worded conditions.

On the basis of the above assessment the proposal and having regard for Local Plan Policy GD1, is considered that the proposed change of use is acceptable and to be in line with planning policy.

Highway Safety

The proposed development would see the intensification of the access onto Kingwell Road which Highways DC initially objected to as it was considered that the access track was substandard in terms of its width, visibility, and surfacing. The applicant subsequently submitted additional information within the Technical Note produced by DTPC, the note utilises research combined with the Manual for Streets and Manual for Streets 2 in order to explain why it is correct to measure sight lines in a manner relevant to the layout/existing highway conditions. In this instance highways have agreed that the access fits the criteria for the available visibility to be measured in line with the information quoted within the above-mentioned documents.

In addition to the information regarding sight lines, the issue of an increase in vehicular traffic resulting from the proposed change of use has also been assessed. A trip generation assessment of the existing and proposed uses has been carried out and a comparison made. The information shows that the proposed use would result in a marginal increase in vehicular movements at the site and it is clear for the trip rates for the proposed use that the increase in vehicular movements

would indeed be small and that the predicted increase would be unlikely to have a detrimental impact upon the safe and efficient operation of the highway.

The development also provides parking for 9no vehicles, whilst this may not be laid out in a traditional manner, this is a private dwelling/holiday let where the property is let to a group of people that know each other and where 'double' parking would not be considered an issue. It is therefore considered, based on the above assessment, that the proposed change of use is acceptable and in compliance with Local Plan Policy T4: New Development and Highway Improvement.

Visual Amenity and Impact on Listed Building

The building is Grade II* listed and sits within the Green Belt. Given the historic importance of the building the proposed works must protect or improve the character and/or appearance of the heritage asset in order to be considered appropriate.

The building has been listed in recognition of its special architectural and historical significance. Local Plan Policy HE3 identifies the importance of securing the continued protection and improvement of the boroughs listed buildings, therefore provided that such works are carried out in a sensitive manner which is respectful of the buildings special character the works are acceptable in principle.

No changes are proposed to the Grade II* listed Darley Cliff Hall, other than those already consented previously under, most recently, 2020/0933, 2020/0935, 2021/1406 and 2021/1564, a variety of renovation works and schemes for alteration such as extensions, internal alterations, and external landscaping, which the authority has been heavily involved with and consulted upon. In terms of the proposal the application does not seek permission for alterations or changes to the fabric of the listed building, and therefore the change of use is acceptable from the perspective of the listed building and its significance. Such a large dwelling was intended to be occupied and accommodate significant numbers of people, with the proposed use providing a sustainable future for the buildings long term retention.

It is therefore considered that the change of use from a domestic dwelling to a holiday let would not have a detrimental impact on the character of the area or upon the listed building and as such is considered acceptable and in accordance with local plan policies HE1, HE3 and D1.

Other Issues

SPD Sustainable Travel requires that new developments provide electric vehicle charging points (EVCP) within the scheme and as a minimum, residential schemes should provide 1 charging point per unit. The applicant has indicated on the submitted plans that a dual EV charging point is to be provided to the minimum standard.

Conclusion

Based on the assessment above it is considered that on balance and subject to the imposition of suitably worded conditions, the proposed change of use would not have a significant adverse impact on the amenity of neighbouring residents, nor a detrimental impact on the character of the street scene, the Grade II* listed building or upon highway safety and as such is in compliance with Local Plan Policies GD1, HE1, HE3, D1 and T4 and is acceptable.

Recommendation - Approve with conditions

Appendix 2 – Decision Notice 2021/1409



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/1409

To Kelsall Architects
13 Little Underbank
Stockport
SK1 1LA

DESCRIPTION Change of use from C3(a) Dwellinghouse to C1 Hotels, Guest Houses (for a holiday let) of the entire property (Management Plan)

LOCATION Darley Cliff Hall, Kingwell Road, Worsbrough, Barnsley, S70 4AG

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 05/11/2021 and described above.

The approval is subject on compliance with the following conditions:

- 1 The use hereby permitted shall be for a limited period being the period of 24 months from the date of this permission.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission: -
Management Plan received 29th July 2022 ref 0075-A-0690-DOC-001 Rev 4
Highways Technical Note date March 2022 produced by Alan Davies for DTPC ref J1401-TN1
Proposed Site Plan 0075-A-G100-PLN-001 Rev 4
Proposed Floor Plans 5177-PBA-ZZ-ZZ-DR-A-(00)07-A2-P02
Darley Cliff Hall Front Garden General Arrangement Rev A received 26th January 2022
Darley Cliff Hall Front Garden Proposed Layout Rev A received 26th January 2022
Darley Cliff Hall Front Garden Proposed Elevations Rev A received 26th January 2022
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 The property shall be let for a minimum of 1no weekly stays during school holidays and outside of this, the minimum length of stay would be three nights with a maximum of 2no. three-night stays within a single week.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.

- 4 The development shall not be used for stag, hen or sten parties or non-binary equivalents.
Reason: In the interest of residential amenity, in accordance with Local plan policies GD1 and Poll1.
- 5 At no time should amplified music to be played outside the premises.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.
- 6 Guests shall only use the southern, Kingwell Road access to the property and at no time shall the northern Sheffield Road access be used by guests.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.
- 7 Deliveries shall only take place between the hours of 7am - 7pm
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.
- 8 The electric vehicle charge points indicated on Proposed Site Plan 0075-A-G100-PLN-001 Rev 4 shall be provided in accordance with the approve details and installed prior to the approved development being brought into use and retained as such thereafter.
Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.
- 9 The Local Planning Authority shall be notified in writing of any complaints being made about the management plan not being complied with by the management company within 1 month of the complaint occurring. The written correspondence provided to the Local Planning Authority shall explain full details of the matters subject of the complaint and the steps proposed taken to remedy it. Thereafter the approved steps/measures shall be implemented in full and within the agreed timescales.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 General Development.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 07/09/2022



Joe Jenkinson
Head of Planning and Building Control

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.