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2024/0656

Mrs Emma Scargill

Keresforth Hill Farm House, Dark Lane, Barnsley, S70 6RE

Retrospective permission for the erection of rear conservatory extension (Listed Building Consent).

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### Site Description

The application relates to a plot located on the north side of Dark Lane and to the west of the junction with Keresforth Hill Road. The surrounding area is principally residential with Dark Lane being characterised by large, detached dwellings set within large curtilages. A school is located to the east.

The application property is a grade II-listed building that was first listed in 1977, and it has undergone extensive alterations over the years. The application property is a two-storey, detached dwelling with a stepped form constructed of stone with a pitched slate roofs and forward projecting garages fronted by extensive hard surfacing. To the rear is an existing single storey conservatory with a semi-circular projection and hipped and lean to roofs with artificial slate tiles. The walls of the conservatory are constructed of coursed natural sandstone and uninterrupted glazing is featured on its north and east elevations. Some existing elements to the rear of the building are rendered white. The western boundaries of the site are formed by a stone wall abutted by various amounts of mixed vegetation.



## Planning History

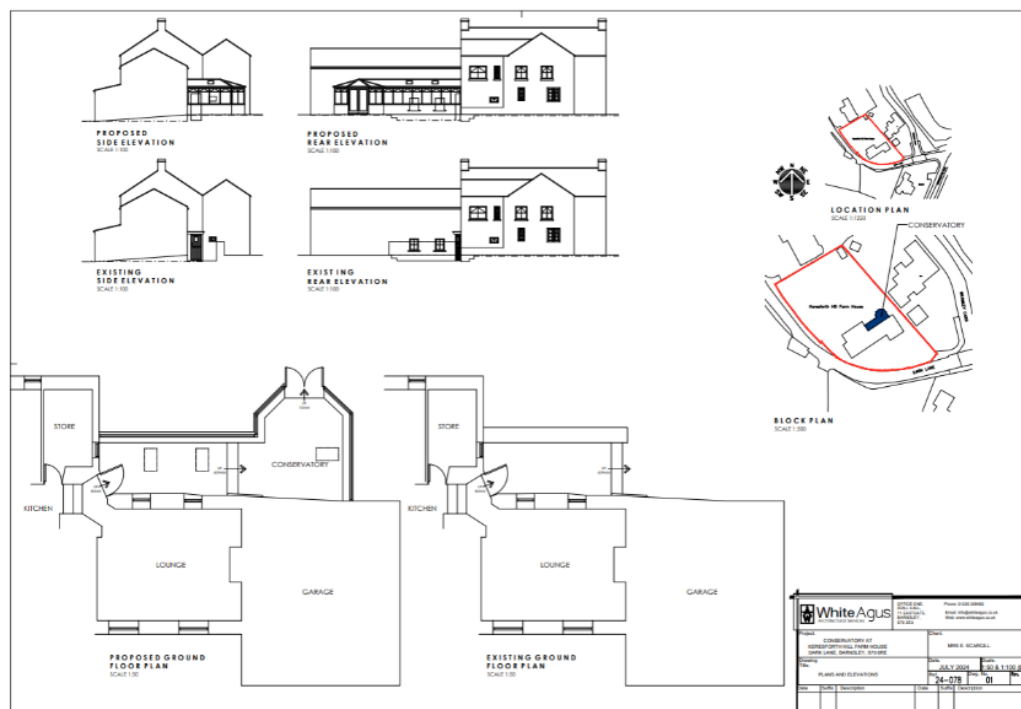
There is a fragmentary planning history associated with the application site which includes the following applications:

1. B/76/0245/BA – Historic.
2. B/77/0009/LB/BA – Alterations to farmhouse and conversion of adjacent barn to dwelling. – Withdrawn.
3. B/77/0012/LB/BA – Restoration and minor alterations (being a building listed as of special architectural and historic interest). – Approved.
4. B/78/0010/LB/BA – Amendments to approve plans in respect of garage and roof details involved in restoration of listed building. – Approved.
5. B/97/0303/BA/LB – Remove fireplace, re-build and install new heating/ cooking appliance to Listed Building. – Approved.

## Proposed Development

The applicant is seeking retrospective listed building consent for the erection of a rear single storey conservatory extension.

The rear conservatory extension has a total rearward projection of approximately 4.5 metres with a width of approximately 9.9 metres. The extension has a semi-circular element with a hipped roof and a longer element with a lean to roof. The roofs have an approximate eaves and ridge height of 2.3 metres and 2.8 metres respectively. The extension has low-level walls constructed of coursed natural sandstone and its roof is constructed of artificial slate. The extension has unbroken windows along its north and east elevations.



## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

### Local Plan Allocation – Green Belt

The site is allocated as Green Belt in the adopted Local Plan and the application property is a grade II-listed building. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy D1: High quality design and place making.***
- ***Policy HE1: The Historic Environment.***
- ***Policy HE3: Developments affecting Historic Buildings.***
- ***Policy GD1: General Development.***
- ***Policy GB1: Protection of Green Belt.***

### Supplementary Planning Document(s)

- ***House Extensions and Other Domestic Alterations.***
- ***Heritage impact statements.***

### National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 12: Achieving well-designed and beautiful places.***
- ***Section 13: Protecting Green Belt land.***
- ***Section 16: Conserving and enhancing the historic environment.***

### Planning (Listed Buildings and Conservation Areas) Act 1990

- ***Section 16: Decision on application.***
- ***Section 66: General duty as respects listed buildings in exercise of planning functions.***

## Consultations

Local Ward Councillors – No responses.

Historic England – No comments.

Conservation Officer – No objections.

## **Representations**

Neighbour notification letters were sent to surrounding properties and a site notice was posted nearby, expiring 02<sup>nd</sup> September 2024. A press notice was also utilised also expiring 02<sup>nd</sup> September 2024. No representations were received.

## **Assessment**

### Principle of Development

This application has been made following held discussions between the applicant and the authority's Conservation Officer to regularise the erection of an existing single storey conservatory extension to the rear of the application property.

Section 171B paragraph 1(a) of the Town and Country Planning Act 1990 sets out the 10-year time limit in which enforcement action can be taken in the case of a breach of planning control in England. The 10-year rule applies to breaches that occurred on or after April 25, 2024. Before this date, the 4-year rule applied to breaches of planning control.

Aerial imagery shows that the rear conservatory extension has been in situ since at least 2002. The conservatory extension has therefore been in situ more than the previous 4-year time limit and would therefore be exempt from enforcement action with respect of planning permission. This could be clearly demonstrated should an application for a lawful development certificate be made in the future. Nevertheless, the retrospective works remain enforceable by the provisions of the Planning (Listed Building and Conservation Areas) Act 1990.

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

There is a legal requirement for listed building consent for any works likely to impact on the fabric, appearance and special interest of a listed building, and the justification and need can be a significant factor in agreeing a proposal, even if some minor harm is caused. Therefore, dialogue (even if this is informal) with the local planning authority prior to the commencement of any works is strongly encouraged and would provide an opportunity for open discussion in the interests of finding best and most sustainable solutions.

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

Extensions and alterations to a domestic listed building are acceptable in principle if they would remain subservient to and are of a scale and design which is appropriate to the host property, would conserve and enhance the significance and setting of the borough's heritage assets, and would not significantly alter or detract from the character of the street scene or would not have a harmful impact on the appearance or character and will preserve the openness of the Green Belt.

## Design, Heritage and Visual Amenity

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

The application property is a grade II-listed building that was listed in 1977 for its special architectural or historic interest, and the rear conservatory extension has been attached to its rear elevation. The authority's Conservation Officer was consulted on this application and the following comments were made:

'The application site has a fragmentary planning history that dates to the late 1970's. However, the documents available in relation to historic applications B/77/0012/LB/BA and B/78/0010/LB/BA show the building before alteration and the original layout shows that it included a historic extension on the northern wall of the C19 part of the building that broadly corresponds to the position of the conservatory under consideration.

The arrangement of the historic extension on the northern elevation is unclear as elevations are not available. However, in plan, the drawings appear to show a lean-to extension with two separate roof planes and steps leading up from the west. While the existing conservatory extensions is clearly different, I would have to concede that the precedent exists for some type of extension to the building in this location.

A site visit was made on 18<sup>th</sup> September 2024 to understand the relationship of the structure, its impact and its degree of visibility in the setting. The conservatory extension includes a long lean-to element attached to the eastern wall of the older part of the house. This runs east towards a semi-circular projection. The entirety of the structure has unbroken windows along its north and east elevations. The roof is constructed of a decent quality artificial slate and the low-level walls are constructed of coursed natural sandstone. While the design is not entirely sympathetic, the materials are considered to go some way to offset the impact. Nevertheless, had this been a scenario where the conservatory extension was being proposed prior to construction, an amended design would have been suggested. In terms of the degree of impact and possible harm, it is true that this part of the building is hidden from view. The conservatory extension is also mainly attached to the later C19 part of the building that has clearly undergone substantial re-building. This is illustrated in the historic consents, the new openings, and the stonework that appears largely reclaimed and rebuilt. The conservatory extension also includes a limited number of attachment points to the historic building and could be reversed at some point in the future. As such, it is felt that, on balance, the harm is limited. Consequently, while it is felt that the situation is far from ideal, it is suggested that it is not expedient to refuse this application or enforce or reverse the works.'

The LPA has no reason to disagree with the above comments and does not raise any significant concerns of its own in relation to the impact and possible harm to a designated heritage asset and its setting.

In relation to the openness of the Green Belt, the conservatory extension has been implemented within the residential curtilage of and is attached to the application property and is constructed of appropriate materials and does not therefore harm the openness or visual amenity and character of the Green Belt.

The retrospective conservatory extension is therefore considered to conserve the character and appearance of the grade II-listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered to comply with *Local Plan Policy HE1: The Historic Environment*, *Local Plan Policy HE3: Developments affecting Historic Buildings*, *Local Plan Policy GB1: Protection of Green Belt* and *Local Plan Policy D1: High Quality Design and Placemaking* and is acceptable regarding visual amenity.

**Recommendation –  
Approve with Conditions**