
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

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

2019/1297 – Various internal works to ground, first and second floor (Listed Building Consent)

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

2019/1569 – Erection of a single storey extension to the northern courtyard side and associated internal and external alterations – Approved October 2020

2020/0933 – Demolition of existing single storey outbuildings, construction of new single storey extension on northern side including accessible bedroom accommodation and associated internal alterations to main house (Listed Building Consent) – Approved December 2020

2020/0935 – Demolition of existing single storey outbuildings and construction of new single storey extension on northern side of the main house, including accessible bedroom accommodation – Approved December 2020

2021/1406 – Internal modifications to the ground floor WC window, the dining room wall panelling and external landscaping to the rear garden (Listed Building Consent) – Approved February 2022

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

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
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 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

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