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## Appeal Decision

Site visit made on 26 February 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

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**Appeal Ref: APP/R4408/W/24/3355298**

**Willow House, New Row Lane, Ingbirchworth, Barnsley S36 7GG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Blair against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref is 2023/0310.
  - The development proposed is described as: 'Erection of dwelling with access'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Willow House is Grade II listed and referred to on the National Heritage List for England as: *Willow Farmhouse*<sup>1</sup>. It is attached to its former barn, also Grade II listed and referred to on the National Heritage List for England as: *Barn Adjoining and to South of Willow Farmhouse*<sup>2</sup> (now known as, and hereinafter referred to as Willow Farm). The appeal site is also located within the Ingbirchworth Conservation Area. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. As the appeal site is located adjacent to listed buildings and within a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issues

4. The main issues are:
  - the effect of the development on heritage assets, including the effect on the setting of the Grade II listed buildings of Willow Farmhouse and Willow Farm; and the extent to which it would preserve or enhance the character or appearance of the Ingbirchworth Conservation Area (the CA);
  - the effect of the proposed development on highway safety;
  - the effect of the proposed development on trees;
  - the effect of the proposed development on the living conditions of the occupiers of the neighbouring property, The Willows, with particular regard to privacy;

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<sup>1</sup> List Entry Number: 1151110.

<sup>2</sup> List Entry Number: 1287090.

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan policies;
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Heritage Assets*

#### *Special Interest and Significance*

5. Willow Farmhouse is a seventeenth century farmhouse that was partly rebuilt in the late eighteenth or early nineteenth century with twentieth century restorations. It is constructed of dry coursed rubble with prominent quoins and has a stone slate roof. Its surviving mullion windows, some of which incorporate hoodmoulds reflect its seventeenth century origins. Its special interest and significance are principally derived from its historic and architectural interest as a good example of a seventeenth century farmhouse retaining a number of authentic features within an agricultural setting. A key contributor in that regard is its group value with the attached, separately listed former barn, Willow Farm.
6. Attached to the rear elevation of Willow Farmhouse, Willow Farm has now been converted to a dwelling and dates from around the late eighteenth century or early nineteenth century incorporating seventeenth century materials. The dry coursed rubble construction with prominent quoins and stone slate roof reflects that of the attached Willow Farmhouse. The special interest and significance of the former barn, insofar as it relates to this appeal, derives, in part, from its functional agricultural appearance, the legibility of its former use, and its group value, attached to its former farmhouse in a historic setting.
7. The appeal site is a private garden which lies on the opposite side of the relatively narrow New Row Lane to Willow House. The area is predominantly grassed and enclosed by a drystone wall and hedge. It contains a small stone building, and several trees and shrubs which are visible from outside of the site. The site lies adjacent to the private garden of The Willows, a bungalow located to the west and the garden of the two storey dwelling of Green Garth to the north. The farm buildings and open farmland associated with Broadfield Farm lie further to the south and east. The enclosure lies within a quiet, tranquil setting, bypassed by a narrow lane and enclosed in part by historic buildings with mature trees forming part of the backdrop to the site.
8. Willow Farmhouse is prominently sited adjacent to the bend in the road that bypasses the appeal site. In these views the front elevation of the listed building is seen alongside the appeal site. In views looking back towards the appeal site from Broadfield Farm to the south, the attached former barn at Willow Farm and the rear elevation of Willow Farmhouse are seen together to the left of the open space comprising the appeal site.
9. Both parties have provided me with copies of mapping showing the appeal site in the 1850s. The Council has provided me a scanned First Edition OS Map whilst the appellants has submitted a plan from the Council's website. These appear to show

conflicting layouts. However, I find the Council's copy of the 1850 OS Map is more convincing and it is clear to me that the boundaries of the appeal site remain consistent with those in around 1850 when it is shown, hatched, as a small, enclosed paddock lying opposite Willow House and its attached barn. I am therefore not persuaded by the appellant's argument that the area was enclosed at the time of the construction of The Willows.

10. Similarly, whilst in the appellant's Design, Heritage Statement B reference is made to other areas such as gardens and allotments being hatched on the OS Map, this is not convincing evidence that the appeal site was not enclosed, nor that it was not associated with Willow Farmhouse. I have taken into account the historic photos provided within that document but none of these appear to show the appeal site prior to its enclosure. In particular, it is unclear where the 1930s photograph referred to as 'View looking north from Penistone Road', was taken or how it relates to the appeal site, which is a considerable distance to the south east of Penistone Road.
11. On the basis of the evidence before me, it is therefore likely that the appeal site was a paddock or a small enclosure for penning animals associated with the farmstead at Willow Farmhouse. Although the appeal site is now in residential use as a garden, it nonetheless retains its green, open, undeveloped nature and its stone wall enclosure. Its legibility as a historic enclosure therefore remains evident in views from the road where it is seen alongside Willow Farmhouse.
12. The special interest and significance of this pair of listed buildings is therefore also drawn, in part, from the clear historic functional connection between this small group and the adjacent historic stone walled enclosure forming the appeal site. Furthermore, the open nature of the green space, including the relatively wide verge here, within the context of the tightly arranged group of buildings, also provides a space within which to experience the listed buildings and understand these important associations. As such, the settings of Willow Farmhouse and Willow Farm also make a considerable contribution to their special interest and significance.
13. The CA extends over the historic core of Ingbirchworth which is concentrated towards the south of the existing settlement, located to either side of the Ingbirchworth Dike, a relatively steeply sided watercourse which meanders through a group of partially wooded fields. The dominance of agriculture is evident throughout the settlement with numerous traditional agricultural buildings present, many of which have been converted to dwellings. With the exception of those fronting the wide thoroughfare of Huddersfield Road, buildings are arranged somewhat sporadically, often positioned close together and occasionally interspersed by green, typically agricultural, fields and paddocks. The historic juxtaposition of dwellings, agricultural buildings and the enclosures and fields between them has strongly influenced the settlement pattern today. From the limited information provided and pertinent to the appeal, the character and appearance and thus special interest and significance of the CA, derives in part from the historic juxtaposition of buildings interspersed with enclosed green spaces and set within a rural and strongly agricultural landscape.
14. As a historic stone walled enclosure, associated with agriculture and the adjacent former farmstead, the appeal site thus strongly reinforces the character and

appearance of the CA and positively contributes to its significance as a designated heritage asset.

### Proposals and Effects

15. The footprint of the proposed dwelling would occupy much of the appeal site. Its broad, one and a half storey height gable would face the road and become a highly evident and imposing feature of the streetscene here, significantly diminishing the open, green and undeveloped nature of the appeal site. The extent of the development at the site would be highly evident from the road owing to the removal of sections of wall to form the proposed access, parking area, and the additional turning area. This, together with the road widening proposed, would result in hardsurfacing of much of this part of the site and the wide verge here, further eroding the green and undeveloped nature of the site, leading to an urbanised appearance at odds with this tranquil and historic rural setting.
16. The loss of the green space and introduction of a large expanse of built form onto the appeal site would significantly disrupt the legibility of the relationship between the former farmstead and the enclosure. The ability to appreciate the listed buildings from the open space, within an otherwise constrained streetscene, would also be diminished. On this basis, the proposal would fail to preserve the settings of the adjacent listed buildings to the detriment of their special interest and significance.
17. The loss of much of the enclosure to development, as well as a significant reduction in green space, and the urbanisation of the lane described above, would incrementally erode the character of the CA. In that regard it would fail to preserve the character and appearance of the CA as a whole.
18. For the reasons set out above, the proposal would fail to preserve the settings of the Grade II listed buildings, Willow Farmhouse and Willow Farm. It would also fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act. In doing so it would cause harm to the significance of these designated heritage assets.

### Public Benefits and Balance

19. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
20. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
21. The appellant is of the opinion that the effect on heritage assets is *'less than significant and outweighed by the creation of a new dwelling that mitigates the appearance of the 1980's bungalow by screening it'*.

22. My impressions on the site visit were that the existing bungalow at The Willows was not particularly prominent within the streetscene, being sited beyond the stone boundary wall of the appeal site. This degree of separation from the listed buildings, partial screening by vegetation and, its location outside of the historic stone walled enclosure of the appeal site, limits any harm to their setting. Conversely the appeal scheme proposes to introduce a new dwelling of similar proportions much closer to the listed buildings, occupying a historic enclosure that, as a green, open, undeveloped space makes a significant contribution to the special interest and significance of the listed buildings. I am therefore not convinced that the screening of the bungalow represents a realistic benefit of the appeal scheme. It therefore carries very limited weight in the balance.
23. The proposal would provide a new dwelling which would add to the Council's housing supply and help support local services. Additionally, there would be economic benefits arising from the construction and occupation phase of the proposal. However, relating to a single dwelling, these benefits are inherently limited. Notwithstanding the clear harm that would occur as a result of the widening of a short section of the lane, limited public benefits would nonetheless arise in terms of improving the flow of traffic, albeit these would be limited by the minor nature of the lane and the scale of the works.
24. Overall, the limited public benefits that would arise are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets.
25. The proposal would fail to preserve the settings of the Grade II listed buildings, Willow Farmhouse and Willow Farm. Similarly, the proposal would also fail to preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies HE1 and HE3 of the Barnsley Local Plan (2019) (the LP) which together seek to ensure proposals conserve and enhance heritage assets and safeguard the historic environment.

### *Highway Safety*

26. The appeal site is accessed via a narrow lane that meets New Row Lane beyond the properties of Green Barn and Green Garth. The lane passes between the road facing elevations of these two properties which severely restricts its width at this point. This lane serves four residential properties: Willow House, The Willows, Willow Farm and Broadfield Farm, all of which have off street parking. There is no through access and traffic levels are low. Whilst this does include agricultural vehicles, the majority of these use an alternative track to Broadfield Farm. Comments from local residents highlight a number of near misses and general inconvenience caused by drivers being unfamiliar with the road and unable to turn around due to the narrowness of the lane.
27. As part of the proposals, the carriageway would be widened along the site frontage to 4.1 metres. The Highway Improvements Drawing submitted as part of the Access Statement show that this widened section would extend for 25 metres from the site frontage in the direction of Broadfield Farm and include infilling of potholes. The width of the section of lane between New Row Lane and the appeal site would be unaltered. However, the revised width would be consistent with the minimum

- carriageway width to allow two cars to pass, as set out in Manual For Streets. This would lead to an improvement in the traffic flow along this section of the lane, as well as potentially allowing space for smaller vehicles to turn around which would likely result in an improvement in highway safety in that regard.
28. The proposed site plan shows a parking area for two cars to the front of the dwelling, in a tandem arrangement with a turning area for delivery vehicles adjacent. However, the Highway Improvements Drawing shows two parking spaces alongside one another with no separate turning area.
  29. Although I acknowledge that a visibility splay of 2 metres x 2 metres can be achieved, visibility from vehicles emerging from either iteration of the proposed parking area would likely be extremely limited in the direction of New Row Lane due to the position of the dwelling at Green Garth. The limited visibility may lead to the driver of a vehicle exiting the proposed parking area being unaware of oncoming vehicles, pedestrians or other road users emerging from this direction. Visibility is likely to be particularly restricted if they are reversing, as is likely to be the case with the single vehicle width and the tandem arrangement of vehicles shown on the proposed site plan. Although I acknowledge that the likelihood of any collision is low due to the low traffic levels, the proposal would nonetheless increase the risk to road users.
  30. The Highway Authority has highlighted that the scheme would not comply with the statutory government guidance 'Fire Safety: Approved Document B' where the recommended minimum road width between kerbs is 3.7 metres. The appellant has not commented on this matter; however, the appellant's Highway Improvements Drawing shows the width of the highway between Green Barn and Green Garth as being 3.2 metres. As such, whilst local residents argue this distance is narrower than stated, it is nonetheless clearly below the minimum width set out above. In any case, my own impressions on site were that the restricted width of the lane at this point, in combination with the bend in the road is likely to make access by a larger fire service vehicle difficult. There would also appear to be no space for such a vehicle to turn around. I therefore cannot be certain that the appeal site could be accessed by such an emergency vehicle if required.
  31. The Council's Supplementary Planning Document: Design of Housing Development (2023) (the SPD) sets out that long private drives that would result in excessive 'man carry distances' (in excess of 30 metres) should be avoided. Whilst I am not provided with the precise distance from the bin storage at the appeal site to the collection point, based on the evidence before me and my impressions on the site visit, this would likely be greater than 30 metres. Furthermore, owing to the position of the proposed bin store, when vehicles are parked in tandem as shown on the proposed site plan, access to the highway for wheeled bins would likely be extremely difficult. Indeed, it is likely that vehicles would need to pull out of the driveway to allow for access, potentially blocking the lane, further increasing the risk to road users.
  32. Policy T4 of the LP sets out that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. Furthermore, the Framework sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, and create places that are safe, secure

and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

33. As such, whilst the proposal would include highway improvements that would improve the free flow of traffic over a short section of the lane, the narrowest section of the lane could not be widened, and the proposal would lead to an intensification in the use of this section of road. Moreover, visibility from the proposed driveway would be poor which would likely increase the risk to other road users. Additionally, it has not been demonstrated that the proposed dwelling could be accessed via a fire service vehicle, whilst the proposal would require future occupiers to transport their bins in excess of 30 metres prior to and after collection. I am therefore not persuaded that the proposal would provide all users with safe and convenient access and movement in line with Policy T4. I am also not convinced that it would function well or that it would be safe and minimise the scope for conflict between pedestrians, cyclists or vehicles.
34. For the above reasons I conclude that the proposal would adversely affect highway safety. The proposal would therefore conflict with Policy T4 of the LP, described above.

#### Trees

35. As set out above, the appeal site contains a number of trees and shrubs. The largest of these is a mature sycamore (T5) of around 17 metres in height. The tree has a well-balanced crown, is in good condition and is visible for some distance beyond the appeal site, contributing to the character and appearance of the CA. The appellant has provided an Arboriculture Report and Impact Assessment<sup>3</sup> (ARIA).
36. The ARIA sets out that T5 is a Category A tree and consequently of very high quality and value with a good life expectancy. Based on its contribution to the CA and my above assessment, I would agree.
37. The Council's Trees and Hedgerows Supplementary Planning Document (2019) sets out that generally, no buildings or works will be allowed within the RPA of any tree which it is proposed to retain because works within the key rooting area of the tree could lead to lasting damage being caused. It also guides that plans which show the retention of high value trees which are too close to buildings, roads, or drainage systems will not be approved.
38. The Tree Impacts Plan within the ARIA demonstrates that the proposed dwelling would encroach into both the Root Protection Area (RPA) and the canopy spread of T5. Whilst the ARIA argues that the encroachment into the RPA is minor and that the tree '*should remain largely unimpacted by the works provided care is taken during construction*', there does not appear to be a clear justification for constructing the proposed dwelling within the RPA, given the nature of the site. Moreover, the proposed dwelling would consequently be sited in very close proximity to the tree, necessitating immediate works set out in the ARIA (lift and reduce south western crown, as required, to provide 2 metres of clearance from proposed new dwelling).

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<sup>3</sup> By AWA Tree Consultants, dated May 2024.

39. Whilst not only causing apprehension during high winds, trees in such close proximity to a dwelling can create a perceived nuisance for future occupiers, due to leaves, seeds, general detritus and bird droppings falling on the dwelling, garden, and hardsurfaces. Fallen leaves may block guttering. The presence of a tree in this part of the garden may also inhibit the growth of lawns or other landscaping. On this basis, the position of the proposed dwelling in such proximity to T5 would likely lead to future pressure to prune or remove the tree. I recognise that any such works would require consent from the Council, but when exercising that control in the future, the Council would have to take into account the existing situation including the presence of the proposed dwelling. My assessment in this regard is reinforced by the comments of the Council's Tree Officer.
40. Overall, having regard to the above and, on the basis of the evidence that is before me, I conclude that the proposal would result in harm to trees. The proposal would therefore conflict with Policy BIO1 of the LP which seeks to conserve and enhance biodiversity including trees and the guidance contained with the Trees and Hedgerows Supplementary Planning Document (2019).

#### *Whether Inappropriate Development*

41. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 makes it clear that, other than in specified circumstances, new development in the Green Belt is inappropriate unless any of the specified exceptions apply. These exceptions include at: 154. e), limited infilling in villages. Policy GB1 of the LP follows the same principles.
42. The terms 'limited' and 'infilling' are not defined in the Framework and as such are essentially a question of planning judgement for the decision-maker. As set out above, the appeal site lies close to numerous existing dwellings. These dwellings and their neighbours form a cluster of around 19 dwellings around Old Ingbirchworth Village Green to the south side of the Ingbirchworth Dike. Although there are occasional gaps in the built form, there are dwellings located to both sides of New Row Lane which form a reasonably continuous presence extending along the lane towards the cluster of dwellings within which the appeal site is located.
43. Although I acknowledge that there is a degree of separation between the cluster of dwellings and those located along Huddersfield Road, particularly to the east, this is primarily due to the presence of the green space associated with Ingbirchworth Dike. I saw that this area is crossed by footpaths linking these two parts of the settlement. My observations on site indicate that the appeal site lies around 15 minutes' walk from the public house, playing fields, and playground located within the settlement to the north. Overall, I am therefore satisfied that, having regard to the presence of built form and the situation on the ground, the appeal site lies within the village of Ingbirchworth.
44. As the appeal site lies close to the edge of the road and within a gap between a number of existing dwellings, I am satisfied that it constitutes '*limited infilling in villages*'. On this basis the proposal meets the exception set out at 153. e).

45. The proposal is therefore not inappropriate development in the Green Belt. As I have not found that Green Belt harm would arise in this case, it is not necessary to consider the effect of the proposed development on Green Belt openness. Additionally, the demonstration of very special circumstances is not required to make the proposed development acceptable.

### *Living Conditions*

46. Policy GD1 of the LP sets out that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.
47. The majority of the windows in the bungalow of The Willows face north-south. Nonetheless, the gable of this property faces the appeal site and includes a first floor window as well as windows at ground floor level. The gable of the proposed dwelling would be sited close to the boundary with The Willows. The distance between the bungalow at The Willows and the proposed dwelling would be 8 metres and the distance from the boundary would be 2.12 metres<sup>4</sup>.
48. The appellant has suggested that the proposed first floor window in the gable facing The Willows could be obscure glazed. This could be secured by a planning condition and, given the distances involved, I am satisfied that this would preserve the existing levels of privacy and avoid a significant adverse effect on the living conditions of the occupiers of The Willows.
49. Whilst the proposal would not meet the external space standards in relation to distance from private gardens as set out in the SPD, I am mindful that this is only guidance and cannot envisage every scenario. Moreover, I would note that the SPD guides that reduced distances may be acceptable in circumstances involving bungalows.
50. For the above reasons I therefore conclude that the proposal would preserve the living conditions of the occupiers of The Willows with particular regard to privacy. On this basis the proposal would comply with Policy GD1 of the LP, described above.

### **Other Matters**

51. Whilst not considered in detail in the Council's Delegated Report, letters of objection raised concerns with regard to the effect of noise and disturbance arising from vehicles accessing the parking area and turning areas of the proposed dwelling. Due to the position of these areas, it would involve vehicles manoeuvring close to the windows at Green Garth and Green Barn, both of which face onto the parking area. This could result in noise from vehicle engines and car doors as well as disturbance from headlights. Whilst I acknowledge the concerns raised, as I am dismissing on other grounds, I need not consider this matter any further.

### **Planning Balance and Conclusion**

52. The proposal would provide a new residential unit which would contribute to housing supply and amount to a benefit of the scheme. There would also be economic benefits arising from the construction and occupation phases of the new dwelling. However, due to the relatively minor nature of the proposal, being a single

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<sup>4</sup> Based on measurements supplied by the Council.

dwelling, these benefits are inherently limited. Owing to the limited scale of the road widening and the low levels of traffic I am not convinced that this would amount to any more than a limited benefit of the scheme. Notwithstanding the appellant's assertion, any heritage benefit arising from the screening of the existing bungalow is very limited, as set out in my reasoning above.

53. These comparatively limited benefits do not justify taking an approach contrary to the adopted development plan having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework. As such, there are no material considerations of such weight to outweigh the harm identified in relation to heritage assets, highway safety and trees.
54. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR