



PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

Change of use to mixed residential and short-term let accommodation together with alterations at: 66 Wath Road, Elsecar, Barnsley

Planning and Heritage Statement

**Written and prepared by Planning by Design
on Behalf of Mrs Kaye Blackburn**

Introduction

Planning by Design has been instructed to act on behalf of the applicant, to submit a planning application for the change of use of a dwelling house to a mixed residential and short-term let accommodation, together with internal and external alterations.

This statement provides a description of the proposed development together with an appraisal of the planning merits of the scheme in the context of relevant planning policies / guidance and material considerations.

For reasons identified in this statement, it is considered that based on planning policy and material considerations, the application proposals represent appropriate development and that permission ought to be granted.

Site Location and Description

The subject dwelling is located on Wath Road, and within the Elsecar Conservation area. Wath Road is the main road that runs north to south through the Conservation Area. A number of the most important buildings in Elsecar are situated along or close to its length.

No. 66 sits within a Grade II Listed Terrace of ten dwellings. The architectural form includes the central and end dwellings being three stores, whilst those in between being two storeys in height. The subject property comprises two-stories. The terrace is built of sandstone, hence signs of damage and weathering. As recognised in the Elsecar Conservation Area Appraisal, the rear elevations of the dwellings are much altered.

The Proposed Development

This application seeks a change of use from C (a) residential to a mixed use comprising residential and short term let. The submitted drawings detail proposed amendments to the subject building, many of which are internal. Amendments to the external elevations include the introduction of Velux windows to the roof, with other alterations focusing on repairing damages stonework and the upgrading of poorly maintained features.

The applicant wishes to have the ability to rent the premises for short term letting. The applicant will manage booking directly or via trusted online operators including Airbnb. Upon arrival, all visitors are met at the premises by the applicant to explain the rules already provided online.

The premises will not be advertised for large groups and it will be made clear to the visitor that loud noise is not permitted. The applicant will remind visitors of the need to respect neighbours amenity and signage is included within the premises to highlight this requirement.

The property will be serviced and maintained by the applicant between visitors. The property will be professionally managed with regular inspections, cleaning of the communal areas and ensuring bins are regularly put out for refuse collection.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning application to be determined in accordance with the development plan unless material considerations indicate otherwise.

The legal requirement for listed buildings and for conservation areas is established by the Planning (Listed Buildings and Conservation Areas) Act 1990. It requires that the planning authority has special regard for preserving the listed building and preserving or enhancing the appearance of a conservation area. The House of Lords in the South Lakeland case decided that the *'statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.'* There is no requirement in law to positively enhance a conservation area. Decision-making policies in the National Planning Policy Framework and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.

At the heart of the National Planning Policy Framework (NPPF) is a strong presumption in favour of sustainable development (paragraphs 11-14). The purpose of this Statement is to assess whether possible future development of the application site is capable of meeting the test of sustainable development as regards its impact on the historic environment.

For listed building consent applications Section 16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*. For planning applications Section 66(1) of the same 1990 Act states that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

With regards to conservation areas, these are defined in the Act as *'areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance'* (section 69 (1a)). Section 72(1) of the Act requires that: *'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under the provision mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*. The House of Lords in the South Lakeland case decided that the *'statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.'* There is thus no requirement in law to positively enhance a conservation area. (South Lakeland District Council Appellants v Secretary of State for the Environment and Another Respondents. House of Lords 30 January 1992).

Paragraph 197 of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and the desirability of new development making a positive contribution to local character and distinctiveness. This states that:

‘197. 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 199 of the National Planning Policy Framework states, *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)...’* 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...’*

Grade II listed buildings and conservation areas are not classed as ‘assets of the highest significance’ in the NPPF (paragraph 200b).

Paragraphs 201 and 202 of the National Planning Policy Framework make a distinction between proposals that will lead to *‘...substantial harm to (or total loss of significance of)...’* a designated heritage asset (paragraph 201) and proposals which will cause *‘...less than substantial harm...’* (paragraph 202).

Paragraphs 206-207 cover Conservation Areas, World Heritage Sites and the setting of heritage assets. Paragraph 206 states that, *‘Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.’* Paragraph 207 notes that *‘Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.’*

Local Plan Policy 14 supports proposals which conserve and enhance the significance and setting of the borough’s heritage assets, paying particular attention to those elements which contribute most to the borough’s distinctive character and sense of place. Including the Elsecar Conservation Village.

Significance is the concept that underpins current conservation philosophy. The significance of heritage assets is defined in the National Planning Policy Framework as, *‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.*

The proposed change of use would retain the building for which it was originally intended and has been historically used for. The amendments seek to restore poorly maintained features of the building, together with introducing some new features, which allow the premises to continue to be used for modern living purposes, thus retaining its positive contribution within the wider Elsecar Conservation Area. In summary and in accordance with the tests set out in the NPPF the proposal is not harmful to the special architectural or historic interest of the host listed building, the conservation area or to nearby listed buildings.

Conclusion

The proposal preserves the special architectural or historic interest of the host grade II listed building and the Conservation Area. Because no harm is caused to the historic environment the proposal is in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to listed buildings and conservation areas and with the NPPF. It is also in accord with local planning policy.

The proposed change of use will be professionally managed and will not have an adverse impact on the amenity of neighbouring residents.

Accordingly, it is considered that the proposal is acceptable and planning permission should be granted.