



Appeal Decision

Site visit made on 20 May 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Appeal Ref: APP/P4415/W/25/3362505

Harthill House, Woodall Lane, Harthill, Rotherham S26 7YQ

- 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 Phill Moody against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/1005.
 - The development proposed is described as 'demolish of existing office building and replace with 1 new dwelling'.
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Decision

1. The appeal is allowed, and planning permission is granted to demolish the existing office building and replace it with 1 new dwelling at Harthill House, Woodall Lane, Harthill, Rotherham S26 7YQ in accordance with the terms of application ref RB2024/1005 and subject to the conditions outlined in the schedule at the end of this decision.

Preliminary Matter

2. A Unilateral Undertaking (UU) was submitted at the appeal stage. I have taken this into account in my assessment below.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Harthill Conservation Area.

Reasons

4. The site contains a single storey building, located within a predominantly residential area, close to the junction of Woodall Lane with Union Street, within Harthill Conservation Area (HCA). The rendered building is set back from the road and has a large, paved area to the front. An outbuilding, which is part rendered, part stone, sits to the front of the building, next to the road.
5. The proposal seeks to demolish the existing main building and replace it with a bungalow. The pitched roofed bungalow would be set back from the road, would have an open fronted garage linked to the front, and a garden to the rear and side. The proposed materials include natural stone for the walls, including the garage, and natural clay pantiles.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect,

national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 203 it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. Policy CS 23 of the Rotherham Local Plan Core Strategy 2013 – 2028 adopted 2014 (CS) and Policy SP 41 of the Rotherham Local Plan Sites and Policies adopted 2018 (LPSP) reflect this statutory duty.

7. The character of the HCA along Woodall Lane and Union Street is largely defined by a mix of buildings of various ages and scale that sit at different angles and distances in relation to the roads. Their materials also differ and include a mix of render, stone and brick. This diversity of buildings and their siting in relation to the roads defines the semi-rural setting of the locality and contributes positively to the character and appearance of this part of the HCA.
8. The land levels increase when approaching Union Street from Woodall Lane and the road bends next to the appeal site, which reduces the prominence of the appeal site within the street scene, particularly when approaching the junction from Woodall Lane. Given the set back from the road and the single-storey nature of the bungalow, the proposal would sit comfortably within its plot without appearing overly prominent within the street scene.
9. The diversity of the nearby buildings allows for some flexibility in design. Whilst the proposal includes modern elements, such as wide gables, as well as vernacular features, such as higher solid to void ratio and traditional materials, the overall form, scale, and materials would ensure that the bungalow integrates well within its surroundings. Accordingly, the proposal would contribute positively to the character and appearance of the area. Given the utilitarian form of the existing building and its materials, I find that its replacement with the proposed bungalow would enhance the character and appearance of the HCA.
10. In conclusion, the proposal would enhance the character and appearance of the HCA and thus meets the statutory requirements of the Act. The development accords with CS Policy CS 23 and LPSP Policy SP 41, which collectively require that, amongst other things, developments protect the significance of the heritage assets. The development also accords with the aims of LPSP Policy SP 55, which requires developments to positively contribute to the local character and distinctiveness of an area, and with the aims of the Framework as set out above.

Other matters

11. The appeal site is located within proximity to Walker's Butchers/Threshing Barn, which is a grade II listed building. Section 66(1) of the Act requires me to have special regard to the desirability of preserving the setting of the listed building. The Council found the proposal acceptable in terms of its effect on the setting of the listed building. Given the design of the proposal and its siting in relation to the listed building, I am also satisfied that the development would have a neutral effect on the setting of the listed building.
12. I acknowledge the neighbour's concerns regarding the effect of the noise from the adjoining garage on the living conditions of future occupants. The submitted Environmental Noise Impact Assessment (dated November 2024) (ENIA) indicates that Harthill Garage does not produce any significant noise, and I have no reason

to disagree. In any event, the aforementioned report includes mitigation measures, which I have considered in the 'Conditions' section below.

13. The South Yorkshire Archaeology Service (SYAS) mentioned in their comments that the proposal would lead to the loss of a heritage asset of local significance. However, I have not been provided with substantive evidence in this regard. Furthermore, the Council had no issue with the demolition of Harthill House itself, and my attention has been drawn to a planning permission which was recently granted for the replacement of Harthill House with a two-storey dwelling¹. Accordingly, the SYAS's comments do not alter my findings above.
14. Concerns have been raised regarding possible land contamination issues and highway safety issues. The proposal is for a self-build dwelling and the Council's Transportation and Highways Department found the proposal acceptable in terms of highways safety. Given the evidence before me, I have no reason to disagree. I have considered the land contamination matter in the section below.
15. I have had regard to the third-party representation received at the appeal stage, although it appears to refer to a different location than that of the appeal site.

Planning Obligation

16. The planning application form indicates that the appeal scheme is exempt from biodiversity net gain (BNG) because the proposed dwelling would be self-build and custom build development (SBCB). A UU pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) is before me, dated 30 June 2025. The UU contains provisions to secure the proposed development as SBCB, which is necessary to meet the biodiversity net gain exemption. There is no dispute between the parties relating to the provisions of the UU and I am satisfied that its content is fit for purpose and secures the SBCB nature of the proposal. With reference to paragraph 58 of the Framework, the UU is necessary to make the proposed development acceptable in planning terms, is directly related to it, and is fairly and reasonably related in scale and kind to the proposed development.

Conditions

17. In the interest of proper planning and to provide certainty I have imposed the standard time limit condition and specified that the development should be carried out in accordance with the approved plans. In order to protect the character and appearance of the HCA, a condition to secure details of materials is necessary. In the interests of archaeology, a condition is necessary to secure a Written Scheme of Investigation that sets out a strategy for archaeological investigation.
18. The Planning Officer's report outlines the need for land contamination investigations due to the history of the appeal site. Having sought the views of the appellant and the Council on the necessity of land contamination conditions, both parties confirmed that such conditions would be necessary. Accordingly, in order to protect the living conditions of future occupiers, conditions that secure land contamination investigations are necessary. Having had regard to the mitigation measures outlined within the ENIA, a condition is necessary to secure these in order to protect the living conditions of future occupiers.

¹ LPA ref: RB2024/1823

19. Conditions are also necessary to ensure adequate drainage of the site, to protect highway safety, and to enhance biodiversity. In order to promote infrastructure that encourages modes of transport with lower impact on air quality, a condition requiring electric charging points to be installed is reasonable and necessary.
20. I have secured all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of the Planning Practice Guidance. The conditions related to the archaeological investigation and drainage require the submission of details prior to the commencement of development on site. I consider that because of the nature of the works involved the pre-commencement element is necessary, and I note the appellant's agreement to these conditions.

Conclusion

21. For the reasons given above I conclude that the proposal does not conflict with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

Andreea Spataru

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: location plan, proposed plan drawing no 423/4H, proposed front and rear elevations drawing no 423/7 D, proposed side elevations drawing no 423/8 C, proposed ground floor drawing no 423/5 C.
- 3) No development shall take place above ground level until details of the materials and finishes to be used for the external elevations and roof of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples unless the local planning authority gives written approval to any variation.
- 4) The development hereby permitted shall not begin until details of the foul and surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The approved works shall be carried out concurrently with the development and the drainage system shall be operating prior to the occupation of the dwelling.
- 5) No development, including any demolition and groundworks, shall take place until the applicant or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the local planning authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the local planning authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

- 6) Following demolition of the existing structures and prior to intrusive ground works commencing, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), shall be submitted to and approved in writing by the local planning authority.
- 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be carried out in full and upon completion a Verification Report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied. The Verification Report shall include details of materials imported to site, copies of chemical analysis reports confirming materials brought to site are free from contamination and shall contain Waste Transfer notes if applicable.
- 8) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 9) Minimum sound reduction performance requirements shall comply with those specified in table 6 of section 5.2 of the Environmental Noise Impact Assessment undertaken by NB Acoustics Limited, dated 13 November 2024 (Ref: 24059_01).
- 10) Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either:

- a. A permeable surface and associated water retention/collection drainage; or
- b. An impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

and retained thereafter.

- 11) All gates shall be hung so as not to encroach into the highway when open or being opened.
- 12) Prior to the occupation of the dwelling, details of an Electric Vehicle Charging connection point shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved charger has been provided, and it shall thereafter be retained.
- 13) Before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the local planning authority. The approved details shall be implemented before the development is brought into use, and thereafter retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:
 - Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
 - Materials and construction to ensure long lifespan of the feature/measure.
 - A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - When the features or measures will be installed within the construction, occupation, or phase of the development.

End of schedule