

# Public Document Pack

**Peak District National Park Authority**

**Tel: 01629 816200**

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

Minicom: 01629 816319

Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1341

Date: 9 April 2015



## NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 17 April 2015**

Time: **10.00 am**

Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER  
CHIEF EXECUTIVE

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting 13 March 2015** (*Pages 1 - 14*)
3. **Urgent Business**
4. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Repair and Alterations to Castleton Hall. Demolition of 1970'S Bungalow, Victorian Games Room and 1970'S Dining Room Extension to Rear of Property. Construction of New Double and Single Garage and New Sun Room. Separate Castleton Hall into Two Domestic Properties. Internal Alterations to Remove Alterations Carried Out to Convert the Building to a Youth Hostel and Works to Reinstate the Original Building Aesthetic and Better Serve the Building for Domestic Purposes at Castleton Hall, Castle Street, Castleton (NP/HPK/0713/0551 30/7/13 414977/382923/JRS)** (*Pages 15 - 70*)  
Appendix 1

Appendix 2

Appendix 3

Appendix 4

Site Plan

7. **Listed Building Consent Application: Repair and Alterations to Castleton Hall. Demolition of 1970's Bungalow, Victorian Games Room and 1970's Dining Room Extension to Rear of Property. Construction of New Double and Single Garage and New Sun Room. Separate Castleton Hall Into Two Domestic Properties. Internal Alterations to Remove Alterations Carried Out to Convert the Building to a Youth Hostel and Works to Reinstate the Original Building Aesthetic and Better Serve the Building for Domestic Purposes at Castleton Hall, Castle Street, Castleton (NP/HPK/0613/0544 30/7/13 414977/382923/JRS) (Pages 71 - 100)**  
Site Plan
8. **Full Application - Change of Use of Aldern House From Local Authority Offices to a Mixed Use of Local Authority Offices and Commercial Offices in a B1(A) Use, Peak District National Park Authority, Aldern House, Baslow Road, Bakewell (NP/DDD/0315/0214, P.2760, 421961 / 369440, 30/03/2015/AM) (Pages 101 - 106)**  
Site Plan
9. **Full Application - Installation of 4 Camping Pods Within the Existing Campsite and Alterations to Existing Campsite Building Including Replacing Existing Windows and Doors on South Elevation with two sets of Double Doors and Replacing Existing Metal Windows with Timber to Match the Existing at North Lees Campsite, Hathersage (NP/DDD/0215/0112, P.9804, 423536 / 383448, 23/03/2015/AM) (Pages 107 - 116)**  
Site Plan
10. **Full Application - Alteration and Change of Use of Redundant Stone Barn, to a Three Bed Dwelling at New Elm Tree Farm, Church Lane, Peak Forest (NP/HPK/0914/0934), P9188, 411594 / 379653/SC) (Pages 117 - 124)**  
Site Plan
11. **Full Application - Erection of 2 Agricultural Buildings, Cliffe House Farm, Bradfield (NP/S/1214/1273, P.1252, 427668 / 391738, 09/02/2015/JK) (Pages 125 - 138)**  
Site Plan
12. **Full Application - Additional use (A3) to Serve Hot Drinks in Existing Bookshop (A1) at Bakewell Book and Gift Shop, Matlock Street, Bakewell (NP/DDD/0115/0048, P.4818, 421802/368388 31/3/2015/CF) (Pages 139 - 146)**  
Site Plan
13. **Full Application - Demolition of Existing Dormer Bungalow and Rebuilding 4 Bedroom 2 Storey House at Leahay, Main Street, Elton (NP/DDD/0115/0033, 422609/360998, 28/01/2015/ALN) (Pages 147 - 156)**  
Site Plan
14. **Full Application - The Siting of a Static Caravan for use as Holiday Let in Conjunction with use by Family Visitors on Occasions plus an Additional Pitch for a Touring Caravan at the Quiet Woman Inn, Earl Sterndale (NP/DDD/1214/1266, P.6171, 409004/366992 31/3/2015/CF) (Pages 157 - 164)**  
Site Plan
15. **Monitoring & Enforcement Quarterly Review - April 2015 (A.1533/AJC) (Pages 165 - 178)**

Appendix 1

Appendix 2

**16. Bradwell Neighbourhood Plan Examination (AN) (Pages 179 - 182)**

**17. Head of Law Report (A.1536/AMC) (Pages 183 - 184)**

### **Duration of Meeting**

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

### **ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)**

#### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk).

#### **Background Papers**

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk).

#### **Public Participation and Other Representations from third parties**

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk) or on request from Democratic Services 01629 816362, email address: [democraticservices@peakdistrict.gov.uk](mailto:democraticservices@peakdistrict.gov.uk), fax number: 01629 816310.

#### **Written Representations**

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

#### **Recording of Meetings**

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites such as publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

## **General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

### **To: Members of Planning Committee:**

Chair: Mr P Ancell  
Vice Chair: Cllr D Birkinshaw

Cllr P Brady	Cllr C Carr
Cllr D Chapman	Cllr A R Favell
Cllr Mrs H Gaddum	Cllr P Harrison
Cllr Mrs N Hawkins	Cllr H Laws
Cllr A McCloy	Ms S McGuire
Cllr Mrs K Potter	Clr Mrs L C Roberts
Cllr Mrs J A Twigg	Cllr S Wattam
Cllr D Williams	

Constituent Authorities  
Secretary of State for the Environment  
Natural England



**Peak District National Park Authority**  
**Tel: 01629 816200**  
E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)  
Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)  
Minicom: 01629 816319  
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



---

## MINUTES

Meeting: **Planning Committee**

Date: Friday 13 March 2015 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mrs H Gaddum, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Mr G Nickolds, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg, Cllr S Wattam and Cllr D Williams

Apologies for absence: Cllr D Chapman and Cllr A R Favell

### **16/15 MINUTES OF THE MEETING OF 13 FEBRUARY 2015**

The minutes of the last meeting of the Planning Committee on Friday 13 February 2015 were approved as a correct record.

### **17/15 URGENT BUSINESS**

There was no urgent business to report, however the Chair took the opportunity to thank Mr G Nickolds for his 8 years' valued contribution as an Authority Member appointed by the Secretary of State and to note that this was to be his last Planning Committee before leaving the Authority.

### **18/15 MEMBERS DECLARATIONS OF INTEREST**

Item 6

Cllr Mrs K Potter declared a personal interest as she had attended the meeting of Baslow Parish Council at which this matter was discussed, however she had left the room prior to that discussion.

Cllr D Williams declared a personal interest as a member of the Co-operative Society. He had also replied to an email from Jonathan Fish.

Ms S McGuire declared a personal interest as a member of the Co-operative Society and she had also replied to an email from Jonathan Fish.

Cllr P Brady declared a personal interest as his grandchildren spent time with the children of one of the doctors who worked at Baslow Health Centre.

Cllr Chris Carr declared a personal interest as he had replied to a letter from Jonathan Fish, declining his invitation to meet with him.

Cllr Mrs H Gaddum declared a personal interest as she had responded to a letter from Jonathan Fish, declining his invitation to go and see the application site with him.

Cllr Mrs L Roberts declared a personal interest, as she had replied to and declined an offer to meet with Jonathan Fish. Cllr Roberts also declared a personal interest as a member of the Co-operative Society.

Mr G Nickolds declared a personal interest as he had declined an invitation to meet with Jonathan Fish. Mr Nickolds also declared a personal interest as a member of the Co-operative Society.

The Chair announced that many representations had been received by Members. These included 2 anonymous letters, and representations from the following:

Harold Cupitt  
Ben McIntyre  
Baslow and Bubnell Parish Council  
Dr Tessa Peasgood  
Eileen Langsley  
Robin Hayes  
Jonathan Fish  
Cllr Mike Longden  
Robert Cotterell  
Tony Mottram  
Emily White  
Matthew Snell  
Sue Goold  
David Upton  
Martin Hurrell  
Martin Hughes on behalf of New River Retail  
Dan Kirby  
Baslow Save Our Shop Group  
Enid Ellis  
Margaret Wilkinson  
Ian and Louise Fell  
A.D Knighton

Item 7

Mr G Nickolds declared a personal interest as a member of the Heritage Lottery Fund East Midlands committee – the application had been discussed but he did not have a prejudicial interest in it.

Cllr Mrs K Potter declared a prejudicial interest as the applicant is a fellow member of Rowsley Parish Council and his business is located in Rowsley – she would leave the room after making her representation as Chair of Rowsley Parish Council and would take no part in the debate or voting. She also declared a personal interest as a member of the Campaign for the Protection of Rural England (CPRE) and the Friends of the Peak District (FOPD).

Items 8 and 9

Cllr Mrs J Twigg declared a personal interest as she attends the meetings of Ashford in the Water Parish Council and knows of Mr Griffiths but not personally.

John Scott, Director of Planning, declared a prejudicial interest as in his previous role as a planning consultant, he had advised the applicant about a different planning application. He would leave the room and take no part in the discussion.

Cllr H Laws declared a personal interest as a member of the National Trust.

Item 10

Cllr A McCloy declared a personal and prejudicial interest in that he knows the applicant well. He would leave the room prior to the item being heard and would take no part in the debate or voting.

## **19/15 PUBLIC PARTICIPATION**

The Chair noted that 15 members of the public had registered to make representations to the Committee.

## **20/15 FULL APPLICATION - ALTERATIONS AND EXTENSIONS TO EXISTING PUBLIC HOUSE TO FACILITATE CONVERSION TO CLASS A1 CONVENIENCE STORE - RUTLAND ARMS, CALVER ROAD, BASLOW**

The Chair informed the meeting that this item was being video recorded by a member of the public and invited anyone in the public gallery to indicate their objection to being filmed. There were no objections.

It was noted that Members had visited the site on the previous day.

This application sought permission to extend and alter the Rutland Arms Public House to facilitate its change to an A1 shop use.

The officer gave several updates to the meeting:

- 14 more letters of objection had been received by the deadline since publication of the report, none of which raised any new points to consider.
- Cllr Mike Longden, Derbyshire County Councillor for the Derwent Valley Division, had received a letter from Post Office Counters Ltd confirming that they had no plans to close any of their post offices.
- Amended plans had been received since the report was published which omitted the extension. Consequently, a bat survey was no longer required and the words "subject to receipt of a satisfactory bat survey, it is recommended that" were removed from the officer recommendation. Conditions 4, 5 and 19 were deleted. The remaining conditions were re-numbered accordingly.

The officer stated that any signs for the proposed shop would be the subject of a separate application for advertisement consent. He added that although the conversion of a pub into a shop would normally be accepted under permitted development rights, in this case the applicant had decided to combine a change of use application with the internal alterations of the building to enable officers and the members of planning committee to consider the proposed changes in their entirety. As a result, the ways in which the applicant had sought to mitigate some of the concerns raised by objectors could be demonstrated. The

conversion remained as an option for the applicant under permitted development rights, should the current proposals be refused.

The officer noted that competition between businesses was not a material planning consideration.

The following spoke under the Authority's Public Participation Scheme:

- Cllr D Dawson, Baslow and Bubnell Parish Council, in objection
- Kate Poole, Objector
- Jonathan Fish, Objector
- John Earnshaw, Objector
- Richard Conroy, Objector
- John Cook, Objector
- Nick Beecroft, Objector
- Rodger Lownsborough, Objector
- Fran Muscroft, Objector
- David Upton, Objector
- Ruth Child, Peter Brett Associates, Agent

Following consideration of the issues pertaining to this proposal, Members were minded to defer a decision until Derbyshire Dales District Council had responded to an application to list the Rutland Arms as an Asset of Community Value (ACV). The implications of such listing appear on page 7 of the report (page 21 of the pack). However, the Director of Planning advised that this was not a valid reason to defer the decision.

A break was taken between 11.35 and 11.40am.

Members moved and seconded deferral to obtain more information about the following:

- potential parking and highway issues, both in the car park and along the roadside, to include the size and frequency of delivery vehicles
- the conservation area setting especially in relation to the setting of the Grade 1 listed bridge and the listed church
- noise emissions from refrigeration and air conditioning units (a noise survey was required under condition 8)
- blocking up of the windows in a conservation area
- the future of the beer garden

The Chair reminded the meeting of the potential risks of deferring the decision. The applicant could proceed under permitted development rights and could also appeal against non-determination.

On the basis of the requirement for more information as specified above, the proposal to defer this item was put to the vote and carried.

**RESOLVED:**

**That the application be DEFERRED for the following reason:**

**To gather and report more information about the following issues:**

- **potential parking and highway issues, both in the car park and along the roadside, to include the size and frequency of delivery vehicles**

- the conservation area setting especially in relation to the setting of the Grade 1 listed bridge and the listed church
- noise emissions from refrigeration units (a noise survey was required under condition 8)
- blocking up of the windows in a conservation area
- the future of the beer garden

**21/15 FULL APPLICATION: PROPOSED SOUTH WESTERLY EXTENSION TO ONCE A WEEK QUARRY TO EXTRACT 69000 TONNES OF LIMESTONE (AT A RATE OF 2500 TONNES PER ANNUM), RETENTION OF EXISTING STONE CROPPING SHED/OFFICE/STORE WITH RESTORATION TO HAY MEADOW**

It was noted that Members had visited the site on the previous day.

The officer used a PowerPoint presentation to show the location and extent of each of the three phases of the proposed extension.

He reported that following the hay meadow translocation appraisal, there had been agreement with the applicant that the complete translocation of hay meadow identified during Phase 1B would not take place. It was proposed to translocate the hay meadow from the Phase 1 and Phase 2 areas, but if this proved unsuccessful, the translocation of hay meadow and mineral working from the remaining Phase 3 area would not take place.

The following amendments to the report were noted:

- Page 4 condition 10 – after “revised information” add “following agreement of the hay meadow translocation methodology, no hay meadow translocation and no tipping of quarry waste in Tip T2 shall take place if the translocation of the hay meadow under Phase 1 and the Phase 2 working area has failed. If successful, then hay meadow translocation and mineral working will take place in the next Phase, but there shall be no storage of waste in Tip T2.”
- Page 4 condition 7 – after “no more than 750 tonnes per annum” add “or 30%, whichever is the greater”
- Page 5 condition 31 Site and Quarry access and transportation – amend to state “no more than 5 lorry movements in and 5 out of the site per day.”
- Page 17 paragraph 8 and page 27 paragraph 2 – delete reference to “unilateral”
- Page 25 paragraph 6 – add “area” between “wider” and “which”

The following spoke under the Authority’s Public Participation Scheme:

- Cllr Mrs K Potter, Authority Member and Chair of Rowsley Parish Council

After speaking, Cllr Mrs Potter left the room and took no part in the debate or voting.

The recommendation of approval including the amended conditions was moved, seconded, put to the vote and carried.

**RESOLVED:**

**RECOMMENDATION**

**It is recommended that, subject to the prior completion of the S106 planning obligation whereby the Applicant, and those with an interest in the site, formally agree to:**

- (a) the use of the extraction stone solely for dimensional stone purposes, and
- (b) No more than 750 tonnes per annum, or 30%, whichever is the greater in total (calculated January to December) of stone product shall be removed from the site where delivery addresses are outside the Peak District National Park.

A) That the application be APPROVED subject to conditions covering the following:

1. Development to commence within 3 years from the date of the permission.
2. Duration for the winning and working of mineral to 30 September 2042, the removal of buildings and restoration completed by 30 September 2043.
3. The site and approved details - development to be undertaken in accordance with the application details.
4. Type of Mineral - No mineral other than limestone to be extracted from the site shall be worked.
5. Output Restriction - Limestone shall only be removed from the site for building, walling and decorative stone uses.
6. Mineral Restriction - Limestone shall not be removed from the site as or in the form of aggregate.
7. Destination Restriction - No more than 750 tonnes per annum, or 30%, whichever is the greater in total (calculated January to December) of stone product shall be removed from the site where delivery addresses are outside the Peak District National Park boundary.
8. Right to Inspect Delivery Notes.
9. Submission of a statement of sales.
10. Working scheme including phasing – development to be undertaken in accordance with the 3 phases of working identified in the application and revised information following agreement of the hay meadow translocation methodology, no hay meadow translocation and no tipping of quarry waste in Tip T2 shall take place if the translocation of the hay meadow under Phase 1 and the Phase 2 working area has failed. If successful, then hay meadow translocation and mineral working will take place in the next Phase, but there shall be no storage of waste in Tip T2.
11. Submission and approval of Hay meadow Translocation methodology prior to commencement), including measures of translocation success.
12. Phase 3 quarry operations shall not proceed should Phase 1 & 2 be deemed unsuccessful.
13. 10 year aftercare period for Translocation Phase 1 and 2.
14. Translocation works supervision - Preparation of donor and receptor sites, aftercare and management shall be supervised by a competent and suitably experienced Ecologist.
15. Aftercare of all translocated turf shall begin immediately after Phase 1 & 2 have been moved to the receptor site, and shall continue for a period of at least 10 years after turves from phase 3 have been placed on the receptor site
16. Fencing – submission of fencing details prior to commencement.
17. Method statement for Great Crested Newts mitigation – to be submitted for approval prior to commencement).
18. Agreement of access route for the internal haul road – access route set out in the details and plan submitted in the application (pre-commencement)
19. Restoration – implication of restoration plan as set out in the restoration management plan.
20. Site Access – Use of approved vehicle access.
21. Access improvements – Submission of a scheme of junction improvements (pre-commencement).
22. Submission and implementation of landscaping scheme for quarry.

23. Biodiversity and habitat creation - submission and approval of details.
24. Pond - Retention of pond and surrounding habitat within the site. - Management and control of Canadian pondweed.
25. Restoration, aftercare and management of quarry – Submission of restoration and aftercare proposals and 5 year aftercare period.
26. Recreational access provision to be agreed.
27. Production of appropriate information and interpretation.
28. Details of drystone walling repair to be agreed.
29. Hours of working – 07:30 - 17:30 daily Monday to Friday, 07:30 - 12:00 Saturday; no working on Sundays, Bank or Public Holidays: except for emergency operations
30. Output and resource monitoring- no more than 2,500 tonnes to be removed from the site per annum; total extracted stone leaving the site shall not exceed 69,000 tonnes; provision of annual output records to Authority in January of each year
31. Site and Quarry access and transportation – no more than 5 lorry movements in and 5 out of the site per day carrying stone from the site; via the internal haul road onto Flagg Lane; lorry types.
32. Quarry waste control - any overburden shall be used within the site for progressive restoration.
33. Archaeology - erection of protective fencing to protect remnant industrial features; a programme of archaeological work including a Written Scheme of Investigation to be submitted for approval (pre-commencement).
34. Noise - noise levels from site operations shall not exceed 10dB Laeq1h above background noise levels or where the background noise is below 35 Laeq1h shall not exceed a limit of 45 Laeq1h.
35. Blasting - no blasting permitted.
36. Dust, Smoke and Fumes – make available facilities to include water bowser, to control dust problems arising.
37. Lighting - no lighting without Authority's consent.
38. Drainage and water pollution – prevention of slurry, no discharge of foul or contaminated drainage from the site; suitable storage of oils fuel or chemicals; no vehicle maintenance except on impermeable areas.
39. Restrict permitted development rights (buildings, structures, plant machinery) colours of ancillary buildings; parking of plant and vehicles; and removal of ancillary development when no longer required.

**B. That authority be delegated to the Director of Planning and the Head of Law jointly to determine the details of the section 106 obligation.**

**C. That authority is delegated to the Director of Planning to approve the final details of the conditions in consultation with the Chair and Vice Chair of the Planning Committee.**

In accordance with the Authority's Standing Orders, the committee voted to continue the meeting beyond 1pm.

The committee broke for lunch at 1.05pm and reconvened at 1.35pm.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mrs N Hawkins, Cllr H Laws, Cllr A McCloy, Ms S McGuire, Mr G Nickolds, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg, Cllr S Wattam and Cllr D Williams

Apologies for absence: Cllr D Chapman and Cllr A R Favell

**22/15 FULL APPLICATION - CONVERSION OF THE MILL TO RESIDENTIAL USE. REPAIR AND CONSOLIDATION OF THE SHELL AND INTERIOR INCLUDING, NEW CAST-METAL RAINWATER GOODS, FENESTRATION AND JOINERY. RE-ROOF AND TIMBER REPAIRS. PEDESTRIAN BRIDGE TO CONNECT TO THE A6, REINSTATE SMALL ROOF LIGHTS, THE MILL, MILL LANE, ASHFORD IN THE WATER**

Cllr H Laws declared a personal interest in Items 8 and 9 as he was a member of the National Trust.

Having declared a prejudicial interest in Items 8 and 9, the Director of Planning left the room and took no part in the proceedings relating to either item.

It was noted that Members had visited the site on the previous day.

The planning application Item 8 and the listed building application Item 9 were considered together but voted upon separately.

The planning application proposed the conversion of the mill building to a single open market dwelling. The officer confirmed that there would be little external change and that those changes would be of benefit to the building.

The following spoke under the Authority's Public Participation Scheme:

- Mr A Bench, Agent

The recommendation of approval was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit**
- 2. Adopt amended plans including plans for the sloped bridge with yachting wire infill panels.**
- 3. Conversion to be within shell of building with no demolition or rebuild without the prior written agreement of the National Park Authority.**
- 4. All repairs to historic fabric outlined in the submitted 'Condition Survey and Repair Methods' to be completed before the dwelling is first occupied.**
- 5. No development to commence until a detailed scheme for the bridge has been submitted and agreed in writing. The details shall include cross sections, design calculations and details of construction, materials etc., a schedule for installation and a remediation plan in the event that the conversion is not carried out.**
- 6. Pedestrian bridge to be completed before dwelling is first occupied.**



7. The pedestrian bridge shall be ancillary to and for the use of occupiers of The Mill only in emergency flood situations.
8. Sample of colour for steelwork and yachting wire to bridge to be submitted and agreed.
9. Any gates to the pedestrian bridge shall open inwards only. Excluding the means of attachment no part of the proposed pedestrian bridge shall be located within the public highway.
10. Extent of domestic curtilage to be limited to area edged green on plan no. 14158/P/102.1a
11. Parking spaces and bin store and bin dwell area to be provided and maintained throughout the life of the development.
12. Details of construction compound to be submitted and agreed prior to commencement.
13. Recommendations of Protected Species Survey to be fully adhered to.
14. Submission and agreement of a scheme of archaeological monitoring measures.
15. Lighting scheme to be submitted and agreed.
16. Details of internal doors to be submitted and agreed.
17. Details of etched map on lobby glass to be agreed.
18. Windows and doors to be repaired on a like for like basis unless otherwise agreed in writing by the National Park Authority.
19. Photographic record of internal and external features to be submitted before work commences.
20. Minor Design Details.

**23/15 LISTED BUILDING CONSENT APPLICATION - REPAIR AND CONSOLIDATION OF THE SHELL AND INTERIOR INCLUDING, NEW CAST-METAL RAINWATER GOODS, FENESTRATION AND JOINERY. RE-ROOF AND TIMBER REPAIRS. CONVERSION OF THE MILL TO RESIDENTIAL USE. PEDESTRIAN BRIDGE TO CONNECT TO THE A6. REINSTATE SMALL ROOF LIGHTS AT THE MILL, MILL LANE, ASHFORD IN THE WATER**

Cllr H Laws declared a personal interest in Items 8 and 9 as he was a member of the National Trust.

Having declared a prejudicial interest in Items 8 and 9, the Director of Planning left the room and took no part in the proceedings relating to either item.

It was noted that Members had visited the site on the previous day.

The planning application Item 8 and the listed building application Item 9 were considered together but voted upon separately.

The application for listed building consent proposed alterations to the listed building in association with the conversion of the mill building to a single open market dwelling.

The recommendation of approval was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be APPROVED subject to the following conditions:**

1. **3 year implementation time limit**
2. **Adopt amended plans including plans for the sloped bridge with yachting wire infill panels.**
3. **Conversion to be within shell of building with no demolition or rebuild without the prior written agreement of the National Park Authority.**
4. **All repairs to historic fabric outlined in the submitted 'Condition Survey and Repair Methods' to be completed before the dwelling is first occupied.**
5. **Details of internal doors to be submitted and agreed.**
6. **Details of etched map on lobby glass to be agreed.**
7. **Windows and doors to be repaired on a like for like basis unless otherwise agreed in writing by the National Park Authority.**
8. **Photographic record of internal and external features to be submitted before work commences.**
9. **Minor design details.**

*Cllr Mrs L Roberts left the meeting at 2.05pm. Following consideration of this item, John Scott, Director of Planning, returned to the meeting.*

**24/15 FULL APPLICATION - CONVERSION OF 3 AGRICULTURAL BUILDINGS TO 2 HOUSES AND GARAGES/GAMES ROOM ANCILLARY TO DWELLING, IVY HOUSE FARM, UPPERTOWN, BIRCHOVER**

Having declared a personal and prejudicial interest in this item, Cllr A McCloy left the room and took no part in the debate or voting.

This application proposed a change of use for two detached single-storey agricultural buildings in the courtyard to become open market dwellings. Consent was also sought for the change of use of the two-storey agricultural building in the courtyard to ancillary garaging for the farmhouse, with a games room on the first floor.

Members had visited the site in 2014 at the time of the previous, withdrawn application.

The following spoke under the Authority's Public Participation Scheme:

- Mr J Oldfield, Agent

The recommendation of refusal was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

**The proposal fails to meet the requirements of Core Strategy Policy HC1 because it proposes the conversion of a relatively modern range of buildings in a relatively isolated location in the open countryside. It has not been demonstrated that the impetus of the open market value of new houses is required to secure any conservation or enhancement to the site and its setting. The proposal would also be contrary to the National Planning Policy Framework which promotes sustainable development in rural areas, notably paragraph 55 of the Framework which seeks to avoid isolated new homes in the countryside unless there are special circumstances.**

*Cllr Mrs N Hawkins left the meeting at 2.25pm. Following consideration of this item, Cllr A McCloy returned to the meeting.*

**25/15 FULL APPLICATION - DEMOLITION OF FORMER DWELLING AND THE ERECTION OF A NEW OPEN MARKET DWELLING AT HOPE VIEW COTTAGE, PINDALE ROAD, CASTLETON**

It was noted that Members had visited the site on the previous day.

The officer suggested two additional reasons for refusal as the Highway Authority had raised objections over the increased use of the existing access which had severely restricted exit visibility and also that the potential for roosting bats using the site had not been fully investigated.

The following spoke under the Authority's Public Participation Scheme:

- Mr R Bryan, Agent

The recommendation of refusal including the two additional reasons was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

- 1. Contrary to Policy HC1C II, that the proposed development is not required to conserve or enhance the site and the wider Conservation Area.**
- 2. Inappropriate scale and design of the new dwelling, contrary to policies GSP3, L3, LC4 and LC5.**
- 3. The proposals would increase use of the existing access where exit visibility is severely restricted due to lack of highway margins and the boundary walls.**
- 4. The potential for roosting bats at the site had not been fully investigated.**

*Cllr Mrs K Potter and Cllr C Carr left the meeting at 3pm.*

**26/15 FULL APPLICATION - PROVISION OF AN ALL WEATHER RIDING SURFACE TO AN APPROVED RIDING ARENA, INCLUDING NEW PERIMETER TIMBER FENCE AND LANDSCAPING AT LANE END FARM, ABNEY**

This application proposed the provision of a new all-weather riding surface for the existing riding arena, along with the erection of a new timber perimeter fence and landscaping.

The officer suggested an amendment to condition 4 to stipulate that the tanalised fencing and kickboards be left untreated to weather naturally to silver-grey. Members requested an additional condition 6 to control the management of drainage and surface water over potential concerns about possible pollution from the use of tyre chips in the surfacing.

The recommendation for approval with the amended condition and additional condition was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be APPROVED subject to the following conditions or modifications:**

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified approved plans.**
- 3. Riding surface to be carried out in accordance with the sample received by the Authority and maintained in perpetuity.**
- 4. Tanalised timber fencing and kickboards to be unstained and left to weather naturally.**
- 5. Scheme of landscaping to be carried out in accordance with the approved plans and maintained in perpetuity.**
- 6. The management of drainage and surface water disposal to be agreed with planning officers unless pre-washed tyre chips used in the surfacing.**

*Cllr D Williams left the meeting at 3.07pm.*

**27/15 APPROVAL OF CHAPEL-EN-LE-FRITH NEIGHBOURHOOD DEVELOPMENT PLAN FOR REFERENDUM**

This report gave Members the opportunity to consider the Independent Examiner's report on the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 and to decide how to proceed.

The recommendations were moved, seconded, voted upon and carried.

**RESOLVED:**

**That the Authority:**

- (1) Accepts the Examiner's recommendations to make modifications to the Neighbourhood Plan, and the reasons for the recommendations, as set out in the Examiner's report and listed in Appendix 2; and**

- (2) Agrees that the Chapel-en-le-Frith Neighbourhood Plan, as modified according to the Examiner's report, meets the Basic Conditions, is compatible with the Convention rights and complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan; and**
- (3) Agrees that a Referendum is now held on the adoption (making) of the Neighbourhood Plan, subject to further comments from High Peak Borough Council and Chapel-en-le-Frith Parish Council. If either High Peak Borough Council or Chapel-en-le-Frith Parish Council decline to accept the modifications, a further report will be presented to the Authority.**
- (4) Agrees to issue a Decision Statement in accordance with the Neighbourhood Planning Regulations (subject to recommendations 1 and 2 above) setting out the Authority's decision to take the Neighbourhood Plan forward for Referendum, being satisfied that the modifications and the reasons for them ensure that the Chapel-en-le-Frith Neighbourhood Development Plan is robust and meets the Basic Conditions.**

#### **28/15 POTT SHRIGLEY CONSERVATION AREA DRAFT APPRAISAL**

The report sought Member approval for the adoption of the Pott Shrigley Conservation Area Appraisal.

Members congratulated officers and expressed appreciation of their work.

The recommendation was moved, seconded, voted upon and carried.

#### **RESOLVED:**

- 1. That the Pott Shrigley Conservation Area Appraisal be adopted.**

#### **29/15 DESIGNATION OF LEEKFRITH NEIGHBOURHOOD AREA**

The report sought Member agreement to designate that part of Leekfrith parish that is within the National Park as part of the Leekfrith Neighbourhood Area, under the Localism Act 2011 Schedule 9.

The recommendation was moved, seconded, voted upon and carried.

#### **RESOLVED:**

**That the part of Leekfrith parish that is within the National Park is designated as part of the Leekfrith Neighbourhood Area (the shaded area within the parish boundary on the map in Appendix 1), under the Localism Act 2011 Schedule 9, Section 61G.**

#### **30/15 HEAD OF LAW REPORT**

The recommendation was moved, seconded, voted upon and carried.

#### **RESOLVED:**

**That the report be received.**

The meeting ended at 3.25 pm

**6. FULL APPLICATION - REPAIR AND ALTERATIONS TO CASTLETON HALL. DEMOLITION OF 1970S BUNGALOW, VICTORIAN GAMES ROOM AND 1970'S DINING ROOM EXTENSION TO REAR OF PROPERTY. CONSTRUCTION OF NEW DOUBLE AND SINGLE GARAGE AND NEW SUN ROOM. SEPARATE CASTLETON HALL INTO TWO DOMESTIC PROPERTIES. INTERNAL ALTERATIONS TO REMOVE ALTERATIONS CARRIED OUT TO CONVERT THE BUILDING TO A YOUTH HOSTEL AND WORKS TO REINSTATE THE ORIGINAL BUILDING AESTHETIC AND BETTER SERVE THE BUILDING FOR DOMESTIC PURPOSES AT CASTLETON HALL, CASTLE STREET, CASTLETON (NP/HPK/0713/0551 30/7/13 414977/382923/JRS)**

**APPLICANT:** Mrs Sarah Marsh

**NOTE:** The reports for this application and the associated application for Listed Building Consent were withdrawn from the Planning Committee agenda in January 2014.

**Site and Surroundings**

Castleton Hall is a large 18th century Grade II Listed Building situated within the centre of Castleton village. Formerly a Youth Hostel Association hostel, the Hall was sold by the YHA to the applicant in 2012 with planning and listed building consent for conversion to a single dwelling.

The Hall faces onto Castle Street at its junction with the Market Place and the minor lane known as The Stones. The main building has two storeys, with single and two storey additions at the rear. The principal elevation of the Hall faces east to Castle Street and is set back behind a paved courtyard bounded by low stone boundary walls, topped with metal railings. The courtyard is dominated by a large copper beech tree growing in the front which tends to obscure the main façade and which forms a key feature in the street scene in its own right. The whole of the site and adjoining properties lie within the Castleton Conservation Area.

The principal, east facing, elevation has a Baroque façade with bold classical details which connects to a simple, vernacular detailed two storey wing which reflects its former use as a tithe barn and which returns down the north side of the courtyard to a gable end fronting directly onto Castle Street. There is a recessed 'set back' in the corner of the main front which provides a visual 'break' separating the formal detailing of the baroque façade from the simpler local vernacular detailing of the northern, former tithe barn wing.

At the rear of the main building there are single and two storey projections, including a 1½ storey and single storey range of lower outbuildings which back onto the north side of The Stones. To the rear of the Hall there is a walled garden within which there is a single storey outbuilding (the Victorian games room) and the partial remains of the 1970's Warden's bungalow that has recently been substantially demolished. In close proximity to the south west corner of the site is a separate dwelling, 'The Coach House', a Grade II listed building, which was formerly part of the Hall complex but has now been separated from the Hall grounds by a tall stone boundary wall.

To the north of the main Hall there is a shared vehicular access and driveway off Castle Street running between Castleton Hall and the adjacent property, The Old Vicarage. The Old Vicarage owns the access and driveway, along with the remaining corner of the partially demolished bungalow which projects out from the grounds of the Hall onto the driveway. The Old Vicarage is not a listed building.

The Hall was listed Grade II in 1951 and the Coach House to the west was Grade II listed in its own right in 1984. Owned by the YHA from 1943 to 2012, the Hall has been subject to a number of alterations and extensions to adapt it to the particular needs of the YHA, often at the expense of some damage and loss of historic fabric and setting of the principal listed buildings, particularly to the rear of the Hall.

The Hall is now in private ownership, having been purchased by the applicant from the YHA following their relocation to Losehill Hall. Prior to this, the Hall, together with other buildings in its former curtilage, The Coach House and The Old Vicarage were all owned and operated by the YHA, with their car park situated in the walled garden to the rear of The Old Vicarage.

Prior to the sale, the YHA sought and obtained consent in 2011 for the change of use of Castleton Hall, the Coach House and The Old Vicarage to three separate open-market dwellings. The consent for the Hall was conditioned to secure appropriate restoration and enhancement of Castleton Hall, both externally and internally, along with the removal of unsympathetic later additions at the rear, most notably the removal of the Warden's bungalow, the Victorian games room and associated link corridor, the 1970's flat roofed dining room extension and associated fire escape.

All three properties have now been purchased and are in separate ownership. The Coach House is now in use as a single dwelling and was given a separate access off The Stones and its own residential curtilage divided off from the rear garden of the Hall with a new 2m high drystone wall. The Old Vicarage is also now in use as a single dwelling and was sold with the main drive from Castle Street, over which the Hall was granted a right of access.

Since taking ownership of the Hall the applicants have stripped out all the later internal stud partitions and en-suite bathrooms inserted by the YHA and have also demolished that part of the 1970's bungalow within their ownership, leaving the remaining section in the neighbour's ownership in-situ.

### **Proposal**

The change of use and conversion of the Hall from the current hostel use into two 5-bed open market dwellings. The conversion works will comprise demolition of later extensions and outbuildings at the rear, internal and external alterations, repair and refurbishment along with the erection of new garaging.

The larger unit, 'The Hall dwelling'; would comprise the section behind the baroque facade and the majority of the rear walled garden. A new double garage and parking spaces for four cars is proposed in the garden, accessed through a new entrance in the wall at the end of the private shared driveway between the Hall and the Old Vicarage. The accommodation proposed for the Hall dwelling also comprises a one bed annexe with its own kitchen, lounge and bathroom in the lower rear wing which backs onto The Stones. Finally, a detached greenhouse is proposed in the NW corner of the walled garden for the Hall.

The second smaller unit, the 'Tithe Barn' dwelling, would comprise the northern wing of the existing Castleton Hall building and would have a smaller portion of the rear curtilage walled off with to create a separate domestic curtilage. As submitted, the application proposed to erect a single garage and provide parking spaces for three cars within the Tithe Barn garden which would have been accessed by its own separate entrance in the wall off the shared main driveway. The plans have been amended since submission and now omit the garage and parking spaces from within the Tithe Barn garden, along with the separate new vehicular access. The revised layout relocates the Tithe Barn parking (three spaces) into a separate courtyard arrangement sited to the rear (west) and north of the new walled garden. This would be accessed through the proposed new gated entrance at the end of the shared private driveway which would now serve both dwellings.

The new entrance gateway would, via a sliding gate, first give access to the parking area (three spaces) for the Tithe Barn with the driveway then passing through a second sliding gate to access the Hall dwelling's curtilage, where a parking area for four cars (three plus one) would be provided alongside a proposed double garage close to the boundary wall with the Old Vicarage. The westernmost one of two trees in close proximity to the proposed garage would be removed



to make way for one the parking spaces. It is being removed following consultation with the Authority's Tree Officer as the tree is diseased and will not recover.

The physical alterations to facilitate the conversion include:

- The demolition of the detached 1970's former YHA Warden's bungalow, the detached Victorian games room, the single storey flat roofed dining room extension and the metal fire escape structures at the rear associated with the former hostel use
- Remodelling of the infill at the rear between the Hall and the outbuildings to form a sun room
- Remodelling of the rear lean-to and part of the link corridor to form the utility room for the Hall dwelling
- Stonework repairs to repair and restore the principal Baroque façade, and other fabric repairs externally
- Stonework repairs to the east boundary wall and replacement railings and gate to an 18<sup>th</sup> century design
- New opening and gate in east boundary wall/railings with pathway to east elevation external door to provide front entrance and door for the Tithe Barn,
- Re-rendering of the rear façade in lime render.
- Reinstatement of sash windows
- Reinstatement of cast iron rainwater goods.
- Replacement of paved area to the rear with gravel driveways, paved courtyards and lawns
- Removal of most of the first floor infill above entrance lobby to create double height entrance hall, including repair of main staircase.
- Removal of modern stud partitions and former hostel bathrooms
- Insertion of new stud partitions to suit requirements for the internal layout for two dwellings.
- Reinstatement of internal panelled doors,
- Addition of two additional window openings and one door together with conversion of former openings/window openings into doors.
- Infilling of three internal openings to separate off the Hall from the Tithe Barn dwelling internally.

Finally, it should be noted that the main site entrance, flank walling and access drive from Castle Street are in the ownership of the adjoining property, The Old Vicarage. The proposal shown on some of the plans to remove the entrance gate piers during the conversion works and reinstate afterwards, although within the application site area, falls on land outside the applicant's ownership or control.

The application is supported by a Heritage Statement, a Design and Access Statement and an Ecological Statement. Since submission, the applicant's case has been amplified by further heritage, valuation and viability information, all of which is available in full on the Authority's web site. The Authority has also commissioned additional assessment on viability (by Derbyshire County Council) and the viability of a single dwelling scheme (by Smith and Roper Architects), both of which are on the Authority's web site

#### **RECOMMENDATION:**

**That the application be APPROVED subject to a section 106 legal agreement to secure the phasing of the works and to ensure sympathetic long term management of the two dwellings and to conditions covering the following (summary of conditions only):**

- 1. The development hereby approved relates to the change of use of Castleton Hall and the retained Annex building to a single dwelling and the section of Castleton**

Hall referred to as the Tithe Barn to a single dwelling. There shall be no separate use of the Tithe Barn for paying bed and breakfast use.

2. The development approved to be carried out in strict accordance with a timetable/programme of works which shall be submitted to and approved by the Authority.
3. Ecology: Submit and agree detailed mitigation and monitoring strategy. All subsequent works shall then be carried out in accordance with any required scheme of mitigation.
4. The demolition works shall be carried out in accordance with agreed timetable/programme of works prior to the occupation of the dwelling hereby approved.
5. Samples of the replacement natural stonework, natural gritstone window door surrounds, natural lintels and sills, render treatments, railings, stonework cleaning, cast iron rainwater goods shall be submitted to and agreed in writing by the Authority prior to carrying out the works requiring the samples. The scheme shall then be carried out in accordance with the agreed samples.
6. Detailed conditions relating to doors and windows, including details of the existing openings to be blocked up. Prior to the installation of any door/window frames or external timberwork, a scheme for the external finish of the timberwork to be submitted to and approved by the Authority. Once approved, development to be carried out in accordance with approved details.
7. Prior to the installation of the window and door frames plans/details of the window/door reveals shall be submitted to and agreed in writing by the Authority. The scheme shall then be carried out in accordance with the agreed details.
8. Existing rooflights in the south elevation of the Annex shall be removed and the roof made good with natural blue slate, to match the existing roof, in accordance with submitted plans. New rooflights shall be fitted flush with the roofslope.
9. External face of the plinth walls of the detached greenhouse shall be clad with natural limestone.
10. Detailed design conditions regarding external pipework, rainwater goods, external meter boxes.
11. External walls of the new garage buildings hereby approved shall be clad with natural limestone, sample panel to be approved.
12. Roof of the new garage buildings shall be clad with natural blue slate, sample to be approved
13. Detailed design conditions regarding garage doors and openings. Retain garage for garaging and storage.
14. Details of space within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles to be submitted agreed and provided.

**15. All new boundary walling shall be erected in accordance with submitted plans and shall be constructed in natural limestone and capped with half-round natural limestone coping stones to match the existing boundary walling. Reduce width of opening from the Hall garden to Tithe Barn Garden.**

**16. Carry out submitted landscaping and surfacing scheme, subject to additional hedging to car parking area in garden of the Hall.**

### **Key Issues**

1. What is the optimum viable use for the building consistent with its significance and value as a listed building?
2. Financial appraisal and conservation deficit.
3. The principle of the proposed conversion into two dwellings.
4. The harm caused by the proposed subdivision and physical works upon the significance of the Hall and its setting.
5. The impact of the proposal on Castleton Conservation Area.
6. The impact of the development on the neighbouring amenity.
7. Highway/Access issues.
8. Ecological issues.

### **History**

#### **Early history**

1721 – The earliest record of the Hall appears to come from a plan dated 1721 which shows a building on the same site but having a very different east façade to the one existing today. The plan shows a building of two storeys with an attic behind two gabled dormers and two distinct paths to two entrances. It also appears that there were a number of separate cottages down the southern boundary of the site abutting The Stones whose boundaries extended well into the present grounds of Castleton Hall. It would therefore appear, from this plan and a surviving deed of exchange, that the main building comprised of two dwellings and was acquired with the northern wing, labelled then as a tithe barn, along with the cottages and land at the rear by a wealthy individual who converted the premises into a single dwelling unified by the construction of the current baroque façade sometime between 1721 and 1725. The north wing remained different in style to the main house due to its original agricultural use with the recessed junction between the two elements providing further evidence that there was a deliberate intention at the time the façade was upgraded to maintain a distinction between the two elements of the building.

#### **Recent Planning History**

1943 – The site was acquired by the YHA and converted to a youth hostel.

1961 – Consent granted for internal alterations to outbuildings and erection of a covered walkway.

1969 – Consent granted for the erection of a flat-roofed utility room extension.

1973 – Consent granted for erection of a detached warden’s bungalow, dining room extension and internal alterations to outbuildings (including the Coach House) to provide additional youth hostel facilities.

1985 – Outline consent granted for demolition of outbuildings and warden’s bungalow and erection of dormitory block (not implemented).

1990 – Renewal of outline consent for demolition of outbuildings and warden’s bungalow and erection of dormitory block (not implemented).

1993 – Planning and listed building consent granted for minor alterations and extensions including provision of external fire escape stairs.

1993 – Planning and listed building consent granted for new rooflights.

2005 – Listed building consent granted for the replacement of rooflights in the Coach House with conservation rooflights.

2008 – Planning and listed building consents granted for the demolition of the existing games room in the rear courtyard and the erection of a new dining room and kitchen extension.

2010 – Planning and listed building consent applications submitted for variations to the conditions attached to the 2008 approvals to accommodate subsequent changes to the originally approved scheme. These applications were subsequently withdrawn following the decision of the YHA to re-locate.

2011 – Planning and listed building consent applications granted for the change of use of Castleton Hall, The Coach House and The Old Vicarage to three separate open-market dwellings. Consent was granted subject to several conditions being attached to ensure restoration of Castleton Hall, both externally and internally, and the removal of unsympathetic later additions.

2012 – The applicant bought the property. She was given pre-application advice by officers, on a “without prejudice” basis that the subdivision of the Hall into two dwellings may be acceptable in principle.

2013 – Planning permission and listed building consent granted for conversion of the Hall to two dwellings. These decisions were subsequently quashed by the High Court following Judicial Review proceedings brought by the adjacent owner of The Old Vicarage, who is referred to in this report as the principal objector. The grounds for the challenge were:

1. Failure to notify English Heritage and other amenity groups.
2. Failure to publicise/consult lawfully on the application
3. Failure to have regard to section 66 of the Listed Building Act 1990
4. Failure to have regard to section 72 of the Listed Building Act 1990
5. Failure to have regard to section 16(2) of the Listed Building Act 1990 and relevant national and local policy
6. Failure to have regard to regulations 9(5) and 7(1) of the Habitats Regulations 2012
7. Failure to have regard to impact on residential amenity
8. Failure to have regard to highway safety

The consent order from the court required both applications to be re-determined by the Authority. The applications were scheduled to be included on the January 2014 Planning Committee agenda for re-determination by the Committee but were withdrawn by applicant on 22 December 2013 in view of the revised applications, which are the subject of these reports.

2014 – Application for discharge of conditions on planning and listed building applications for change of use to a single dwelling, as approved in 2011. Approved in part.

### **Consultation Responses**

These are summarised below, with the originals available to view in full on the Authority's website and a longer summary in appendix 1.

Highway Authority: No highway objections to the proposals subject to inclusion of conditions covering provision of construction parking storage and manoeuvring space on site, sole means of vehicular access to be from Castle Street, provide parking space before occupation, maintain garage and parking spaces in designated use, no gates or other barriers within 5.0m of the nearside highway boundary and any gates shall open inwards only, premises shall be used as private residential dwellings only with no commercial use

Borough Council: No response.

Parish Council: Support this application and welcome Castleton Hall to be converted into two residential dwellings and not used for holiday accommodation.

English Heritage (now Historic England, from 1 April 2015): There have been six English Heritage responses in total. Following the meeting with EH on 31 January 2014, they produced a "consolidated" response. This version is attached in the appendix to this report. In response to the latest consultation on the independent architect's report they advise as follows (letter dated 25 March 2015):

*"Our advice is given in line with the Principal Act, the NPPF, the Planning Practice Guide, and the PPS5 Historic Environment Planning Practice Guide, which remains in force. We remain supportive of the principle of securing a sustainable use for this building and we believe that a residential use is consistent with the long term conservation of the listed building. It has already been accepted that the optimum viable use for the Hall is as single dwelling house and it remains our view that the determination of this application should focus on whether there is a 'clear and convincing' justification to accept the harm caused by the proposed separation, in light of the public benefits associated with the scheme - in this case the benefits of revealing and enhancing significance through full restoration of the building and its fine architectural details"*

Amenity Bodies - No responses.

### PDNPA Historic Buildings Architect

Principle of conversion to two dwellings is acceptable in listed building terms. The judgement on the conservation deficit is left to the Planning Officer. Design proposals are generally fine and overall amount to a substantial enhancement of the listed building. The decision to base the design of the front elevation railing and gates on the historical arrangement shown in the early photograph is particularly welcomed. Therefore supports the application with some caveats, as set out in detail in the appendix. The applicant's response to these recommendations is covered in the report below.

### Natural England

No objections to submitted scheme. Recommend conditions and footnotes covering the following in any consent

### PDNPA Ecologist

No objections subject to conditions and footnotes for clarification and to adopt working methodology and appropriate mitigation/enhancement

PDNPA Tree Officer

Fully support applicant's tree assessment.

**Representations**

These are summarised below, with the originals available to view in full on the Authority's website and a longer summary in appendix 1.

**Letters of Objection**

There have been three letters of objection, including one substantial objection from the owner of the adjacent property, The Old Vicarage. In addition to this, the solicitor acting for the owner of the Old Vicarage has written several emails raising questions and objections.

The representation made on behalf of the owner of The Old Vicarage is substantial and detailed. It is supported by a detailed Heritage Statement and a Development Viability Assessment and has been updated and amplified in response to the amended plans and information submitted by the applicant. Since the submission of this objection there has been a continuing dialogue with the objector and his representatives. Please refer to the appendix for the detailed summary of the objections submitted.

**Letters of support**

There have been 33 letters of support. These are summarised in the appendix.

**Planning Policies and Legislation**

Legislation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the Authority to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that where an application is made to the Council for planning permission, the Authority shall have regard to the provisions of the development plan and any other material considerations.

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent the local planning authority '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'.

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the local planning authority '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' in the exercise of the Council's planning functions and in considering whether or not to grant planning permission for development that affects a listed building or its setting. It is important to note that section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had and considerable importance and weight should be given to the desirability of preserving a listed building or its setting when balancing a proposal against other material considerations.

Section 72 of the Listed Building Act 1990 contains a requirement for the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Again, this is a matter of considerable importance and weight.

### Development Plan Policy

The Authority's Core Strategy was adopted in 2011 and provides, along with saved policies in the 2001 Local Plan, the starting point for considering the development. The following policies are relevant to this application and are set out in more detail in appendix 2:

Core Strategy: GSP1, GSP2, GSP3, DS1, HC1, L1, L3

Local Plan: LC4, LC5, LC6, LC8, LC17, LC18

### National Planning Policy Framework

The National Planning Policy Framework (NPPF or "the Framework") was published in March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. The Authority has considered the relationship between the Core Strategy and the Framework and resolved that they are consistent. This application does not raise matters that suggest otherwise.

As a material consideration in planning decisions, the Framework recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the Framework recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example policies relating to National Park.

One of the core planning principles outlined in paragraph 17 of the Framework requires that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In the case of the application proposal there are two heritage assets, the listed building and the Castleton Conservation Area, that must be conserved.

Paragraph 128 of the Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 131 identifies three objectives that should be taken into account in determining planning applications (relating to heritage assets):

- 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 132 states that when considering impact of proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It points out that significance can be harmed or lost through alteration or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II building should be exceptional. Paragraph 132 sets out that local planning authorities should refuse consent where there is substantial harm to a building's significance unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

Paragraph 134 advises that *“Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*. However, the courts have confirmed that where ‘less than substantial harm’ results, this does not mean that there is a ‘less than substantial objection’ to the grant of planning permission.

Paragraph 140 advises that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”*.

Prior to the publication of the Framework, Planning Policy Statement 5: Planning for the Historic Environment set out government policy on conservation of the historic environment. Whilst the PPS has been replaced by the Framework, the accompanying PPS5 Practice Guide has been retained and still sets out useful guidance on the assessment of the significance of a heritage asset. English Heritage (now known as Historic England, from 1 April) have been developing Good Practice Advice to supersede the PPS5 Practice Guide. A Consultation Draft was published on 11 July 2014: “Historic Environment Good Practice Advice In Planning”.

In this draft guidance English Heritage recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

In paragraph 77 the current Practice Guide advises that: *“Finding the optimum viable use for an asset may require the local planning authority to apply other development control policies flexibly and imaginatively to achieve long-term conservation”*. Paragraph 78 of the Guide advises that local planning authorities should take into account the likely longevity of any public benefits claimed for a proposed scheme: *“Speculative, ill-conceived or short term protection will not compare so favourably when considering an irreversible harm to the significance of heritage assets”*.



Paragraph 79 of the Guide sets out a number of potential heritage benefits that would weigh in favour of the proposed scheme:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting
- It reduces or removes risks to a heritage asset
- It secures the optimum viable use of a heritage asset in support of its long term conservation
- It makes a positive contribution to economic vitality and sustainable communities
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
- It better reveals the significance of a heritage asset and therefore enhances the enjoyment of it and the sense of place.

Paragraph 88 states that proposals for the development of a heritage asset will ideally be for its optimum viable use. Paragraph 89 states in respect of optimum viable use that: *“It is important that any use is viable, not just for the owner but also for the future conservation of the asset. Viable uses will fund future maintenance. It is obviously desirable to avoid successive harmful changes carried out in the interests of successive speculative and failed uses. If there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset.”*

Finally, paragraph 90 states: *“Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided that the harm is minimised”.*

English Heritage has published advice and guidance on *Enabling Development and the Conservation of Significant Places*. The applicant initially assumed that the development would be considered as “enabling development” and therefore referred to this document, but at the meeting on 31 January 2014 (and in correspondence), EH officers advised that they do not consider that the proposed sub-division falls within the definition of “enabling development”. However, some of the advice in the document, notably on how to assess whether there is a conservation deficit, is useful and has been used by the applicant in her viability appraisal. The following section of the guidance is also useful:

*“4.4.1 Most buildings at risk capable of beneficial use are taken up by commercial developers or (in the case of houses) by private individuals. The latter, particularly, may see viability as much in terms of meeting personal needs or aspirations for their residence as in strictly financial terms, and take a longer-term view of the difference between cost and market value. Most historic houses whose setting has survived and which are not in serious disrepair can be expected to find a market as houses, even if they have been recently in another use. In such cases, single domestic use will generally be the ‘optimum viable use’ in terms of PPG 15.”*

## **Officer Assessment**

The following issues have been reviewed since the deferral of the applications from the Planning Committee in January 2014. Following the deferral officers had met with English Heritage officers, together with the applicant and representatives of the owner of the Old Vicarage, who is the principal objector. Officers then commissioned Derbyshire County Council to undertake an independent assessment of the applicant's financial viability assessment, together with the objector's consultant's critique of this. Based on this report and the applicant's confirmation of her agreement to a number of additional amendments and restrictions, officers produced a draft report recommending approval of the applications, which, on Counsel's advice, they shared with the applicant and the principal objector (June 2014). Following the responses to this draft report, officers concluded that it was necessary to have a more thorough assessment of the viability of a single dwelling scheme which would deliver the key conservation benefits identified by the Authority. Consequently, following a tendering exercise, Smith and Roper Architects of Bakewell were appointed to carry out this assessment. Their report was finished in March 2015 and sent to the applicant, the principal objector and English Heritage. They were asked to respond by 27 March; at the time of writing this report the comments of the principal objector have not been received, but any response received will be reported at the meeting, together with a supplementary report if necessary.

### **Key Issue 1 - What is the optimum viable use for the building consistent with its significance and value as a listed building?**

There is historical evidence which shows/suggests that the premises forming Castleton Hall were not originally built as a single dwelling. However, the evidence shows that the Hall was turned into a single dwelling around the early C18th by the amalgamation of what appeared to be two semi-detached houses on the Castle Street frontage and some smaller cottages at the rear off The Stones, along with their associated curtilages. The tithe barn attached to the north and its associated land was also incorporated as additional accommodation. Around that time the additional embellishment of the fine baroque façade was added to increase the presence and prominence of the new Hall. For the following 220 years or so the property was in use as a single dwelling until the YHA converted it to a hostel in 1943. That use continued up to around 2011, when they vacated the premises and marketed the site after gaining planning permission and listed building consent for conversion back to a single dwelling.

The historical evidence available to the Authority demonstrates that the Hall as seen today was created and has been in use for the majority of its existence as a single dwelling. The explanatory text accompanying Local Plan policy LC6 reflects national planning advice relating to listed buildings in stating that the best use for an historic building is very often that for which it was designed. Indeed, use as a single dwelling is recognised by the listing which describes Castleton Hall as "House, now Youth Hostel". English Heritage advice also clearly recognises the importance of use as a single dwelling and notes that whilst it may have consisted of more than one dwelling in the past, this evolution only adds to the significance of the building.

In this case the Hall still survives largely in the form created in the C18th century as a single dwelling, is under one ownership, and currently has the benefit from extant planning and listed building consents for its conversion from a hostel use back to a single dwelling. In granting those consents the Authority recognised the historical use had primarily been as a single high status house and that significant benefit would arise from its restoration and the enhancement, especially from the removal of the later unsympathetic alterations and additions incorporated into the building and its curtilage during use as a hostel.

On the basis of the above evidence, the optimum use compatible with its conservation as a designated heritage asset and listed building is considered to be as a single house. This is consistent with the advice which has been given by English Heritage in its responses to the applications and in their meeting with officers on 31 January 2014.

English Heritage officers have made it clear that, in their view, the subdivision of Castleton Hall to a use other than its optimum use as single dwelling would, in itself, involve a degree of harm to the listed building's significance and special interest that would require special justification. This is also required because the Authority has a duty under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to 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*" in considering whether or not to grant planning permission for development that affects a listed building or its setting. This is a significant consideration which must be given due weight.

### **Key Issue 2 - Financial appraisal and conservation deficit**

The subdivision of the Hall into two separate dwellings brings with it some harm to the listed building which has been identified by English Heritage as "less than substantial". This is nevertheless harm that would warrant refusal of the application unless there are special circumstances that would justify a different decision in order to conserve and enhance the listed building and its setting. The applicant argues that the approved single dwelling scheme is not viable and subdivision to two dwellings is essential for viability purposes and to achieve the conservation and enhancement benefits she has proposed.

An important question in determining whether the subdivision is required to achieve conservation and enhancement of the listed building is whether there is a 'conservation deficit'. In simple terms, if there is significant shortfall between the cost of restoration and the end value of the property, there would be a deficit that would make the restoration works unviable and unlikely to materialise unless this shortfall is met through funding (e.g. grants) or through a philanthropic developer who is prepared to accept this loss. The applicant has based her assessment on the approach set out in the English Heritage document "*Enabling Development and the Conservation of Significant Places*", which provides a template for producing the calculation of a conservation deficit. Whilst EH officers have now confirmed that they do not consider the subdivision to fall within the definition of "enabling development", at the meeting in January they did accept that the calculation of a conservation deficit is essential to the justification for the proposal and that the approach recommended in the guidance is an appropriate way of doing this.

The English Heritage letter which sets out their "consolidated" advice makes it clear that they do not believe this is a case where Enabling Development arguments are applicable. That letter makes it clear that: "*By definition, Enabling Development is development which is contrary to policy and is not to benefit the owner or their financial circumstances but springs from the inherent needs of the heritage asset. An essential part of an Enabling Development argument is to demonstrate that a conservation deficit exists and that the scheme presented is the only viable option. This would follow full and open marketing at a price reflecting the building's condition to identify if there are alternative, less harmful uses - in this case, retained as a single dwelling*".

The objector's representatives consider that if it cannot be considered to be enabling development, then it cannot be justified, whereas officers consider that the EH advice is that enabling development is a more significant departure from policy than the subdivision of a building into two dwellings. Notwithstanding this, at the meeting on 31 January 2014 EH officers acknowledged that the approach of establishing whether there is a conservation deficit is appropriate in this case, given that the optimum use of this building is as a single dwelling and some harm has been identified.

The objector's solicitor consider that the basis of the instruction to DCC was flawed because it asked for Mrs Marsh's viability work to be tested against the English Heritage guidance for Enabling Development and as a result the report is completely irrelevant to the determination of these applications. Consequently they have advised that if the Authority places any weight on that report and change the recommendation from refuse to approve this will be clear grounds for a second Judicial Review because Authority will have taken an irrelevant consideration into account. In response to this, it is important to explain that officers met with DCC before they carried out their work and explained that English Heritage do not consider this to be "enabling development" and that the brief was to consider whether the assessment carried out by the applicant was a sound basis for establishing a conservation deficit.

English Heritage advice is that the supporting development appraisal must be adjusted to include only those repairs and works that are essential to conserve the listed building and achieve its conservation, ideally in the optimum use. The existence of the approved single dwelling scheme, which would return the Hall to its optimum use consistent with its history and significance as a listed heritage asset, is a material consideration in this regard, especially given that scheme proposed and was conditioned to secure most of the conservation and enhancement works in this current scheme, without the associated harm from subdivision. The applicant understands that this is the Authority's starting point, but considers that her proposal provides a level of detail which was absent in the previous application, the main purpose of which was to gain permission so that the YHA could sell the buildings, so it did not fully assess viability or whether there would be a conservation deficit (and the application was, in any case, for the optimum use). In order to keep that scheme "live", she has now discharged the conditions on the planning permission and listed building consents which were granted in 2011, but she maintains her position that this scheme is not viable.

The applicant has amplified the submitted information regarding the financial viability of the project and, in essence, argues that the single dwelling scheme is not financially viable as it contains a significant deficit between the cost of the works (including purchase costs) and the resulting sales values. The applicant considers that the single dwelling scheme is not viable and will not achieve the conservation benefits that she and her advisors consider to be appropriate and desirable. She points out that there is a clear relationship between the need to restore the building to a certain level to make it habitable and to achieve the values which would justify carrying out the conservation and restoration works identified by the Authority's Conservation Officer.

Consequently, the applicant's case is that in order to achieve appropriate repair, restoration and enhancement of the building, the financial impetus of the two dwelling scheme is required. The applicant considers this to be the most appropriate development, being close to the optimum use, and is essential because two smaller, but nonetheless relatively large, houses would be more saleable and the best way to secure a sustainable long term viable and beneficial use for the building. The advice from the applicant's marketing agents is that as a single house the Hall would be of a size and type unsuited for this village centre location and with only a modest associated curtilage would have a reduced value to reflect these factors. In respect of the submitted scheme, they advise that two 5 bed houses would be more marketable and would in fact have a higher combined value than that of the single larger dwelling. The applicant has provided prospective valuations from five local estate agents to support her case, with these providing a range of potential valuations. The chief objector has provided one valuation from another local estate agent, with this producing a significantly higher valuation for a single dwelling than any of the applicant's valuations.

Looking in more detail at the evidence submitted, it shows that the applicant and her husband bought Castleton Hall with planning and listed building consent for conversion to a single dwelling, which is considered by EH to be its optimum use. There is evidence of strong interest by another party, the principal objector and neighbour, who was unsuccessful in buying the property. This interest continues, with the objector's written offer to purchase the Hall from the applicant.

Authority Officers and EH officers consider that both matters a material planning considerations in this case. This is confirmed by the advice now received from Derbyshire County Council (DCC).

English Heritage officers (at the meeting on 31 January 2014) and the DCC have advised that it is appropriate to accept that the value of the property is established by what competing parties are prepared to pay for it. In this case it is understood that both the applicant and the objector were prepared to pay £250,000 for the property and that the objector has since offered a further £50,000 (to cover her post-purchase costs to date) to purchase from the applicant. DCC advice is therefore that this can be accepted as establishing a value for the property. The EH letter of 23 April 2014 does not offer direct advice on the value of the property, but advises that *“An essential part of an Enabling Development argument is to demonstrate that a conservation deficit exists and that the scheme presented is the only viable option. This would follow full and open marketing at a price reflecting the building’s condition to identify if there are alternative, less harmful uses - in this case, retained as a single dwelling”*. However, EH state that they do not consider this scheme to be “enabling development”, so the advice given at the meeting on 31 January is considered to be applicable.

The applicant’s financial viability assessment shows a development deficit of over £370,000 for a single dwelling conversion and just over £87,000 for a two dwelling scheme. Assuming these figures are correct, they show that although the applicant paid £250,000 for the property, it effectively had a substantial negative value at the point of sale as a single dwelling project (and even as a conversion to two dwellings). The view of the objector is that the current application seeks to make the case to allow enabling development (sub-division into two units) to ‘balance the books’ or to support the viability of the applicant’s intention from the outset to split the Hall, something for which there was no permission, and not a genuine conservation deficit. The alternative view, expressed by the applicant, is that the viability assessment she has carried out demonstrates that there is a significant conservation deficit which is evident on both schemes. She makes the point that in the case of the single dwelling there would be a deficit even if the purchase price of £250,000 is taken out of the equation and that the high valuation obtained by the objector is a single valuation which is significantly greater than those she has received from five estate agents.

In determining what works should be taken into account in seeking to determine whether a conservation deficit exists, it is a material consideration that the owner has a legal obligation to maintain the listed building. In this case the Hall is not on the Authority’s ‘at risk’ register and has the benefit of an extant consent for conversion to its optimum use as a single dwelling at the time of its sale. The property is clearly in need of restoration and there is obviously a significant cost in converting the Hall from its former hostel use. There is, however, a clear difference between what the Authority can legally require a property owner to do and what an owner may be prepared to do by way of restoration.

Whilst the proposal subdivision is not considered to be enabling development by English Heritage, the principles which should be used to establish a conservation deficit are similar to those set out in the EH guidance. In its responses English Heritage has advised that it is not convinced that it can be demonstrated that a conservation deficit exists. This is required to support the argument that subdivision into two dwellings is the optimum viable use for Castleton Hall, a consideration identified in paragraphs 131 and 134 of the NPPF. In its consolidated response in April 2014 EH declines to comment on the costs which should, or should not, be included in this assessment: *“As we do not consider this to be an Enabling Development scenario, we do not believe it is appropriate for us to scrutinise each report in detail or to comment on which costs would be included in a development appraisal.*

The letter sets out a summary position on this, as follows:

*“We remain of the view the proposed subdivision of Castleton Hall will result in a degree of harm to significance, which is considered less than substantial. We accept the physical works are minor*

*and improvements to mitigate the harm have been submitted. We do not believe the guidance for Enabling Development is strictly relevant here and we do not consider a conservation deficit has been proven. Whilst financial justifications may form part of this background information for this proposal, we consider any justification should focus on the benefits of full restoration of the grade II listed Hall within the conservation area. Accordingly, we believe you have sufficient information upon which to determine these applications”.*

The latest EH response, dated 25 March 2015, quoted above, reinforces this advice. It is therefore important to clearly identify how this proposal provides public benefits in respect of the heritage assets (the listed building, its setting, and the Conservation Area). English Heritage has referred to these as being “*the benefits of revealing and enhancing significance*”. In this case these are considered to be: the removal of the warden’s bungalow, the demolition of the flat roofed dining room and Victorian games room, together with repairs to the east-facing baroque façade and the wider repairs and restoration of features and fabric throughout the building. All of these works fall within this definition and are needed to achieve essential conservation of the Hall and achieve the value of its optimum use. However, these demolitions, the essential repairs and other works were all conditioned to be achieved as part of the consented single dwelling scheme (also understood to have been in part a condition of the sale stipulated by the YHA itself), so it is reasonable to expect purchasers to have factored those costs into their purchase offer.

Given the strongly divergent views expressed by the applicant and the objector and his advisors, the Authority’s officers commissioned an independent assessment by Derbyshire County Council, which offers a financial viability service from suitably qualified officers. The report, received on 21 March 2014, advises that the majority of the costs submitted by the applicant are allowable, although they do recommend that some of the figures be validated by the Authority. The report states that it uses the cost headings in the EH guidance on enabling development as a basis for the assessment. The key points are as follows. It responds to criticisms raised by the objector’s surveyor in his reports on viability, that there is no basis for distinguishing between a developer as opposed to a private owner. On the purchase price, it concludes that, given the interest of another party who has offered £300,000 (understood to reflect the £250,000 purchase cost plus £50,000 other costs), the purchase price of £250,00 is not “too high” as alleged by the objector’s surveyor. The DDC officers were not asked to comment on the detailed costs of restoration as these figures have not been directly challenged. The DCC report does refer to a number of other costs, which total over £131,000, which need validation by the Authority, but which are not questioned in principle. They also point out that the applicant has not included any profit element, which would have been allowable in a development appraisal and which would add to the deficit.

The applicant has been asked to provide the additional information requested in the DCC report, and she has responded with more figures, on which further advice from DCC is awaited. However, officers consider that the DCC report is seeking validation of the figures, rather than questioning their inclusion in principle. Given that the total of the figures requiring validation is £131,000 out of a total deficit of £370,000, this does not make any significant difference to the overall conclusion that there would be a significant conservation deficit with a single dwelling scheme and a lesser one for a two dwelling scheme. The key conclusions from the DCC report are that, when establishing whether there is a conservation deficit, there is no justification for treating a scheme by a private developer differently from commercial scheme, as suggested by the objector’s advisor. The other key conclusion is that the purchase price of £250,000 can be considered as the appropriate valuation of the building as purchased in 2012. This confirms the view expressed by the EH officers at the meeting in January 2014.

The principal objector’s solicitor has responded to this by stating the EH do *not* consider the subdivision to be enabling development so the approach taken by the applicant, and apparently endorsed by DCC, is flawed. They also consider that any public benefit which is weighed against the harm must be a benefit which a single dwelling scheme cannot deliver, otherwise it should not be used to justify the proposal. They add that the Authority must understand the difference between A single dwelling scheme and THE single dwelling scheme. They consider that any

criticism of the current single dwelling scheme which the Authority may have could never justify preferring this “suboptimal” proposal because the Authority is obliged to consider the benefits which any single dwelling scheme could deliver. It is their view that the applicant has not discharged the burden upon them to prove that a single dwelling scheme is not deliverable in light of the clear evidence of competitive market demand for a single dwelling at the time of purchase in late 2012 and by the principal objector’s subsequent offer to deliver Castleton Hall as a single dwelling.

In the initial report to the January Planning Committee officers advised that it was difficult to establish what exactly are essential repairs and conversion costs and what are restoration costs which are not necessary now and which could potentially be deferred to a later date or reflect the personal preferences of the owner. The applicant did, however, separate out those costs which are purely the result of the proposal to subdivide the building or to provide elements which are not essential to the restoration (e.g. garaging). Nevertheless, the applicant’s development appraisal shows a substantial deficit, which the applicant states is unlikely to be substantially reduced by cutting out works without affecting final value and thus not appreciably addressing the deficit. The applicant’s figures show that for a single dwelling scheme there is a deficit of £370,448 based on a completed value of £850,000 (an average of their commissioned valuations that ranged from between £750,000 and £900,000) and total costs of £1,220,448, taking into account their purchase price of £250,000. For the submitted two dwelling scheme they show a £78,168 deficit. This is a figure which the applicant is clearly prepared to accept as a loss, on “book value” at least. The principal objector has, as is stated above, made an offer to the applicant of £300,000, but considers (based on the valuation they commissioned) that the value of a single dwelling is significantly greater than the applicant’s valuation figures, so he considers this to be acceptable, particularly given his stated intention for this to be a private dwelling. It should be noted that the principal objector’s surveyor has not disputed that there is likely to be a shortfall between the cost of the restoration scheme and the end value.

The applicant acknowledges that some costs could be delayed by deferring some repairs, but she states that this would affect the final value and, as her figures are already based on essential repairs rather than desirable works, they cannot be substantially reduced. In terms of funding the development, she has explained that a bank/lender is more likely to fund a scheme which has a smaller deficit and that, with rising property prices and the uncertain nature of the costs (which include a significant contingency element), the scheme may not be as marginal as the figures suggest, so a lender may consider the proposed scheme for two dwellings to be sufficiently viable to back it.

It is possible that the actual deficit in the single dwelling scheme could be reduced by deferring certain works of restoration which are desirable, but not essential; any works which are not necessary, such as the garaging can be discounted from the assessment of a conservation deficit. However, even when this is taken into account the applicant’s figures show that there is a very substantial deficit on the single dwelling scheme. Whilst this may have the benefit of planning permission and listed building consent, this does not mean that it will necessarily be carried out. The then applicants, the YHA, were not asked to carry out a full viability assessment when they submitted the applications in 2011 as they were proposing the optimum single dwelling use. On the other hand, there is a view expressed by the principal objector that he would be prepared to carry out a single dwelling scheme, having offered to pay up to £300,000 for the property. Despite offers to do so, the principal objector has not provided the Authority with an assessment of how he would deliver a single dwelling scheme.

Members need to consider how much weight they can give to this proposal by the objector, given that the applicant’s viability assessment appears to establish that there would be a conservation deficit and that this would result in a single dwelling scheme which the Authority’s Cultural Heritage officers have confirmed is highly desirable and consistent with the Authority’s responsibilities under the relevant legislation and guidance. The EH letter of 23 April concludes that *“We recommend these applications should be determined in line with the NPPF, including paragraphs 131, 132 and 134. Your authority will need to be convinced that the public benefit of the proposal outweighs any*

*degree of harm to significance*". The EH letter therefore makes it clear that this assessment is one which the Authority can make, using its own heritage advice.

Given the importance of this, the Authority's officers have followed Counsel's advice and sought an independent assessment of the viability of a single dwelling scheme. This has been carried out by Smith and Roper Architects of Bakewell, who were appointed in December 2014. Their report was produced in March 2015 and was made available to the interested parties on 6 March (who were also provided with a copy of the brief in December 2014). The assessment and conclusion is set out in the attached appendix. The brief was to provide an assessment of the viability of a single dwelling scheme, based on the 2011 approval, but omitting any non-essential works such as a new garage, but delivering the key conservation benefits such as restoration of the façade and windows. The assessment has provided an estimate of the project development costs from a suitably qualified surveyor and a valuation report from a local valuer.

In summary, the surveyor has calculated the total development cost for conversion to a single dwelling to be in the order of £1,331,994. The potential sale value of the completed property as estimated by valuers is in the order of £800,000 - £900,000. This demonstrates a shortfall of £430,000 - £530,000 between the development cost and potential sale value as a single dwelling. When considering conversion to a single dwelling with ancillary commercial use in the Tithe Barn section of the building, assuming a similar development cost, and with a potential sale value of between £1,000,000 and £1,100,000, there is still a shortfall in the order of £230,000 - £330,000 between the development cost and potential sale value. The valuer concluded that the large size of the single dwelling would have a "downward" effect on demand. He advised that some commercial use of the "Tithe Barn" section of the building could increase its value by up to £200,000. There are a number of items included within the approved drawings which are not necessarily essential conservation benefits, totalling £55,449. If these are omitted they would, however, have only a minor impact in reducing the shortfall between the development costs and valuation. As requested, the consultants have also explored the possibility of a phased project. The assessment concludes:

*"Whilst conversion to a single dwelling with ancillary commercial use may offer the optimum viable use, retaining the building in single ownership, there remains a significant shortfall between the development cost and potential sale value. Neither conversion to a single dwelling nor to a single dwelling with ancillary commercial use offers an immediate return on the development cost. Consequently the retention of the building in single ownership would be dependent upon any owner committing to a long term investment or being a philanthropist committed to the conversion and restoration of the Hall whatever the cost. Although such owners do exist, it would be unreasonable to insist upon or expect such a person to take on the responsibility of Castleton Hall. My overall conclusion therefore has to be that the conversion of Castleton Hall to either a single dwelling or single dwelling with ancillary commercial use in single ownership is regrettably not financially viable".*

The full report is available on the Authority's web site.

#### Conclusion:

The applicant's figures demonstrated that there is likely to be a substantial conservation deficit in the optimum scheme for a single dwelling and there is likely to be one, albeit smaller, in the proposed scheme for two dwellings. This has now been confirmed by the independent assessment carried out by the architects commissioned by the Authority. The applicant has not sought to demonstrate what level of development would result in a viable scheme, but, based on her figures, this is most unlikely to be an acceptable scheme in terms of its impact on the listed building and its setting as it would be a more intensive scheme than the current proposal for two dwellings and the optimum use as a single dwelling. The assessment by Smith and Roper focussed on the viability of the single dwelling scheme which is, in principle, seen as the optimum use by English Heritage (now Historic England).



Consequently, it is now the Authority's responsibility to assess whether the desirability of sustaining and enhancing the significance of the heritage asset (Castleton Hall and its setting) and putting it to a use consistent with its conservation, whilst revealing and enhancing its significance can be considered a public benefit. In coming to this judgement, the Authority must assess the merits of this conservation and enhancement against the degree of harm which has been identified by English Heritage. English Heritage have made it clear to Authority officers that this is judgment which the Authority should make, using its own professional cultural heritage advice. The counter claim by the principal objector that he can deliver a single dwelling scheme which will provide the conservation benefits the Authority has been identified is a material consideration, notwithstanding the fact that he is not the owner of the property and the current owner has declined his offer to purchase. However, he has not produced figures to support his claims, despite offers to do so. He was provided with the brief which was sent to historic building architects in December 2014 and which resulted in Smith and Roper being instructed by the Authority. He and his advisors have therefore been in a position to produce an assessment if they intended to do so. Any response received before the Committee meeting will be assessed and reported to Committee as appropriate.

### **Key issue 3 - The principle of the proposed conversion of the Hall into two dwellings**

Core Strategy policy DS1 allows in named settlements such as Castleton for the principle of conversion or change of use of traditional buildings for housing. The key Core Strategy housing policy is HC1. This makes it clear that provision will not be made for housing solely to meet open market demand, but that exceptionally housing can be allowed where, amongst other things, it is required to achieve conservation and enhancement of say a valued vernacular or listed building or within a designated settlement like Castleton (HC1C).

The supporting justification argument in this case is clear that the proposed new dwellings are for the open market. Consequently the only route to accord with adopted housing policy would need to be under HC1(C). This states that new housing can be accepted where, in accordance with core policies GSP1, the conversion is "*required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings*" as allowed in policy HC1(C)(I), or "*conservation or enhancement in settlements listed in core policy DS1*", as allowed in policy HC1(C)(II). The applicant's case relies mainly on the former route.

A further consideration in respect of policy HC1(C) is that it states for schemes such as this, which propose more than one dwelling unit, that they must also address eligible local need and be affordable with occupation restricted to local people in perpetuity, unless (HC1CIII) it is not financially viable. It is clear that in this case the proposed subdivision would create two dwellings that would be substantially in excess of the maximum size guidelines for affordable dwellings and would not be affordable.

However, policy HC1 must not be applied in isolation and other policies in the Development Plan, together with the relevant legislation and guidance (notably the NPPF), provide protection for listed buildings from harmful development and seek their long term sustainable conservation and enhancement through being maintained in their optimum viable use. In particular, LC6 reflects this advice in stating that development affecting a listed building and its setting should clearly demonstrate: (i) How these will be preserved and where possible enhanced; and (ii) why the proposed works are desirable and necessary. It goes on to set out the very detailed information requirements and advises what is or is not likely to be permitted.

Whilst the Hall could physically be further subdivided to create more dwellings of an affordable size and type, a more intensive conversion to multiple units would bring significant harm the special character and internal layout of the listed building as a result of the need for new partitions, new staircases and a host of other internal alterations. Externally, there would also be a need for larger parking and turning areas as well as pressure for further plot division to create private amenity spaces for the additional units. Such a scheme would clearly move further away from the optimum

use and bring substantial harm to the special qualities of the building and thus fail to achieve the ‘significant enhancement’ (GSP2) that is required as a basis for policy compliance in the first place. Consequently, it would be wholly inappropriate on listed building conservation grounds, as well as the adverse impact upon the conservation area, to further subdivide the Hall into more dwellings to meet eligible needs for affordable housing or otherwise, even if it were financially viable to do so.

In this case the Hall is an important Grade II listed building prominently situated within the heart of Castleton village (a DS1 settlement) and the Conservation Area. The key question in respect of policy HC1(C) is whether the new houses are ‘required in order to achieve conservation and/or enhancement’ of the Hall itself or ‘conservation or enhancement’ of the village.

The 2011 permissions for the change of use and conversion of the former YHA hostel to a single dwelling met this test and were approved because the development achieved the conservation and enhancement of the listed building by returning the building to its optimum use as a single dwelling. This was the use for which the Hall, in its current form, was originally designed and the consent for change of use to a single dwelling brought with it significant enhancement in the form of the removal of all the later unsympathetic alterations and extensions, both internally and externally, including the public benefits to the conservation area and street scene from the restoration of the baroque façade and repairs to the frontage walls and railings.

The current application scheme now proposes the subdivision of the Hall into two dwellings. As discussed above, this is not the optimum use for the conservation of the listed building and would bring with it the “less than substantial” harm identified by English Heritage. The key question is therefore whether there are any exceptional circumstances that would justify the subdivision and a change from the optimum use in order to achieve conservation and enhancement of the building, bearing in mind that the recent approvals for conversion into one dwelling were considered in 2011 to satisfy listed building legislation and achieve the aims of policies HC1(C) and LC6.

The applicant’s assessment shows that the projected value as a single house would not cover the considerable development and restoration costs by a substantial margin, whereas the submitted scheme comes closer but could still have a sizeable deficit. The applicant considers that whilst her viability assessment shows that that conversion to two dwellings is not strictly viable, the shortfall is more reasonable for a private developer to accept if they see the restoration of the house as a longer term project (and certainly more viable than a single dwelling scheme). She therefore considers that the subdivision is required to achieve the conservation and enhancement of the building and the site, and by doing so, secure a long term beneficial and sustainable use for the listed building.

Clearly, if the proposed development conserves or enhances the listed building there would normally be no need to consider whether the works are ‘required’ in terms of viability under HC1. However, if there is any harm to the building or its setting, then special circumstances are required to justify making an exception, for example, development that is deemed essential to achieve a beneficial and sustainable use for the building and secure the overall conservation and enhancement of a listed building (paragraph 140 of the NPPF). Development in these circumstances (where “less than substantial” harm is involved) will only be acceptable if there are clear and convincing public benefits arising from the development to justify the harm caused and assumes that maximum possible mitigation steps have been taken/incorporated to minimise the harm to its lowest possible level. This is considered in the next section.

**Key Issue 4 - The harm caused by the proposed subdivision and physical works upon the significance of the Hall and its setting.**

The proposed subdivision has been the subject of detailed discussions between the Authority’s officers and the applicant. She was given pre-application advice that the principle of subdivision may be acceptable, but this was clearly given without prejudice to the determination of any subsequent applications. She has employed a local specialist historic buildings architect to advise

her on the scheme. The Authority's officers acknowledge that many of the alterations that are being proposed will remove inappropriate extensions and alterations that have taken place during the time that the Hall was in the ownership of the YHA. The demolitions, although largely screened from public views, are the most obvious external changes and will represent considerable enhancement to the setting of the rear of Castleton Hall, where the majority of the unfortunate later additions and alterations are being removed. These demolitions will also have a beneficial effect on the setting of the nearby listed Coach House.

Internally, most of the YHA installed internal stud partitions have already been removed to reveal the original features and proportions of the various rooms. However, it should be noted that all the enhancements were either proposed or conditioned in the approved 2011 single dwelling conversion so there is nothing significantly new in this scheme in terms of further enhancement, if the 2011 scheme was considered to be viable and deliverable.

*Internal works of alteration:*

In terms of the physical internal subdivision of the Hall into two dwellings, this requires minimal alterations and is achieved by the blocking up of three door openings on the ground and first floors. Whilst these allow for a simple subdivision separating the former tithe barn from the main Hall, which would remain behind the baroque façade, there no precise details have been submitted to show whether these openings are original or not or exactly how this is to be detailed. In one case it would appear appropriate to retain a doorway fixed shut with a wall behind, whereas in the other two openings it would be appropriate to close the opening up with matching walling. The Authority's Historic Buildings Architect considers that subdivision at this point would minimise the impact on the internal fabric and character of the listed building and would be easily reversible in the event that the building subsequently reverted to a single dwelling. Details of the precise detailing of the blocking up of these three doors can be conditioned as part of any approval.

The other main internal change concerns the main stairway where presently the former open stairway has been mostly infilled at first floor level by the YHA to create an extra room. The applicant proposes that this infill will be largely removed, with part retained to give a balconied corridor across the space to gain access to a first floor window. This, together with the restoration of the staircase, is considered to be acceptable as it will enhance the listed building. Other changes include the insertion of new stud partitions to suit the new room layouts and the need for new bathrooms in a more sensitive manner than the previous YHA partitioning, along with a number of smaller works of repair and restoration as set out on the detailed drawings and specifications. Taken together, these works are considered to be acceptable.

*External works:*

Whilst subdivision may be relatively simple to achieve internally, externally the subdivision of the Hall requires more significant subdivision of the walled garden at the rear and the use of a larger part of it for additional car parking. There are also changes to the boundary walling for the creation of a new vehicular access and parking arrangements to accommodate the proposed subdivision. From a public perspective, the main changes will be the repairs to the baroque façade of the east facing Castle Street elevation and to the courtyard in front of the building, where there will be significant enhancement of the street scene.

*External works to front (Castle Street):*

The main work to the front would be the restoration of the baroque façade, which currently is in very poor condition, largely as a result of works to repair it having stopped after the initial removal of render and perished stonework. The existing boundary to the courtyard fronting Castle Street is a combination of a low stone wall with iron railings above. The amended scheme proposes that the boundary walling would be repaired and that the existing railings and gate be replaced with a more appropriate 18<sup>th</sup> century design matching the style shown in historic photographic evidence of the frontage. The improvement to the railing and gate design is welcomed as appropriate enhancement to the frontage.

To facilitate access from Castle Street to the Tithe Barn dwelling, a second pedestrian gate in the boundary wall/railings is also proposed to be inserted beside the Tithe Barn gable end. The new pedestrian gate would be constructed to reflect the main gate and the style of the new railings. Although it would not be a significant feature in the overall frontage and the matching detail would provide a continuity of design, the introduction of the second entrance into the frontage wall would result in a slight loss of existing character and enclosure of the frontage boundary, but this is not sufficient to justify a refusal on this ground alone.

The existing trees would remain with some crown lifting; these make an important contribution to this part of the conservation area. The paved courtyard would be re-laid with additional raised grassed/planted beds and the paving layout adjusted to informally denote the differing ownerships in the frontage, instead of the hedge as originally proposed to divide the front yard. Apart from the new gateway, there would be no other formal boundary to indicate the proposed subdivision of the property at the front.

Overall, the frontage would be conserved and enhanced by the proposals, particularly the significant repairs/restoration to the baroque façade and the more appropriate railings and gate. It is considered that the enhancement of the new railings would offset the slight harm to the setting arising from the new pedestrian gateway and result in overall net public benefit to the listed building, its setting, the street scene and the Conservation Area. It should be noted, however, that the restoration of the baroque façade was a condition of the previous single dwelling scheme, so the only change between the two schemes is the new railings of a more appropriate 18<sup>th</sup> century design.

One potential concern with the two dwelling scheme is that the differing maintenance regimes by the separate owners could, over time, result in changes to the appearance of the two sections of the Hall that would further highlight differing ownerships, despite planning and listed building constraints which could control any significant changes. In response to this, the applicant has offered to enter into a section 106 legal agreement or accept other restrictions to ensure a single maintenance programme. These are often used to ensure coordinated maintenance of multi-occupancy properties or leasehold properties. If Members are minded to approve this application, it should be subject to a legal agreement to secure this.

The solicitor acting for the principal objector has stated that they do not accept that the changes to the building and the site are realistically reversible. In reality once the separate planning units are in separate ownership they will never be reunited. They consider that the Authority cannot control ownership and that assurances from the applicant are of no relevance. They therefore consider that the Authority will have to rely on conditions and that it is a risk that conditions will not be effective to control management and appearance of the two separate properties.

#### *External Works to Rear:*

The removal of the detached outbuildings and later YHA additions at the rear, as set out in the application details, followed by restoration of the walled garden using lawns, planted beds and paved areas would significantly enhance the rear garden and, more importantly, the setting of the Hall and the Conservation Area.

Whilst these works would open up the rear setting of the Hall and the garden, the proposal undermines that enhancement potential to some extent by subdividing the garden to create a separate residential curtilage for the Tithe Barn. This would be achieved by retaining some walling from the previous layout, together with the erection of a new section of matching 1.7m high walling. This would reduce the openness of the garden and detract from the setting of the garden and the Hall to some extent, but it should be noted that this rear area was approved as a parking area in the single dwelling scheme, with a new double garage built in approximately the same location as the Victorian games room. This earlier approval was, on reflection, not ideal, but it this is a material consideration in determining the current application.

*Parking and garaging:*

Amended plans now show that off-street parking facilities for each dwelling would be provided in the north-east corner of the Hall garden, accessed via a single new vehicular entrance through the wall at the end of the shared private driveway with The Old Vicarage. The new opening would be provided with stone gateposts and fitted with a timber sliding gate. There are no details of the new gates, but the principle of such gates is acceptable. The new access is also considered to be acceptable, being of a design sympathetic to the character and setting of the listed building. It will require the complete removal of the remaining section of the partially demolished bungalow, as there is insufficient space available between the remaining bungalow and the end wall to accommodate the proposed access width and gate piers. This is currently a matter in dispute between the applicant and neighbour. Highway issues are dealt with below.

The amended layout of the Tithe Barn dwelling's garden and parking facilities provides some improvement over the original submitted layout in that it now omits the single garage, the new vehicular access off the shared driveway into the Tithe Barn garden (which reverts to a pedestrian gate), and move all of the parking out of the proposed garden. The Authority's Conservation Officer considers this to be acceptable, subject to conditions covering some of the details.

*Tithe Barn Parking:*

The amended layout shows three parking spaces would be provided in a parking courtyard immediately inside the new gateway off the shared main drive with The Old Vicarage. The spaces would be provided either side of the new driveway, two of which would be sited immediately behind and to the west of the Tithe Barn garden wall and bounded from the rest of the garden to the Hall dwelling by a new beech hedge. A wide double-gated entrance through the tall garden boundary wall would lead from these spaces into the Tithe Barn garden. This would, however, be an inappropriately wide opening in the garden wall which the Conservation Officer considers would detract from the containment and setting of the garden and should have been reduced to pedestrian width. As drawn, it would potentially facilitate additional parking within the garden at a later date which would further detract from the listed building and be unacceptable. In the event of an approval, this should be reduced to a single pedestrian gate; the applicant has confirmed her willingness to accept a condition to achieve this.

*Hall Dwelling Parking:*

A separate parking area for four cars and a detached double garage would be sited immediately west of that provided for the Tithe Barn and separated from it by a further sliding gate running between the gable of the proposed garage and the across to the corner of the beech hedge proposed to surround the Tithe Barn parking area and separate it from the rest of the Hall garden. The proposed double garage would be situated adjacent the northern garden boundary wall with The Old Vicarage, which is about 2.5m high. The garage would be constructed in natural materials to match the Hall and, subject to minor detailed conditions including the provision of stone lintels over the doors, it would be of an acceptable simple design. It would be sited between two trees that would be in close proximity to, and affected by, the walls of the garage. The Authority's Tree Officer has advised the applicant that there are no objections to their removal, but the applicant wishes to retain the better of the two, a Yew, which would fall within the proposed Tithe Barn's parking court. The western one is proposed for removal in the amended plans to make way for one of the parking spaces for the Hall dwelling.

The relocation of the double garage and parking from the immediate rear of the Hall (as approved in the single dwelling scheme) would be an improvement to the rear setting of the Hall over the scheme approved for the single dwelling. The siting of the garage against the north wall would not have a harmful impact upon the setting of the Hall and the garden.

However, as a result of the new Tithe Barn walled garden, both the Tithe Barn parking and that proposed for the Hall are pushed back further into the site and extend over part of the remaining garden area. The parking spaces for the Hall are also shown in the amended layout without any form of boundary separating them and the garaging from the remainder of the formal walled garden.

The Authority's Historic Building Architect considers that some form of partitioning off from the rest of the garden would have been more appropriate e.g. by hedging in the same way as proposed the Tithe Barn parking spaces. The applicant has confirmed her willingness to accept a condition requiring this.

It must be acknowledged that the new garden walling and parking areas would be intrusive features within the garden and upon the setting of the Hall and to some extent they may detract from the character and appearance of the listed building, and to a lesser extent the setting of the Coach House and the Conservation Area, even though the impact on the Conservation Area would be limited by the existing high walls and buildings. However, *any* use of the Hall is likely to require some parking within the curtilage (unless it is on the adjacent streets) and if a viable, beneficial use is to be accepted for the building, then this is likely to involve some changes to the setting of the building. Some degree of change can be acceptable and is not necessarily harmful to the heritage assets. Whilst the approved single dwelling scheme was not ideal in proposing a garage and parking area at the rear of the Hall, the amended layout for this two dwelling scheme is considered to be less harmful to the setting of the listed building as the garage is now in more sympathetic location adjacent to the boundary wall. The omission of the single garage for the Tithe Barn dwelling is a significant improvement from the submitted application and removes a reason for refusal of the application. The additional boundary walls to create a separate curtilage for the Tithe Barn dwelling would result in some subdivision of the rear garden, but when assessed against the beneficial works which the application proposes, on balance, the scheme is considered to be acceptable.

*Alterations to outbuilding 'wing':*

The outbuildings projecting off the rear of the Hall, running down the side of The Stones on the southern boundary, are proposed to be converted into a sun room and an ancillary flat for the Hall dwelling. The proposed sun room is to be created by remodelling the pitched roof link building between the Hall and the two storey 'annex' on the southern boundary. This building was originally proposed to be removed in the approved single dwelling scheme, along with the flat roofed dining room extension and an external fire escape. It is now proposed to remove the flat-roofed dining room extension and fire escape, but to retain the remainder of the pitched roof building. The retained building follows the traditional form of the Annex building and its retention will maintain the existing character and form of the building when viewed from The Stones. It will also prevent overlooking into the rear courtyard of the Hall from adjacent properties. The retention of this section of the link building and its remodelling to form a Sun Room with patent glazed roof window is considered to be sympathetic to the character and setting of the Hall and is acceptable. Provided the use of the annexe remains ancillary to the use of the Hall dwelling, there are no objections to this ancillary accommodation.

Currently there are eight rooflights in the annex roof, three of which are on the southern roofslope overlooking The Stones. The plans propose removal of all of the south facing roof lights and replacement of those in the north by four conservation roof lights along with four more fixed together and sited over the sun room giving the appearance of a bespoke patent glazed continuous panel. Since submission the applicant has clarified the size of the proposed new rooflights in the annexe, as currently they are shown as different sizes on separate plans. Subject to the use of the smaller size, as confirmed by the applicant, there are no objections to this element, which would enhance the appearance of the building and the wider conservation area.

*Alterations to lean-to store beside the rear central projecting wing on the Hall:*

The application also seeks consent to retain the shallow lean-to roof over the former kitchen store and part of the former link corridor to create a utility room. The existing rooflights would be removed. This room would sit between the two storey hipped roof rear wing projection and the retained section of walling to form the southern boundary of the Tithe Barn dwelling's curtilage. The single dwelling scheme proposed the complete removal of this shallow roofed lean-to extension and all of the link corridor as part of the overall package to enhance the rear elevation. Its retention in this scheme is therefore not ideal given its later fabric and poor form, but due to its

modest size and location it has only a modest impact on the rear elevation. The plans showing the gable elevation also show the full doorway height cannot be achieved within the space available and the roof would cut across the outer corner of the door and frame which would need to be partially trimmed. This gable end would, however, be recessed from the adjacent two storey projection and being in a corner formed by the new boundary walling to the Tithe Barn garden the lean-to would not be overly prominent. Whilst complete removal would still have been preferred, its remodelling will bring some enhancement over the existing and would therefore conserve the Hall. It is therefore considered to be acceptable.

*Changes to fenestration:*

As with the previously approved single dwelling scheme, this scheme proposes considerable enhancement to Castleton Hall, with the majority of the unfortunate later additions and alterations, both externally and internally, being removed and restored to their original appearance and proportions. The scheme also involves the replacement of later doors with a more appropriate style and window frames with more appropriate sash frames as well as the reconfiguration of openings to match their original form. In many cases the reconfigured openings are to be provided with full natural surrounds or natural gritstone lintels and sill, where appropriate. All the new frames being installed on the rear the frames will be double glazed and all the sash frames to the front will be single glazed.

In respect of new openings, one new window opening and a new door opening are proposed. An additional ground floor window is proposed in the north elevation of the Tithe House. This window overlooks the shared access drive and is centred beneath an existing stone arched head. The window opening is positioned opposite the corner of the gable wall of The Old Vicarage and the tall boundary wall which runs along the northern side of the joint access drive. Given that there is evidence of an opening in this position, the additional window opening is considered to be acceptable in terms of its impact on the listed building and is appropriately detailed. The window faces the joint access drive and does not overlook any windows in The Old Vicarage or its front garden which is screened by the garden boundary wall. The proposed additional window is therefore considered to be acceptable and would not impact upon the residential amenities of the adjacent property.

The proposed new door opening is situated within the west elevation of the central rear wing building. The applicant has confirmed her acceptance of a request by the Authority's Historic Building Architect to reduce the width of this door and to match the fenestration of other rear doors and has stated that she would be willing to submit amended plans covering these and any other details. This can be dealt with by condition if the application is considered to be acceptable

A further door opening on the north elevation of the Tithe Barn dwelling, opening onto the shared access, would be altered to serve what would be the side entrance hall to the Tithe Barn dwelling. Plans show it would be opened up fully to its original proportion and fitted with fully glazed double doors. The fully glazed detailing is not ideal in design terms for this particular style and positioning of opening and should be changed to a more appropriate solid style. However, given its location it would be sited sufficiently far enough back from the Old Vicarage and with the intervening walling and orientation it is considered that it would not give rise to issues of amenity concern sufficient to warrant further change or omission.

Three new conservation rooflights were originally proposed in the south facing roof of the Tithe Barn, to give additional light and ventilation to the master bedroom and en-suite. These rooms are presently served by existing sash windows which are positioned just above the internal floor level. The submitted plans also showed the enlargement of the existing rooflights on the north side of this roof. There were objections to the principle of new rooflights on the prominent front roofslope and, in addition, those shown on the plans are considered to be unacceptably large and dominant upon the roofslope of this main elevation overlooking the courtyard and formal façade and would detract from the roofscape. It was therefore recommended by the Authority's Conservation Officer that these should be omitted. The existing ones on the north are equally prominent in the street scene

and should also be retained as existing size to avoid dominating and detracting from the roof. This is further reinforced by the recommendations from the Ecologists that no work should be done above the roofline without further survey. The applicant has confirmed that the proposed new rooflights are omitted from the proposal and that the others on the north will be retained as existing. Consequently, given there will be no changes to these roofs, there is no need for further bat survey.

*Greenhouse:*

The application proposes the addition of a greenhouse to the north western corner of the Hall garden. This is bounded on its northern and western sides by the existing tall, 2.4m high boundary wall and within close proximity of a mature tree. It is a relatively small structure (4.0m x 2.6m) with a plinth wall and glazed upper walls and roof, with a projecting gabled door entrance. It is of an appropriately modest scale and of suitable design; that there are no objections to this aspect of the proposals, subject to the plinth wall being constructed in natural limestone rather than brickwork.

*Impact upon the setting of the separately listed Grade II Coach House to the rear:*

In addition to having to pay special regard to the desirability of preserving the setting of the Hall, the Authority must also consider the setting of the adjacent Coach House. The Coach House is a separately listed Grade II listed building lying to south of the Hall's walled garden and separated from it by a tall dividing wall constructed when the Coach House was separated from the property and sold by the YHA, although there was already a high wall close to the rear of the Coach House. The setting of the Coach House has already been compromised to some extent by the new boundary wall and its separation from the Hall. This amended scheme proposes further subdivision of the walled garden with a larger parking and turning space encroaching further out over the garden. Whilst this was a recommended reason for refusal in the January report, officers have reassessed this and do not consider this to be of sufficient concern to justify refusal on these grounds, particularly given the layout of the parking and garaging for the single dwelling scheme and the fact that the new walls and altered layout to the rear of the Hall does not impinge on the setting of the Coach House to a significant degree.

Conclusion

Officers acknowledge that the alterations that are being proposed to the Hall will remove inappropriate extensions and alterations that have taken place during the time that the Hall was in the ownership of the YHA and would be significant enhancements to the building and its setting. The demolitions, although largely screened from public views, are the most obvious external changes and will represent considerable enhancement to the setting of the rear of Castleton Hall, where the majority of the unfortunate later additions and alterations are being removed. These demolitions will also have the effect of enhancing the setting of the adjacent listed Coach House and the Conservation Area. With regard to those individual elements of the scheme where officers have concluded that there may be some limited harm or where the scheme does not propose the optimal enhancement, officers consider that when taken together these do not cause sufficient harm to justify refusal of the application. Moreover, when weighed against the benefits which the restoration of the Hall offers, these limited impacts are considered to be acceptable.

As with the previously approved single dwelling scheme, the detailed scheme for the Hall itself proposes considerable enhancement to the listed building. The majority of the unfortunate later additions and alterations, both to the external fenestration and internally, will be removed and restored to their original appearance and proportions. The replacement of later doors and window frames with more appropriate sash frames and the reconfiguration of openings to match their original form, in many cases provided with full natural surrounds or natural gritstone lintels and sill where appropriate, is welcomed. The repairs to the baroque facade and railings to the front is also welcomed repair which will enhance the building. Although most of the enhancements were proposed or conditioned by the 2011 single dwelling conversion, the applicant has demonstrated that this scheme is not viable and would result in a significant conservation deficit. This has now been supported by the independent assessment carried out by Smith and Roper Architects on



behalf of the Authority. The weight to be given to the principal objector's claim that he could achieve the enhancements in a single dwelling scheme which would either be viable or in which he would accept any deficit is a matter which the Committee needs to consider very carefully.

In conclusion, this amended scheme is acceptable (subject to appropriate conditions) in respect of the proposed demolitions and fenestration changes, as the works would enhance and restore the original form, character and appearance of the Hall in compliance with the relevant Adopted Core Strategy and Local Plan policies and with government guidance, notably in the National Planning Policy Framework. English Heritage has advised that the scheme would cause some harm through subdivision, even though that harm is considered to be "less than substantial". In accordance with paragraph 134 of the Framework (NPPF) English Heritage therefore advises the Authority that *"Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*. English Heritage advises that this balancing exercise is a judgement for the Authority to make. The Authority's Conservation Officer considers that as amended and subject to the conditions referred to above, the scheme would, on balance, deliver greater benefit to the listed building and its setting than the harm which would be caused, notably by the external works in the rear garden.

### **Key Issue 5 – Impact on Castleton Conservation Area**

The single dwelling scheme would bring significant enhancement to the Conservation Area through the removal of the unsympathetic extensions and alterations at the rear (despite the less than ideal parking arrangements in that scheme) and the repair of the baroque facade at the front. The current application also proposes the same repairs to the front elevation, together with restored railings. As concluded above, the new gateway to serve the second dwelling would slightly detract from the boundary containment and the setting of the Hall but, taking into account the additional enhancement in the current scheme for the new railings and gate detail, it is considered that the current proposals would preserve and enhance the conservation area.

The replacement of modern window frames with traditional sash frames, the re-rendering of the rear, the reinstatement of cast iron rainwater goods and the removal of inappropriate additions are all significant improvements to the rear of the Hall. Whilst those repairs and enhancements are acknowledged, the current proposals would also subdivide the rear garden with additional walling, hedges and gates to create the separate gardens and parking areas. However, as concluded above in respect of the impact on the listed building itself, the balance of enhancement against harm weighs in favour of the scheme.

### **Key issue 6 - Impact on neighbouring amenity**

Any potential impacts on neighbouring amenity are considered to relate to the relationship between the proposed dwellings and two adjacent dwellings, The Old Vicarage and the Coach House. The Coach House is separated from the Hall garden by high walling that masks lower views and which would cut out some noise, and the southern half of the building, closest to the Hall, has rooflights rather than windows at first floor level. The amended parking and garaging layout to serve the two houses would increase the parking and associated activity in the rear garden. There are differences in relationship between the parking area and the rear of the Coach House in the approved single dwelling scheme and the current scheme, but taking into consideration the tall boundary walling between the two properties, the lack of first floor windows at the southern end of the Coach House, and the degree of separation, it is considered that the relocated garaging and parking would not harm the amenity of the Coach House. The owners of the Coach House have not objected to the application.

In terms of impact on the Old Vicarage, whilst the roof of the double garage would be visible from the rear garden and rear windows of The Old Vicarage, it is not considered that it would have any significant impact on the residential amenities of The Old Vicarage in respect of loss of light or

overbearing as the ridge line of the garage would be parallel with and situated about 3.2 m away from the wall.

The application does not propose any parking provision on the shared main driveway as adequate parking and turning facilities are now proposed to be wholly within the walled garden. The amended layout of the parking and access provision also has the benefit of removing the second proposed vehicular access to serve the Tithe Barn dwelling, in favour of the single shared vehicular gateway through the wall at the end of the main driveway. The omission of this second vehicular access gate and the associated vehicle movements is a benefit as it was a very cramped layout. Its omission also appears to address some of the neighbours' amenity and safety concerns about potential conflicts between vehicles and pedestrians using the private drive with those vehicles manoeuvring into and out of the cramped Tithe Barn garden through the originally proposed second entrance.

There would, of course, be an increased level of use of the neighbours' private driveway as a result of it being shared with two dwellings instead of one. In theory this could double the vehicular and pedestrian traffic going down the drive, but it can be argued that one large dwelling would generate more activity than the two smaller ones would do individually, so whilst there could be some increase, it may not be double. The increased traffic, whilst potentially bringing with it an increased level of noise and potential disturbance, would nevertheless be at a level of use that your officers have judged to have a limited impact upon the residential amenities enjoyed by the Old Vicarage. This impact may be noticeable, but subject to being restricted to private residential use, it would at an acceptable level that would not warrant refusal or further changes to the submitted scheme, especially taking account of the central village location.

### **Key issue 7 – Access and Highway Issues**

The Highway Authority has no objections to the joint access and parking arrangements in principle, subject to the provision and retention of three car parking spaces for each dwelling or in the event that the dwellings were used for ancillary bed and breakfast use, six parking spaces for the Hall and four parking spaces for the Tithe Barn. The application, as amended, provides six spaces for the Hall (including garaging) and three for the Tithe Barn, all subject to resolution of the bungalow issue.

The owners of The Old Vicarage own the main access drive from Castle Street over which the applicant has a right of access. Consequently, the applicant cannot alter the access onto Castle Street, despite annotation on one of the plans regarding removal of the gate piers for safeguarding purposes during works. Additionally, there is no requirement for a highway condition to be attached in respect of the provision of gates on the joint driveway as this is not in the applicant's ownership. Furthermore, the owners of The Old Vicarage also own the remaining section of bungalow which sits on the drive and currently obstructs full access to the wall at the end of the drive where the applicant proposes the new joint entrance. Without agreement over its removal the applicant will be unable to construct the proposed new walling and gateway as shown on the plans. This is an on-going legal dispute between the applicant and the owner of the drive and the remaining section of the bungalow.

A suitable access to adequate off-street parking is normally a prerequisite for new dwellings. At present there is a dispute between the applicant and the owner of the remaining section of bungalow, who is also the principal objector and who has confirmed that the applicant does not have his agreement. Castleton is a busy tourist village where there is already strong pressure for on-street parking and congestion, particularly during the summer months. Consequently on-street parking for new development would normally be unacceptable as it would further detract from the Conservation Area. The access off the highway onto the shared private drive is good and there are no highway objections to the proposed layout, subject to the Tithe Barn being restricted to private use only (no B & B). Even if the bungalow section were to remain, resulting in the need for on-street parking, the Highway Authority officer has confirmed that a refusal on highway safety

grounds could not be supported. In terms of the impact on the character and appearance of the conservation area, the lack of on-site parking would result in vehicles associated with the dwellings being parked on surrounding roads (unless an alternative arrangement is found by the owners). Whilst this is not ideal, in practice it is likely to displace other cars rather than increase the overall number of cars parked on the streets so it would not have an additional harmful impact on the character and appearance of the conservation area. It is not unusual for dwellings in village centre locations to have no on-site car parking.

Consequently, if the application is acceptable in all other respects, it would not be tenable to refuse it on the grounds that on-site parking may not be achievable. One option would have been to use a condition stating that no other development take place until the access is provided in accordance with the amended plans. This form of negative or “Grampian” condition is widely used where there are matters which need to be addressed before a development can commence. It is particularly useful where an access may be disputed, leaving this to be resolved by the applicant rather than being a matter which the Authority needs to be concerned with. If the applicant is unable to satisfy such a condition they would either have to find an acceptable alternative or the development cannot commence. Such conditions are recommended, in appropriate circumstances, in the Government’s Planning Practice Guidance. However, in this case, officers consider that it would be unreasonable to impose such a condition given that it would be difficult to justify it on the grounds of highway safety or the impact on the character of the conservation area.

### **Key Issue 8 - Ecological Issues**

The main ecological issue associated with the proposed development concerns bats with the potential disturbance to breeding birds also an issue, particularly at the rear.

The Authority’s Ecologist notes that previous survey (2008) identified the presence of an old brown long-eared roost within one of the roof voids within the main hall. An emergence survey was also completed, concentrating on the associated buildings and walls of the main hall. No evidence of bats was found during the survey. However, the main hall and annex were assessed as offering high and moderate potential for roosting bats. The information provided in the May 2013 report states that these features were checked using an appropriate methodology. The September 2012 survey recommends that these features should be retained where possible. Cracks and crevices close to the eaves should be retained where it is structurally safe to do so.

Partial inspection of the roof voids in the main hall was also completed in April 2013 to establish the current status of the brown long-eared bat roost identified in the 2008 survey. This confirmed that there had been no recent bat activity in the void. No further survey of the main hall was necessary ahead of any work conducted below the roofline. The application has been amended to omit works to the main building above the roofline, therefore further survey is not required for the current application. The September 2012 and May 2013 surveys also recommend that the remaining works take a precautionary approach. To protect breeding birds and their young, the ecologist recommends that any vegetation clearance should be completed outside of the main breeding bird season.

Natural England have confirmed they do not object to the proposed development but consider that it is likely to affect bats through disturbance. They are, however, satisfied that the proposed mitigation is broadly in accordance with the requirements of the bat mitigation guidelines and should maintain the population identified in the survey report. They therefore recommend conditions covering the submission and written agreement of a detailed mitigation and monitoring strategy with works carried out in accordance with the approved strategy. Natural England also point out that a licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Natural England further point out that if works are proposed above the roof line, then further survey work will need to be carried out. In this case the applicant has confirmed that no works are proposed above the roofline, with the proposed new rooflights omitted now from the south slope of

the Tithe Barn roof and the existing rooflights retained on the north slope.

The Authority's Ecologist has been consulted and raises no objections subject to conditions and footnotes for clarification and to adopt working methodology and appropriate mitigation/enhancement. The detailed comments/justification is set out above in the consultations section of the report.

### **Environmental Management**

Policy CC1 seeks to build in resilience to and mitigate the effects of climate change and requires all development, amongst other things to; make the most efficient and sustainable use of land, buildings and resources, take account of the energy hierarchy and achieve a minimum sustainability standard in all new housing. The Climate Change and Sustainable Building SPD gives advice for owners of Listed Buildings and sets out the sustainability principles for traditional and historic buildings. In this case no details have been submitted to demonstrate compliance with the Policy and accompanying SPD, but the listed building status of the Hall and its prominent location in the Conservation Area would make it difficult to accommodate any renewable energy generation measures or passive energy conservation through double glazing, for example. In this case, therefore, is not considered to be necessary to require such measures.

### **Conclusion**

In comparison with a single dwelling scheme, which English Heritage consider to be the optimum use, the current application for subdivision involves harm to the listed building, which, overall, English Heritage and Authority officers consider is "less than substantial". Nonetheless, any harm created by a development which is for more than the optimum use raises an issue of principle in terms of the duty placed on planning authorities by sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 which require that the Authority *'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'* (section 16(1)) and *'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'* (section 66 (2)), and with paragraph 134 of the Framework. As noted above, section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had.

The issue of principle comes from its subdivision from the optimum use as a single dwelling and from the associated physical changes, particularly to the setting of the rear elevation and the setting of the garden from the creation of the separate garden and parking facilities. These changes also affect the Conservation Area and to the setting and amenity of the adjacent listed Coach House, albeit to a lesser extent.

The view which has been taken by English Heritage is that only essential works of repair and maintenance should be taken into account in determining whether there is a conservation deficit which could otherwise justify an approval of a scheme which is not the optimum use. At the meeting on 31 January 2014 and in the consolidated response dated 23 April 2014 English Heritage have clarified a number of points, including their view that whilst the subdivision does not fall into the definition of "enabling development", the template for assessing a conservation deficit is essentially the same as for enabling developments. On this basis, the Authority commissioned Derbyshire County Council to review the applicant's assessment and the objector's surveyor's assessment of this. Whilst recommending validation of some figures, the DCC report confirms that the approach taken by the applicant is valid and demonstrates that there is a conservation deficit. The figures requiring validation do not fundamentally affect this conclusion. Following further consideration of these issues, the Authority's officers instructed historic building architects to carry out a viability assessment for a single dwelling scheme which could deliver the key conservation benefits identified by the Authority's Conservation Officer. This assessment concludes that a single dwelling scheme would not be viable.

If Members are minded to approve the current applications, they should do so only on the basis of the advice in paragraphs 134 and 140 of the National Planning Policy Framework, which state that “Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use” and that “local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”. Significant weight must be given to the Authority’s statutory duties under sections 16, 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the listed building and the conservation area, referred to above.

English Heritage officers have made it clear that this assessment is matter for the Authority. The Authority’s Conservation Officer considers that the proposal will provide sufficient benefit through restoration and enhancement to outweigh, on balance, the harm identified by English Heritage. The conservation deficit which has been demonstrated shows that these benefits are unlikely to be realised through a scheme to restore the building to a single dwelling. This view is clearly disputed by the principal objector, who considers that he could refurbish the house as a single dwelling and that this would be the optimum and viable scheme. However, officers consider that the applicant has provided sufficient evidence that her proposal is the optimum and most viable scheme which would be acceptable in terms of its impact on the listed building and its setting and is one which is likely to provide a sustainable use for the building in the future. The principal objector has not produced alternative figures to demonstrate that he can deliver a viable single dwelling scheme which achieves the key conservation benefits.

In these circumstances the officer recommendation is of approval, subject to a section 106 legal agreement to secure the benefits being proposed and to ensure sympathetic long term management of the two dwellings, and to appropriate planning conditions.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers (not previously published)**

Nil

This page is intentionally left blank

## **APPENDIX 1: Extract from Smith and Roper’s assessment relating to the viability of a single dwelling scheme**

### **COSTS**

An estimate of the project development costs was commissioned from Patrick Meeds and Associates of Hathersage and a copy of their Budget Estimate – Issue No. 2 is appended to this report. A valuation report was commissioned from Wright Marshall Estate Agents of Buxton, on the basis of conversion to a single dwelling. A copy of the report prepared by Roger Lee FRICS is also appended to this report.

In summary, Patrick Meeds has calculated the total development cost for conversion to a single dwelling to be in the order of £1,331,994.49. The potential sale value of the completed property as estimated by Wright Marshall is in the order of £800,000 - £900,000. This demonstrates a shortfall of £430,000 - £530,000 between the development cost and potential sale value as a single dwelling. When considering conversion to a single dwelling with ancillary commercial use, assuming a similar development cost, and with a potential sale value of between £1,000,000 and £1,100,000 there is still a shortfall in the order of £230,000 - £330,000 between the development cost and potential sale value.

There are a number of items included within the approved drawings which are not necessarily essential conservation benefits. These are listed below with their costs as included within the Budget Estimate:

Clean south elevation masonry using JOSS/DOFF system	570
Replacement of felt lining to valley gutter with lead	15,000
Replacement of existing solid concrete floors	5,840
Telephone and data wiring, intruder alarm	5,900
Window surrounds to Tithe Barn south elevation	10,760
	<hr/>
	38,070
Associated Prelims, contingences and VAT (22.6%)	8,604
	<hr/>
	46,674
Adjustment to Fees, VAT, finances charges (18.8%)	8,775
	<hr/>
<b>Total Potential Saving</b>	<b>55,449</b>
<b>£</b>	<hr/>

Although not insubstantial, these omissions would however have only a minor impact in reducing the shortfall between the development costs and valuation.

In his valuation report, Roger Lee identifies that the large size of Castleton Hall will have a downward pressure on the demand for the property and consequently upon its value. The impact of this is that beyond a certain point, the costs of conversion do not have the consequential effect of increasing the value of the property.

Roger Lee also confirms that the overall value of the property would be greater by approximately £200,000 were it to consist of a single dwelling with an ancillary commercial use, and suggests that the house be located within the main hall, with the northern section including the former Tithe barn having a mixed commercial use.

As requested, we have also explored the possibility of a phased project.

A minimum scheme could comprise Phases 1 and 2 as outlined within Patrick Meeds and Associates’ Phasing of Works document. This would encompass the works of essential conservation benefit and the conversion of the main southern section of the building into a single dwelling. The estimated costs (rounded to the nearest pound) are as follows:

Site Acquisition Costs		£272,500
Construction Costs: Phase 1	305,988	
Phase 2	246,014	
	<u>552,002</u>	
Preliminaries (77%)	47,749	
	<u>599,751</u>	
Contingencies (7.5%)	44,981	
	<u>644,732</u>	
VAT @ 5%	32,237	
	<u>676,969</u>	
Total Construction Cost		676,969
Fees 10%		67,697
VAT on Fees 20%		13,539
Finance (adjusted pro rata)		46,200
Sales Fees (adjusted pro rata)		<u>11,550</u>
<b>Development Cost (phases 1 and 2 only)</b>		<b>£ <u>1,088,455</u></b>

The result of a partial project would be single dwelling of approximately 50% of the floor area of the approved scheme. Even when omitting the non-essential conservation benefits outlined above the development cost is only reduced to £1,033,006 which is still greater than the value of Castleton Hall if fully converted to a single dwelling.

## CONCLUSION

Whilst conversion to a single dwelling with ancillary commercial use may offer the optimum viable use, retaining the building in single ownership, there remains a significant shortfall between the development cost and potential sale value. Neither conversion to a single dwelling nor to a single dwelling with ancillary commercial use offers an immediate return on the development cost. Consequently the retention of the building in single ownership would be dependent upon any owner committing to a long term investment or being a philanthropist committed to the conversion and restoration of the Hall whatever the cost. Although such owners do exist, it would be unreasonable to insist upon or expect such a person to take on the responsibility of Castleton Hall. My overall conclusion therefore has to be that the conversion of Castleton Hall to either a single dwelling or single dwelling with ancillary commercial use in single ownership is regrettably not financially viable.



## **APPENDIX 2: Consultations and Representations**

Highway Authority - Refer the Authority to their previous response on the 2012 application for conversion to two dwellings. This stated that dwellings with 4 or more bedrooms should be provided with 3no. off-street parking spaces therefore, subject to each of the proposed dwellings remaining private and ancillary to the main occupants with no future sub-letting, sub-division or selling-off, parking provision is acceptable. However, if rights to use up to half of the bedrooms within each of the premises for bed and breakfast without any further permission are to remain, suggest that the applicant be requested to submit revised details demonstrating a total of 6no. and 4no. spaces for the Hall and Barn respectively, all clear of adequate manoeuvring space to enable all vehicles to enter and exit the site in a forward gear. Therefore, subject to inclusion of conditions covering the following, there are no highway objections to the proposals:

1. Provision of construction parking storage and manoeuvring space on site
2. The sole means of vehicular access to be from Castle Street
3. Provide parking space before occupation
4. Maintain garage and parking spaces in designated use
5. No gates or other barriers within 5.0m of the nearside highway boundary and any gates shall open inwards only.

(Planning Officer Note: The access and drive from Castle Street are in the ownership of the adjoining property, The suggested condition 5 could not therefore be included in the event of a decision to grant consent as such a condition would be unenforceable).

6. Premises shall be used as private residential dwellings only with no commercial use

In the event that permitted development rights for commercial use are to remain, e.g. bed and breakfast, recommended condition 6 above be excluded.

Borough Council - No response.

Parish Council - Support this application and welcome Castleton Hall to be converted into two residential dwellings and not used for holiday accommodation. In respect of the amended layout and additional information the Council stand by their previous decision and welcome this to be turned into residential accommodation. They are concerned by the length of time this application has taken and are concerned the building may start to deteriorate.

English Heritage - there have been six English Heritage responses in total. Following the meeting with EH on 31 January, they produced a “consolidated” response. The full letter is attached in appendix 3 to this report. The most recent response (25 March 2015) is summarised in the main report.

Amenity Bodies - No responses.

PDNPA Historic Buildings Architect

Principle of conversion to two dwellings:

The amended conversion to two is acceptable in listed building terms. The judgement on the conservation deficit is left to the Planning Officer.

Design proposals:

Generally fine and overall amount to a substantial enhancement of the listed building. The decision

to base the design of the front elevation railing and gates on the historical arrangement shown in the early photograph is particularly welcomed.

Therefore supports the application with some caveats:

- the garaging and parking arrangement, though vastly improved, could be further refined.
- the size of the proposed rooflights needs clarifying
- the detailing of some of the windows and doors could be improved

Garaging and parking:

Amended arrangement is a huge improvement on the submission. The simpler wall arrangement and removal of vehicles from the immediate setting of the Tithe barn property is very welcome. The lack of spatial containment to the main hall's parking area is unfortunate, and contrary to the spirit of how such areas would have been organised historically. Some form of enclosure to the parking area - if only a beech hedge - would prevent the sight of cars intruding into the garden. The garage needs lintels over the doors. Also concerned about the addition of double gates connecting the Tithe barn property's parking area to its garden which historically would have been only a narrow pedestrian gate, a double gate will erode the character of the wall too much and enable cars to access the rear garden. Question the need for a hedge running parallel to the wall on the Tithe barn property's parking area which would conflict with the sliding entrance gate. There is a need to agree a design for the gates.

Rooflights:

There should be no rooflights on the roof of the tithe barn facing the hall front courtyard. Other rooflights are shown as different sizes on different plans and should be restricted to the smaller size.

Windows and Doors: The principle is that:

- Any original window that survives must be retained as a single glazed window, repaired as necessary. If it has internal shutters (either surviving or restored), these will preclude the use of secondary glazing; without shutters, secondary glazing is possible.
- The main front windows need to be restored to sash and must be single glazed on this key elevation.
- Elsewhere on the building, where there is only a modern replacement window or where a new window is approved, such windows can be double glazed provided there is an enhancement in the design.
- The detailing for the single glazed windows is fine but some drawings refer to using slim double glazed units to all sash windows which will not be acceptable on the front.
- The five casement windows proposed (drwg no 403) are replacements to non-original windows and can be double glazed, however design and detailing needs improving.
- The small paned, glazed doors are rather busy visually, but can accept them on the Sun Room. They are much less appropriate on the main building itself and whilst not refusible the scheme could be improved by looking again at the glazed door designs. Existing drawings are not accurate and confusing, further details/clarification/minor changes or schedule are needed.

The applicant's response to these recommendations is covered in the report.

### Natural England

No objections to submitted scheme, offer the following comments which have been summarised by officers. In respect of the amended plans they state the advice provided for the submitted scheme applies equally to the amendments and comment that the proposed amendments to the original application relate largely to layout, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Statutory nature conservation sites - no objection

Protected species - no objection. The proposed development is likely to affect bats through disturbance, but are satisfied that the proposed mitigation is in accordance with guidelines and should maintain the population identified in the survey report. Recommend conditions and footnotes covering the following in any consent:

- Submit and agree detailed mitigation and monitoring strategy.
- Advisory footnote re: bats being a protected species, licence requirements and the need for specialist advice.

If works are proposed above the roof line, then Natural England recommends further survey work will need to be carried out.

Biodiversity enhancements:

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Landscape enhancements:

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

PDNPA Tree Officer

Fully support applicant's tree assessment. Suggests a planning condition to the effect that if the yew trees on the site decline to a condition where they will not recover, replacement trees/hedge will be planted. The species choice and location to be agreed with the Authority.

PDNPA Ecologist

No objections subject to conditions and footnotes for clarification and to adopt working methodology and appropriate mitigation/enhancement.

## **Representations**

Please note that full copies of all representations are available on the Authority's web site.

## **Letters of Objection**

There have been three letters of objection, including one substantial objection from the owner of the adjacent property, The Old Vicarage. In addition to this, the solicitor acting for the owner of the Old Vicarage has written several emails raising questions and objections. The points raised are summarised below:

Points made by the general letters of objection:

- Understood the High Court had quashed these plans, question why the same application terms have reappeared.
- This is a great place and should be retained and restored as a single house.

The representation made on behalf of the owner of The Old Vicarage is substantial and detailed. It is supported by a detailed Heritage Statement and a Development Viability Assessment and has been updated and amplified in response to the amended plans and information submitted by the applicant. The full representation and its supporting reports are available in full on the Authority's website. The following are the main points in the initial, substantive, objection, summarised by officers (NOTE: the letter is from the objector's solicitor and references below are to the objector's consultants and advisors). Since the submission of this objection there has been a continuing dialogue with the objector and his representatives and those representatives attended the meeting

---

with English Heritage officers on 31 January 2014:

1. The information provided with the application is so poor that a proper view cannot be formed about the significance of the assets, the impact that the proposals will have on the heritage assets and on their setting, or the impact on the Castleton conservation area. These failings alone are sufficient to dictate refusal of these applications. Indeed the NPA now has before it the professional view of our heritage consultant that the applications should not even have been validated given the almost total lack of relevant supporting information. The English Heritage consultation response supports our heritage consultant's conclusions in this respect.

2. It would be unlawful for the NPA to attach weight to any claim by the applicants that the works proposed are necessary in order to preserve the listed building. The owners are under a legal obligation to ensure that no harmful deterioration takes place, and this is an obligation that the NPA can enforce through its statutory powers. Moreover, no evidence has been submitted to support any assertion that the building is in imminent danger of harmful deterioration.

3. The building was purchased very recently in 2012 when the only certain potential was existing planning permission for conversion as a single dwelling, therefore this responsibility was accepted unconditionally at that time. As a matter of common sense, this is compelling evidence that the current owners must have concluded at the time of purchase that conversion to a single dwelling was viable (even if that were the correct legal test, which, as our heritage consultant and our Development Viability Assessor explains, it is not). The applicants have not submitted any evidence to the effect that there has been marked change in the market in the last 12 months such that their initial assessment has proved incorrect. It follows that, on the applicants' own case, either the single dwelling remains as viable now as it was 12 months ago, or they bought the house as part of a commercial speculative venture to secure a profit, and now expect the NPA to put to one side the proper legal and policy tests so that they can realise that profit.

4. The optimum use of Castleton Hall consistent with its significance as a listed building is as a single dwelling. It is the least harmful use. Our heritage consultant and English Heritage agree that conversion to two dwellings as proposed will result in harm to the significance of the designated asset.

5. The applicants have not provided any or any adequate evidence to discharge the burden set out in para. 134 of the NPPF. No information has been submitted to support any assertion to the effect that the harm is outweighed by the public benefits of the proposal. Indeed no public benefit has been identified at all. Nor, for the reasons set out below and above, can it be said that the works are needed to secure the optimum viable use of the asset. This is because (a) the works will not secure the optimum use, which is as a single dwelling (b) the valuation evidence does not support a case that a single dwelling use is not viable and (c) there is evidence that a two dwelling conversion will not be viable in the long term.

6. The viability information is poor and does not provide the exercise which should be required i.e. the comparison of all necessary (not aspirational) costs of renovation and sale value of a single dwelling conversion versus a two dwelling conversion. These failings alone inevitably lead to a conclusion the applications must fail. The burden of proof is on the applicant to establish optimum viable use and this has not been done.

7. Despite this, it is still clear that a single dwelling conversion is viable. The available market values strongly support the argument that my clients have consistently made, namely that the extra value generated by a two dwelling conversion is (a) speculative (b) marginal and (c) very likely to be wiped out by the extra costs involved.

8. Further, the market evidence supports the view (endorsed by English Heritage) that conversion to two dwellings will endanger the long term viable use of Castleton Hall by potentially rendering half of the heritage asset unattractive to the market.

9. All of the above is without prejudice to the central point, that the proposal should secure the optimum viable use, and this proposal will not do this.

10. To the extent that the proposal is put forward as “enabling development” it does not meet the necessary tests (as agreed by English Heritage), and in any event no planning conditions or agreements have been offered which would secure the benefits that are being claimed.

11. The development proposal to subdivide Castleton Hall is a poor design which will be unattractive to purchasers. The smaller dwelling to be marketed as a £500,000 family home has almost no garden (The design and access statement summarises this inaccurately). The available land for both properties will be overwhelmed by car parking for 12 cars whilst access arrangements will be constrained and shared with a third property, the Old Vicarage.

12. The value of Castleton Hall finished to a reasonable standard as a single dwelling would be £1.15m - £1.25m and as two dwellings £750,000 and £500,000 respectively. It therefore seems that, not only is the single dwelling conversion scheme viable, it could be more saleable and more profitable than the 2 dwelling scheme. The applicants acknowledge that the costs of a 2 dwelling conversion are more than a single dwelling restoration.

13. There is a market for Castleton Hall as a single dwelling, as demonstrated by the objector’s offer to buy the property.

14. The proposal includes demolition of a bungalow as enabling works. One corner of that bungalow remains and would block the proposed access. Our client is the registered owner of the land upon which that part of the bungalow sits, and will not permit demolition. It is a material consideration that the enabling works cannot be carried out to create the proposed access and any other arrangement would result in yet more harm to the listed walls.

15. The net contribution of one luxury dwelling to meet local housing demand is completely insufficient to outweigh the harm caused by this proposal.

16. The proposal is detrimental to the residential amenity of the Old Vicarage due to the intensification of use of the driveway owned by our client, the fact that our client would not be allowed to securely gate the access which he owns and due to the noise and light from parking for a large number of vehicles next to lounges and bedrooms of the Old Vicarage. The access to the proposed dwellings is via the private access owned by our client and is not in joint ownership, as stated in the design and access statement.

17. Applying the correct legal tests, the current applications should not succeed.

18. Attach a copy of a public offer to purchase Castleton Hall for £50,000 more than was paid for it in 2012 to cover the costs of the applicant and allow a reasonable profit to them. Members of Planning Committee must treat this genuine offer to purchase Castleton Hall as a material consideration because there is a viable opportunity to deliver the full restoration of Castleton Hall for its optimum use as a single dwelling and there is no need to accept an inadequate, harmful and less optimal proposal so soon after the property was purchased by the applicants in 2012.

19. My clients wish to save Castleton Hall from subdivision, restore it as a single dwelling to respect its heritage value and live there as their year round family home. Officers and Members must ask themselves if planning permission is refused and this applicant cannot or will not restore it as a single dwelling, will the building fall into disrepair? The answer is “no”, because not only does the NPA have statutory powers to force the owner to ensure that the asset does not deteriorate, but because there is clear evidence before the NPA that conversion to a single dwelling is viable and will ensue whether it is undertaken by this applicant or somebody else if NPA indicates that no other planning permission is appropriate or available. It is accepted that the applicants might not be willing to sell Castleton Hall to my clients, but it would be wrong to assert that this invalidates evidence that restoration of Castleton Hall to a single dwelling is viable and since that is the

optimum use, NPA cannot ignore that evidence.

20. English Heritage have suggested imposing controls over united ownership of the site. This is acceptance that the present scheme to subdivide the site has a real risk of failure and EH want (understandably) to preserve the opportunity for it to revert to its optimum use a single dwelling.

21. Consider that no such control can be imposed by NPA; a condition to this effect would not be lawful or enforceable and could in any event be removed using a section 73 application and if necessary an appeal. A section 106 agreement under the TCPA 1990 cannot lawfully be used to control the ownership of this site.

22. Even if the Tithe Barn was simply leased rather than sold, this could still be pursuant to a long lease of 999 years which is equivalent to a freehold in any event.

23. The applicants have clearly stated they need to sell the Tithe Barn first to raise the funds to carry out the works to the Hall so there would be resistance to this suggestion anyway.

24. Nothing in the proposal can ensure that all the works will be carried out, even a programme of works condition. In relation to the previous permissions the applicants did not adhere to the programme of works from the very start and upon investigation NPA decided that enforcement action was not possible.

25. The suggestion from EH regarding ownership controls is entirely without merit, not appropriate to offer any solution when the conclusion of the EH consultation response is that this is an unacceptable proposal.

26. Attaches the professional reports of a heritage consultant, a Development Viability Assessor and a local estate agent. These reports have been commissioned so the NPA can consider the applications with the benefit of relevant heritage and valuation evidence. This is information that should, as a matter of local and national planning policy, have been provided by the applicants at their expense. They failed to provide this information, and the NPA failed to demand that such information be provided.

In summary the Development Viability assessor's conclusions (first response of three) were:

The applicant has failed to justify a case for conservation deficit.

The application does not with comply with the requirements of PPS5, English Heritage guidance and is contrary to planning appeal precedent.

1. The applicant has failed to provide a case for enabling works.
2. The proposal would be harmful to the place and setting of the historic building.
3. The proposal for that part of Castleton Hall labelled "old tithe barn" is ill conceived.
4. The application and the subsequent supporting statements issued by the applicant are confused and contradictory.
5. The applicant fails to provide any tangible benefit that might outweigh the harm the proposal may cause to the listed building
6. The applicant's proposal for planning related safeguards lack credibility and purpose and cannot be effective

The Heritage consultant's conclusions are:

1. The applications do not fulfil the requirements of paragraph 128 of the NPPF in terms of the information provided and the appropriateness of that information to enable the local planning authority to make an informed determination.
2. The information provided in support of the current applications is not sufficient to inform a robust understanding of Castleton Hall's significance as a Grade II Listed building or the contribution made to that significance by its setting.
3. The information provided in support of the applications is not sufficient to inform a proper understanding of the proposed development's impact upon the significance of the Grade II listed Castleton Hall or the wider character and appearance of the Castleton Conservation Area.
4. The applications do not address the requirements of Paragraph 132 and 134 of the NPPF in providing clear and convincing justification for the level of harm which will result from their implementation or convincing evidence that the public benefits of the proposed two-dwelling scheme outweigh the harm predicted.
5. There is no credible evidence that the form of development proposed represent the 'optimum viable use' for Castleton Hall.
6. In the majority of cases, the purported benefits could just as easily be delivered by the implementation of the previously approved single-dwelling scheme as they could by the implementation of the current applications.
7. Whilst in theory the proposed two-dwelling scheme would deliver one additional new dwelling in Castleton, it is clear that the conversion works would cause a far greater degree of harm to the fabric and setting of the Grade II listed building than the scheme previously approved by the NPA.
8. That the provision of one extra dwelling (whether retained in family ownership or otherwise) is not an exceptional circumstance which would justify the harm caused by this proposal.
9. In light of the fact that even the applicant's 7 November submission casts doubt on the commercial viability of even the two-dwelling scheme, the Heritage Consultant concludes that it cannot represent the optimum viable use for Castleton Hall, as it is not the scheme which causes least harm to its significance.
10. Whilst the amended plans illustrate that features of the original scheme, such as the creation of a linear beech hedge in the east courtyard, have now been removed, it is still the case that the creation of a second dwelling still necessitates harm, which, whilst *less than 'substantial'*, is still clearly greater than that which would be caused by a single dwelling scheme and must be outweighed by the scheme's benefits in order to accord with the requirements of national planning policy.
11. Whilst the applicant has submitted additional supplementary information to the NPA, no convincing case has been put forward to identify those 'exceptional circumstances' which would enable the current applications to be positively determined in accordance with Policy L3 of the NPA's Local Development Framework.
12. Without being able to robustly and accurately assess the impact of the proposals, and the harm which would result from their implementation, against the scheme's benefits, it is inconceivable that the NPA Historic Building Architect could reasonably conclude either that the conversion [of the Hall] to two is acceptable in listed building terms or recommend that they are in support of the application.

13. Recommends that the current revised applications should be refused as they do not accord with the requirements of either the NPPF or Policy L3 of the Local Development Framework Core Strategy.

### **Letters of support**

There have been 33 letters of support at the time the report was written. These raise the following points which have been summarised by officers.

- At present the building remains an eyesore in the middle of the village. As it currently stands the building is unusable. The state of the property at present is derelict and unattractive and clearly in need of a lot of refurbishment. This beautiful old building is looking very sad, and NEEDS to be lived in. Without this work the former hostel will be left in disrepair and be an unattractive eyesore in what is a beautiful village.
- There was much goodwill from the local community to see the house renovated, and not be left to suffer further decay as another winter arrives. The time for the renovation to start is now.
- The design is very sensitive, maintaining and restoring the character of the existing building. The proposals will restore the building to its original history. The plans to restore it to its former glory are to be commended and will be a positive step. This work will sustain the building for future generations.
- Disappointed that planning problems have meant that work had ground to a halt, meaning this grand old building was left languishing and deteriorating. It is in nobody's interest to delay this restoration. Disappointed that planning delays have left this prominent building, an important contribution to village heritage, unoccupied and in a state of poor repair.
- Re-development is to be completed to the highest standards and in keeping with the local area. Proposed development is excellent, suitable.
- This project will enhance the area and village - sympathetic nature of the development can only enhance the Market Place. The village centre as a whole and not just the hall will benefit greatly from the improvements. Impact that this project will have on the village will be positive. The development of this building would reinvigorate the square. The longer it remains undeveloped, the more negative effect it will have on the visitors of the square.
- Sensible to preserve as many original features as possible. This proposal would enhance the features of the building, and prevent a beautiful building from becoming a run-down eyesore in the middle of a village which is important for the tourist trade in this area, and prevent this prominent landmark building becoming increasingly derelict in the heart of the village pending redevelopment at some later, unknown date.
- This is a sensible use of a large building which will provide two new homes, and potentially bring in two new families to the area to support local amenities and benefit the economy while creating living accommodation of family size, thus increasing the housing stock. The addition of two family sized homes will be a wonderful addition to the heart of the village, and will make two large and very pleasing dwellings. The plan for two homes to be created while the original building is repaired in a sensitive and attractive way sound perfect.
- The property would be better suited as two dwellings due to the fact of its vast area. Considering its former use, and the volume of people using the former premises, this proves to be too large as one residency. Would provide more houses and at a more affordable price than one large dwelling. The hall is currently in need of significant repair and renovation, undertaking this work through the attached detail, and splitting the existing



dwelling into two, will provide the best opportunity to ensure the dwelling becomes occupied once again.

- A single dwelling of this size, in this location is not viable. Large homes of this size are not viable in this day and age.
- Peak District villages need families to cherish the buildings and contribute to community life and the local economy. Two family sized houses would contribute more to the village than a single large property. The village needs more family homes within it to keep the economy viable all year round and not just in holiday seasons. Important to retain local communities and not just be a visitor centre.
- It is always beneficial to regenerate existing buildings when their previous use is no longer practical.
- It will preserve and add to the character of the hall to the benefit of the local people and the many visitors the village attracts.
- The house at the front and side will still look as if it is one dwelling, even when split into two. It is only at the rear, which is out of public view, will the garage and gardens look different.
- The proposed plans offer good use for the building, keeping in the style and tradition of the square and providing much needed residential houses in this sought after area. important to allow this building to move forward, be renovated and become a home, before it falls into further disrepair.
- Fantastic proposal. To finally reinstate Castleton Hall as a grand, historic building. Restored and conserved for future generations with all the damage caused by conversion to a youth hostel repaired, Castleton Hall can be resurrected from the shameful state it is currently in to two proud dwellings once again.
- It would be a shame to see it turned back into a youth hostel or similar.

This page is intentionally left blank

### **Appendix 3: Core Strategy and Local Plan policies**

General Strategic Policy GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development. GSP2 supports development that would enhance the valued characteristics of the National Park and sets out the criteria upon which proposals intending to enhance the park must meet and states that they must demonstrate significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and not undermine the achievement of other policies. Furthermore work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings. Policy GSP3 sets out the principles and finer criteria for assessing impact on valued characteristics stating that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.

GSP3 is supported by the provisions of saved Local Plan policy LC4 (a), which says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, and mass in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting along with design matters, landscaping the amenity of nearby properties and any nuisance or harm from lighting schemes

Core Strategy (CS) Policy DS1 sets out the development strategy for the park and states that within settlements conversion or change of use to housing will be permitted, preferably by the re-use of existing buildings;

Policy HC1 sets out the Authority's approach to new housing in the National Park and states that exceptionally new housing by reuse of an existing building can be allowed where in accordance with core policies GSP1 and GSP2 it is required to achieve conservation or enhancement of listed buildings or certain listed settlements like Castleton;

L1 requires that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan, and other valued characteristics. L2 requires that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate, their setting.

L3 seeks to ensure the National Park's historic built environment is conserved and enhanced for future generations and set out three criteria under which the current application should be assessed because of the potential impacts proposed development on cultural heritage assets of archaeological, architectural, and historic significance:

- A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;

- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

Policy CC1 seeks to build in resilience to and mitigate the effects of climate change and requires all development, amongst other things to; make the most efficient and sustainable use of land, buildings and resources, take account of the energy hierarchy and achieve a minimum sustainability standard in all new housing.

Local Plan policies LC5 and LC6 deal with conservation areas and listed buildings. LC5 requires that development within Conservation areas should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Proposals involving demolition of existing buildings which make a positive contribution to the character and appearance or historic interest of the Conservation Area will not be permitted unless the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building. Policy LC5 says that when development proposals would affect the special qualities of a Conservation Area, the following matters should be taken into account:

- form and layout of the area including views into or out of it and open spaces;
- scale, height, form and massing of the development and existing buildings to which it relates;
- locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and
- the nature and quality of materials.

Local Plan policy LC6 sets out the Authority's detailed policy on Listed Buildings and states:

- (a) Planning applications for development affecting a listed building and/or its setting should clearly demonstrate:
  - (i) how these will be preserved and where possible enhanced; and
  - (ii) why the proposed development and related works are desirable or necessary.
- (b) Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on features of architectural or historic interest. Information should include appropriate floor plans, elevations, sections, notes of the specification of materials, and (where external work is involved) plans and elevations showing the listed building's relationship to its curtilage and to neighbouring structures.
- (c) Development will not be permitted if it would:
  - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the listed building;
  - or(ii) result in the loss of or irreversible change to original features or other features of importance or interest.
- (d) In particular, development will not be permitted if it would directly, indirectly or

cumulatively lead to:

- (i) changes to plan form which involve removal of original walls, stairs, or entrances, or sub-division of large interior spaces;
  - or (ii) removal, alteration or unnecessary replacement of structural elements including roof structures, beams and floors;
  - or (iii) the removal, alteration or unnecessary replacement of features such as windows, doors, shutters, fire surrounds and plasterwork;
  - or (iv) the loss of curtilage features which complement the character and appearance of the listed building (e.g. boundary walls, railings or gates);
  - or (v) the replacement of original features other than with original materials and with appropriate techniques;
  - or (vi) repairs or alterations involving materials, techniques and detailing inappropriate to the listed building;
  - or (vii) extensions to the front of listed buildings;
  - or (viii) extensions of more than one storey to the rear of listed small houses or terraced properties.
- (e) Conversion of a listed building to a use other than that for which it was designed will not be permitted unless it can accommodate the new use without enlargement and does not require major rebuilding. The new use must not involve or lead to changes to the listed building or its curtilage and/or setting that would adversely affect its architectural or historic interest and integrity.
- (f) Where change to a listed building is acceptable, and before the work is carried out, an adequate record of the changes made will be required.

Local Plan policy LC8 sets out specific criteria applicable to conversions of buildings of historic merit and states that conversion of a historic building to a use other than that for which it was designed will be permitted provided that it can accommodate the use without changes that would adversely affect its character and the new use does not lead to changes to the buildings curtilage or require new access or services that would adversely affect its character or have an adverse impact upon its surroundings.

Local Plan Policies LC17 and LC18 refer to the protection of site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

This page is intentionally left blank



**ENGLISH HERITAGE**  
**EAST MIDLANDS OFFICE**

Mr John Scott  
Peak District National Park Authority  
Aldern House  
Baslow Road  
Bakewell  
Derbyshire  
DE45 1AE

Direct Dial: 01604 735400  
Direct Fax: 01604 735401

Our ref: L00255672

23 April 2014

Dear Mr Scott

**CASTLETON HALL, CASTLE STREET, CASTLETON**

Thank you for asking English Heritage to provide consolidated advice (via email, 9 April 2014) on the above planning and listed building applications for Castleton Hall, Derbyshire. Our advice takes account of all information associated with this application presented on your website. We were shown modifications to the scheme at the meeting held on 31 January 2014 and we assume that these are being treated as modifications to the application. Your authority has also asked us to consider the Derbyshire County Council report on the applicant's development appraisal (21 March 2014) and a paper produced by Milner Commercial explaining their approach to the applicant's Financial Development Appraisal and Viability Test (21 February 2014).

It is our understanding that it is the intention to create two separate freeholds - Castleton Hall and the north wing (Tithe Barn).

Our advice takes account of relevant guidance, including the Planning Practice Guide that has been published since our meeting in January. Having now consolidated our advice on this application, it is important to emphasise that this letter supersedes our previous comments dated 19 September 2013, 6 December 2013, 20 December 2013 and 9 January 2014.

**Summary**

Castleton Hall is a Grade II listed building of special interest in the national context, situated within the Castleton Conservation area. The current listed building and planning application proposes the conversion of the Hall into two dwellings, with separate curtilage to the rear and parking provision. Our advice is given in line with the Principal Act, the NPPF, the Planning Practice Guide, and the PPS5 Historic Environment Planning Practice Guide, which remains in force. Our published guidance document Conservation Principles (2008) further expands upon the value of historic places and how English Heritage assesses proposals for change in that



44 DERNGATE, NORTHAMPTON, NN1 1UH  
Telephone 01604 735 400 Facsimile 01604 735 401  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*



## ENGLISH HERITAGE

### EAST MIDLANDS OFFICE

context.

English Heritage supports the principle of securing a sustainable use for this building and we believe that a residential use is consistent with the long-term conservation of the listed building. We consider the proposal will result in a degree of harm to significance, which we believe is less than substantial, leading to consideration of the case against the relevant paragraphs of the NPPF (131, 132 and 134). We do not consider this is a case of enabling development and (in the context of previous planning conditions) we believe your authority will need to weigh up the public benefit of enhancing the significance of this listed building via full restoration against the degree of harm arising from the scheme that is proposed.

### English Heritage Advice

#### *Significance*

Castleton Hall is listed Grade II as a single dwelling dating from the early and later 18<sup>th</sup> century. It is built of coursed limestone with Welsh slate roofs. Of particular historic and architectural interest is the early-mid 18<sup>th</sup> century Baroque facade with striking classical detailing, giant pilasters and central doorway with large stone surrounds. Historical research including map regression shows a building on this site in 1614, though it is possible there may have been earlier development. On a plan of 1721 the north wing is noted as a tithe barn and within the adjacent pinfold. Internally and externally there are different architectural styles within the north wing, suggesting a different date/use. It is not known whether the house was occupied historically as two dwellings, although it is conceivable that at some point the north wing was in agricultural use to support the main dwelling, and then later domesticated and fully incorporated into the main house with visible 19<sup>th</sup> century alterations. 19<sup>th</sup> century tithe maps show some sub-division within the rear curtilage and it is acknowledged that the most recent use of the Hall as a youth hostel resulted in much alteration including new build within the grounds, which has in part had a detrimental impact on significance. In defining the heritage significance of the Hall, the evidential and historic value of the building relates to the evolution of the plan form, notably in its significant phase and development as a substantial property in single ownership when the grand and polite facade was created, with the supporting agricultural and domestic functions contained within its grounds. This is expressed architecturally - allowing the form of the main substantial block with architectural pretensions (presumably reflecting the social standing or aspirations of the owner) to be read in the context of the architecturally subservient north wing - which clearly housed service accommodation and related functions. The two are entwined in terms of function - the polite accommodation would not have functioned properly without the service elements. This relationship between polite range and service range is seen repeatedly in country houses of all scales - Castleton Hall shows the same arrangement in the context of a grandiose property in



44 DERNGATE, NORTHAMPTON, NN1 1UH  
Telephone 01604 735 400 Facsimile 01604 735 401  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*





## ENGLISH HERITAGE

### EAST MIDLANDS OFFICE

the middle of a small market town.

#### *Impact of the proposed works on significance*

In considering all information, it remains the view of English Heritage that the proposed works would cause a degree of harm to significance. This degree of harm is judged as less than substantial and arises from both physical alteration and the consequences of separation. We recognise the physical alterations both internally and externally are minor and reversible. Particular concern was expressed over the physical subdivision of the curtilage - amendments have been submitted to remove any separation at the front of the property, and the harmful impact of proposed boundary treatment to the rear has been mitigated by changes tabled at the meeting in January 2014. However, the scheme remains depicted as separation with a smaller curtilage to the second property known as Tithe Barn. In our view, the potential harm to significance relates to the separation of a building which derives significance from its use as a single dwelling associated with its most important period of architectural development and the consequent implications for long term sustainability of the asset. This includes the potential longer term physical alterations, including incremental changes that could arise from separation and future separate ownership; and whether separation might affect viability in the longer term. It has been accepted previously that the optimum viable use for the Hall is as single dwelling house and thus the question remains whether there is a 'clear and convincing' justification to accept the harm caused by the separation, in light of the public benefits associated with the scheme - in this case full restoration of the building and its fine architectural details.

#### *Relevant Policy*

As these applications affect a listed building and a conservation area, the statutory requirements to have special regard to the desirability of preserving the building, its setting and any features of special interest (s.16, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account in the decision-making process.

Your authority should also aim to achieve the objective of sustainable development, which in this context means guiding the development towards a solution that achieves economic, social and environmental gains (paragraph 8, NPPF). The environmental and possible social gain worthy of seeking in this case, is the continued conservation of the listed building and this part of the conservation area so that the heritage value or significance can be enjoyed by present and future generations - an overarching planning objective (paragraphs 17 NPPF).

Our assessment is that the proposal will have a less than substantial harmful impact

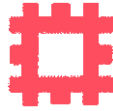


44 DERNGATE, NORTHAMPTON, NN1 1UH

Telephone 01604 735 400 Facsimile 01604 735 401

[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act. 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*



## ENGLISH HERITAGE

### EAST MIDLANDS OFFICE

on the significance of the listed building and the conservation area as a whole. Great weight is to be given to the conservation of listed buildings (paragraph 132 NPPF) and as heritage assets are an irreplaceable resource, any harm requires a clear and convincing justification (paragraphs 126 and 132 NPPF). It is sound within the planning system to weigh up less than substantial harm against clear and convincing justification including public benefit (paragraph 134). It remains our view that the justification for the proposed subdivision rests upon the balance struck between the less than substantial harm and the benefits of revealing and enhancing significance.

We have been consistently clear that we do not believe this is a case where Enabling Development arguments as detailed in our published guidance document are applicable and whilst both the applicant and objector refers to our published Enabling Development guidance in attempting to prove/disprove a conservation deficit, we do not believe this is a sound basis on which to determine these applications. By definition, Enabling Development is development which is contrary to policy and is not to benefit the owner or their financial circumstances but springs from the inherent needs of the heritage asset. An essential part of an Enabling Development argument is to demonstrate that a conservation deficit exists and that the scheme presented is the only viable option. This would follow full and open marketing at a price reflecting the building's condition to identify if there are alternative, less harmful uses - in this case, retained as a single dwelling.

We have read the Derbyshire County Council report commissioned by your authority on the applicant's development appraisal and the justification paper produced by Milner Commercial explaining their approach to the applicant's Financial Development Appraisal and Viability. Both documents discuss whether the development appraisals submitted should include all cost headings as stated within our published Enabling Development guidance -as the costs incurred would be for the purposes of a private owner rather than a developer. As we do not consider this to be an Enabling Development scenario, we do not believe it is appropriate for us to scrutinise each report in detail or to comment on which costs would be included in a development appraisal.

#### *Position*

We remain of the view the proposed subdivision of Castleton Hall will result in a degree of harm to significance, which is considered less than substantial. We accept the physical works are minor and improvements to mitigate the harm have been submitted. We do not believe the guidance for Enabling Development is strictly relevant here and we do not consider a conservation deficit has been proven. Whilst financial justifications may form part of this background information for this proposal, we consider any justification should focus on the benefits of full restoration of the grade II listed Hall within the conservation area. Accordingly, we believe you have



44 DERNGATE, NORTHAMPTON, NN1 1UH  
Telephone 01604 735 400 Facsimile 01604 735 401  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*



## ENGLISH HERITAGE

### EAST MIDLANDS OFFICE

sufficient information upon which to determine these applications.

#### **Recommendation**

We recommend these applications should be determined in line with the NPPF, including paragraphs 131, 132 and 134. Your authority will need to be convinced that the public benefit of the proposal outweighs any degree of harm to significance. If minded to grant consent, your authority may wish to consider the use of conditions/formal agreement to control the long term physical management of the site as a whole.

Yours sincerely

**Eilis Scott**

Inspector of Historic Buildings and Areas

E-mail: [eilis.scott@english-heritage.org.uk](mailto:eilis.scott@english-heritage.org.uk)



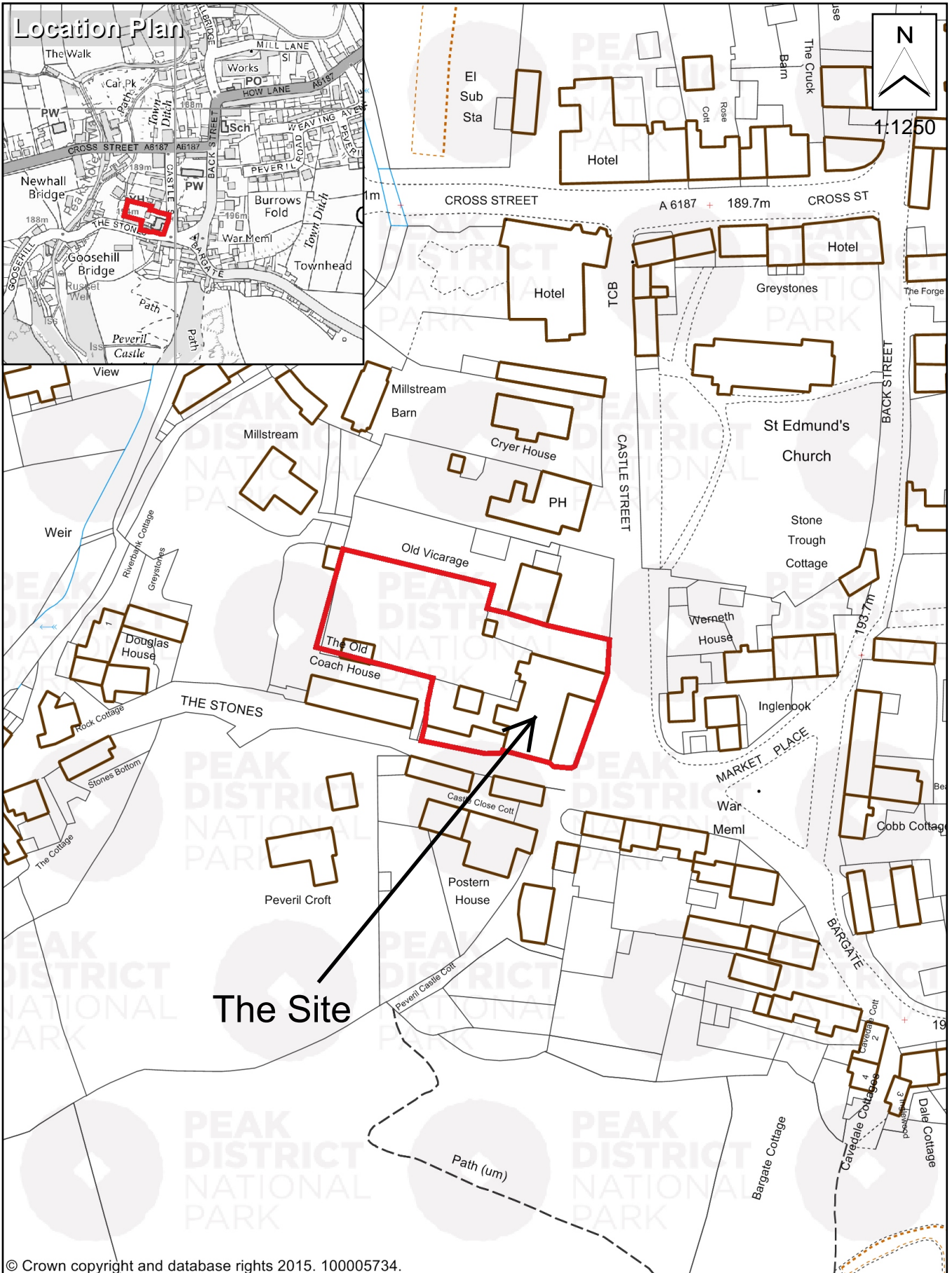
44 DERNGATE, NORTHAMPTON, NN1 1UH

Telephone 01604 735 400 Facsimile 01604 735 401

[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*





© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015
Item Number:	6
Application No:	NP/HPK/0713/0551
Grid Reference:	414977, 382923

<b>Title:</b> Castleton Hall Castle Street Castleton
--



This page is intentionally left blank

**7. LISTED BUILDING CONSENT APPLICATION: REPAIR AND ALTERATIONS TO CASTLETON HALL. DEMOLITION OF 1970S BUNGALOW, VICTORIAN GAMES ROOM AND 1970'S DINING ROOM EXTENSION TO REAR OF PROPERTY. CONSTRUCTION OF NEW DOUBLE AND SINGLE GARAGE AND NEW SUN ROOM. SEPARATE CASTLETON HALL INTO TWO DOMESTIC PROPERTIES. INTERNAL ALTERATIONS TO REMOVE ALTERATIONS CARRIED OUT TO CONVERT THE BUILDING TO A YOUTH HOSTEL AND WORKS TO REINSTATE THE ORIGINAL BUILDING AESTHETIC AND BETTER SERVE THE BUILDING FOR DOMESTIC PURPOSES AT CASTLETON HALL, CASTLE STREET, CASTLETON (NP/HPK/0613/0544 30/7/13 414977/382923/JRS)**

**APPLICANT:** Mrs Sarah Marsh

**NOTE:** The reports for this application and the associated application for planning permission were withdrawn from the Planning Committee agenda in January 2014. The following report has many common elements to the preceding report on the planning application

**Site and Surroundings**

Castleton Hall is a large 18th century Grade II Listed Building situated within the centre of Castleton village. Formerly a Youth Hostel Association hostel, the Hall was sold by the YHA to the applicant in 2012 with planning and listed building consent for conversion to a single dwelling.

The Hall faces onto Castle Street at its junction with the Market Place and the minor lane known as The Stones. The main building has two storeys, with single and two storey additions at the rear. The principal elevation of the Hall faces east to Castle Street and is set back behind a paved courtyard bounded by low stone boundary walls, topped with metal railings. The courtyard is dominated by a large copper beech tree growing in the front which tends to obscure the main façade and which forms a key feature in the street scene in its own right. The whole of the site and adjoining properties lie within the Castleton Conservation Area.

The principal, east facing, elevation has a Baroque façade with bold classical details which connects to a simple, vernacular detailed two storey wing which reflects its former use as a tithe barn and which returns down the north side of the courtyard to a gable end fronting directly onto Castle Street. There is a recessed 'set back' in the corner of the main front which provides a visual 'break' separating the formal detailing of the baroque façade from the simpler local vernacular detailing of the northern, former tithe barn wing.

At the rear of the main building there are single and two storey projections, including a 1½ storey and single storey range of lower outbuildings which back onto the north side of The Stones. To the rear of the Hall there is a walled garden within which there is a single storey outbuilding (the Victorian games room) and the partial remains of the 1970's Warden's bungalow that has recently been substantially demolished. In close proximity to the south west corner of the site is a separate dwelling, 'The Coach House', a Grade II listed building, which was formerly part of the Hall complex but has now been separated from the Hall grounds by a tall stone boundary wall.

To the north of the main Hall there is a shared vehicular access and driveway off Castle Street running between Castleton Hall and the adjacent property, The Old Vicarage. The Old Vicarage owns the access and driveway, along with the remaining corner of the partially demolished bungalow which projects out from the grounds of the Hall onto the driveway. The Old Vicarage is not a listed building.

The Hall was listed Grade II in 1951 and the Coach House to the west was Grade II listed in its own right in 1984. Owned by the YHA from 1943 to 2012, the Hall has been subject to a number of alterations and extensions to adapt it to the particular needs of the YHA, often at the expense



of some damage and loss of historic fabric and setting of the principal listed buildings, particularly to the rear of the Hall.

The Hall is now in private ownership, having been purchased by the applicant from the YHA following their relocation to Losehill Hall. Prior to this, the Hall, together with other buildings in its former curtilage, The Coach House and The Old Vicarage were all owned and operated by the YHA, with their car park situated in the walled garden to the rear of The Old Vicarage.

Prior to the sale, the YHA sought and obtained consent in 2011 for the change of use of Castleton Hall, the Coach House and The Old Vicarage to three separate open-market dwellings. The consent for the Hall was conditioned to secure appropriate restoration and enhancement of Castleton Hall, both externally and internally, along with the removal of unsympathetic later additions at the rear, most notably the removal of the Warden's bungalow, the Victorian games room and associated link corridor, the 1970's flat roofed dining room extension and associated fire escape.

All three properties have now been purchased and are in separate ownership. The Coach House is now in use as a single dwelling and was given a separate access off The Stones and its own residential curtilage divided off from the rear garden of the Hall with a new 2m high drystone wall. The Old Vicarage is also now in use as a single dwelling and was sold with the main drive from Castle Street, over which the Hall was granted a right of access.

Since taking ownership of the Hall the applicants have stripped out all the later internal stud partitions and en-suite bathrooms inserted by the YHA and have also demolished that part of the 1970's bungalow within their ownership, leaving the remaining section in the neighbour's ownership in-situ.

### **Proposal**

This application seeks Listed Building Consent for the physical works involved in the proposed conversion of the Hall, with alterations and extension, into two dwellings.

The larger unit, 'The Hall dwelling'; would comprise the section behind the baroque facade and the majority of the rear walled garden. A new double garage and parking spaces for four cars is proposed in the garden, accessed through a new entrance in the wall at the end of the private shared driveway between the Hall and the Old Vicarage. The accommodation proposed for the Hall dwelling also comprises a one bed annexe with its own kitchen, lounge and bathroom in the lower rear wing which backs onto The Stones. Finally, a detached greenhouse is proposed in the NW corner of the walled garden for the Hall.

The second smaller unit, the 'Tithe Barn' dwelling, would comprise the northern wing of the existing Castleton Hall building and would have a smaller portion of the rear curtilage walled off with to create a separate domestic curtilage. As submitted, the application proposed to erect a single garage and provide parking spaces for three cars within the Tithe Barn garden which would have been accessed by its own separate entrance in the wall off the shared main driveway. The plans have been amended since submission and now omit the garage and parking spaces from within the Tithe Barn garden, along with the separate new vehicular access. The revised layout relocates the Tithe Barn parking (three spaces) into a separate courtyard arrangement sited to the rear (west) and north of the new walled garden. This would be accessed through the proposed new gated entrance at the end of the shared private driveway which would now serve both dwellings.

The new entrance gateway would, via a sliding gate, first give access to the parking area (three spaces) for the Tithe Barn with the driveway then passing through a second sliding gate to access the Hall dwelling's curtilage, where a parking area for four cars (three plus one) would be



provided alongside a proposed double garage close to the boundary wall with the Old Vicarage. The westernmost one of two trees in close proximity to the proposed garage would be removed to make way for one the parking spaces. It is being removed following consultation with the Authority's Tree Officer as the tree is diseased and will not recover.

The physical alterations to facilitate the conversion include:

- The demolition of the detached 1970's former YHA Warden's bungalow, the detached Victorian games room, the single storey flat roofed dining room extension and the metal fire escape structures at the rear associated with the former hostel use
- Remodelling of the infill at the rear between the Hall and the outbuildings to form a sun room
- Remodelling of the rear lean-to and part of the link corridor to form the utility room for the Hall dwelling
- Stonework repairs to repair and restore the principal Baroque façade, and other fabric repairs externally
- Stonework repairs to the east boundary wall and replacement railings and gate to an 18<sup>th</sup> century design
- New opening and gate in east boundary wall/railings with pathway to east elevation external door to provide front entrance and door for the Tithe Barn,
- Re-rendering of the rear façade in lime render.
- Reinstatement of sash windows
- Reinstatement of cast iron rainwater goods.
- Replacement of paved area to the rear with gravel driveways, paved courtyards and lawns
- Removal of most of the first floor infill above entrance lobby to create double height entrance hall, including repair of main staircase.
- Removal of modern stud partitions and former hostel bathrooms
- Insertion of new stud partitions to suit requirements for the internal layout for two dwellings.
- Reinstatement of internal panelled doors,
- Addition of two additional window openings and one door together with conversion of former openings/window openings into doors.
- Infilling of three internal openings to separate off the Hall from the Tithe Barn dwelling internally.

Finally, it should be noted that the main site entrance, flank walling and access drive from Castle Street are in the ownership of the adjoining property, The Old Vicarage. The proposal shown on some of the plans to remove the entrance gate piers during the conversion works and reinstate afterwards, although within the application site area, falls on land outside the applicant's ownership or control.

The application is supported by a Heritage Statement, a Design and Access Statement and an Ecological Statement. Since submission, the applicant's case has been amplified by further heritage, valuation and viability information, all of which is available in full on the Authority's web site. The Authority has also commissioned additional assessment on viability (by Derbyshire County Council) and the viability of a single dwelling scheme (by Smith and Roper Architects), both of which are on the Authority's web site

#### **RECOMMENDATION:**

**That the application be APPROVED subject to a section 106 legal agreement to secure the phasing of the works and to ensure sympathetic long term management of the two dwellings and conditions covering the following (summary of conditions only):**

1. The development hereby approved relates to the change of use of Castleton Hall and the retained Annex building to a single dwelling and the section of Castleton Hall referred to as the Tithe Barn to a single dwelling.
2. The development approved to be carried out in strict accordance with a timetable/programme of works which shall be submitted to and approved by the Authority.
3. Ecology: Submit and agree detailed mitigation and monitoring strategy. All subsequent works shall then be carried out in accordance with any required scheme of mitigation.
4. The demolition works shall be carried out in accordance with agreed timetable/programme of works prior to the occupation of the dwelling hereby approved.
5. Samples of the replacement natural stonework, natural gritstone window door surrounds, natural lintels and sills, render treatments, railings, stonework cleaning, cast iron rainwater goods shall be submitted to and agreed in writing by the Authority prior to carrying out the works requiring the samples. The scheme shall then be carried out in accordance with the agreed samples.
6. Detailed conditions relating to doors and windows, including details of the existing openings to be blocked up. Prior to the installation of any door/window frames or external timberwork, a scheme for the external finish of the timberwork to be submitted to and approved by the Authority. Once approved, development to be carried out in accordance with approved details.
7. Prior to the installation of the window and door frames plans/details of the window/door reveals shall be submitted to and agreed in writing by the Authority. The scheme shall then be carried out in accordance with the agreed details.
8. Existing rooflights in the south elevation of the Annex shall be removed and the roof made good with natural blue slate, to match the existing roof, in accordance with submitted plans. New rooflights shall be fitted flush with the roofslope.
9. External face of the plinth walls of the detached greenhouse shall be clad with natural limestone.
10. Detailed design conditions regarding external pipework, rainwater goods, external meter boxes.
11. External walls of the new garage buildings hereby approved shall be clad with natural limestone, sample panel to be approved.
12. Roof of the new garage buildings shall be clad with natural blue slate, sample to be approved
13. Detailed design conditions regarding garage doors and openings.
14. All new boundary walling shall be erected in accordance with submitted plans and shall be constructed in natural limestone and capped with half-round natural limestone coping stones to match the existing boundary walling. Reduce width

of opening from the Hall garden to Tithe Barn Garden.

**15. Carry out submitted landscaping and surfacing scheme, subject to additional hedging to car parking area in garden of the Hall.**

**Key Issues**

1. What is the optimum viable use for the building consistent with its significance and value as a listed building?
2. Financial appraisal and conservation deficit.
3. The principle of the proposed conversion into two dwellings.
4. The harm caused by the proposed subdivision and physical works upon the significance of the Hall and its setting.

**History**

**Early history**

1721 – The earliest record of the Hall appears to come from a plan dated 1721 which shows a building on the same site but having a very different east façade to the one existing today. The plan shows a building of two storeys with an attic behind two gabled dormers and two distinct paths to two entrances. It also appears that there were a number of separate cottages down the southern boundary of the site abutting The Stones whose boundaries extended well into the present grounds of Castleton Hall. It would therefore appear, from this plan and a surviving deed of exchange, that the main building comprised of two dwellings and was acquired with the northern wing, labelled then as a tithe barn, along with the cottages and land at the rear by a wealthy individual who converted the premises into a single dwelling unified by the construction of the current baroque façade sometime between 1721 and 1725. The north wing remained different in style to the main house due to its original agricultural use with the recessed junction between the two elements providing further evidence that there was a deliberate intention at the time the façade was upgraded to maintain a distinction between the two elements of the building.

**Recent Planning History**

1943 – The site was acquired by the YHA and converted to a youth hostel.

1961 – Consent granted for internal alterations to outbuildings and erection of a covered walkway.

1969 – Consent granted for the erection of a flat-roofed utility room extension.

1973 – Consent granted for erection of a detached warden's bungalow, dining room extension and internal alterations to outbuildings (including the Coach House) to provide additional youth hostel facilities.

1985 – Outline consent granted for demolition of outbuildings and warden's bungalow and erection of dormitory block (not implemented).

1990 – Renewal of outline consent for demolition of outbuildings and warden's bungalow and erection of dormitory block (not implemented).

1993 – Planning and listed building consent granted for minor alterations and extensions

including provision of external fire escape stairs.

1993 – Planning and listed building consent granted for new rooflights.

2005 – Listed building consent granted for the replacement of rooflights in the Coach House with conservation rooflights.

2008 – Planning and listed building consents granted for the demolition of the existing games room in the rear courtyard and the erection of a new dining room and kitchen extension.

2010 – Planning and listed building consent applications submitted for variations to the conditions attached to the 2008 approvals to accommodate subsequent changes to the originally approved scheme. These applications were subsequently withdrawn following the decision of the YHA to re-locate.

2011 – Planning and listed building consent applications granted for the change of use of Castleton Hall, The Coach House and The Old Vicarage to three separate open-market dwellings. Consent was granted subject to several conditions being attached to ensure restoration of Castleton Hall, both externally and internally, and the removal of unsympathetic later additions.

2012 – The applicant bought the property. She was given pre-application advice by officers, on a “without prejudice” basis that the subdivision of the Hall into two dwellings may be acceptable in principle.

2013 – Planning permission and listed building consent granted for conversion of the Hall to two dwellings. These decisions were subsequently quashed by the High Court following Judicial Review proceedings brought by the adjacent owner of The Old Vicarage, who is referred to in this report as the principal objector. The grounds for the challenge were:

1. Failure to notify English Heritage and other amenity groups.
2. Failure to publicise/consult lawfully on the application
3. Failure to have regard to section 66 of the Listed Building Act 1990
4. Failure to have regard to section 72 of the Listed Building Act 1990
5. Failure to have regard to section 16(2) of the Listed Building Act 1990 and relevant national and local policy
6. Failure to have regard to regulations 9(5) and 7(1) of the Habitats Regulations 2012
7. Failure to have regard to impact on residential amenity
8. Failure to have regard to highway safety

The consent order from the court required both applications to be re-determined by the Authority. The applications were scheduled to be included on the January 2014 Planning Committee agenda for re-determination by the Committee but were withdrawn by applicant on 22 December 2013 in view of the revised applications, which are the subject of these reports.

2014 – Application for discharge of conditions on planning and listed building applications for change of use to a single dwelling, as approved in 2011. Approved in part.

### **Consultation Responses**

These are summarised below, with the originals available to view in full on the Authority’s website and a longer summary in appendix 1. These are largely the same as those listed for the planning application as many of the responses related to both applications

Highway Authority: No highway objections to the proposals

Borough Council: No response.

Parish Council: Support this application and welcome Castleton Hall to be converted into two residential dwellings and not used for holiday accommodation.

English Heritage (now Historic England, from 1 April 2015): There have been six English Heritage responses in total. Following the meeting with EH on 31 January 2014, they produced a “consolidated” response. This version is attached in the appendix to this report. In response to the latest consultation on the independent architect’s report they advise as follows (letter dated 25 March 2015):

*“Our advice is given in line with the Principal Act, the NPPF, the Planning Practice Guide, and the PPS5 Historic Environment Planning Practice Guide, which remains in force. We remain supportive of the principle of securing a sustainable use for this building and we believe that a residential use is consistent with the long term conservation of the listed building. It has already been accepted that the optimum viable use for the Hall is as single dwelling house and it remains our view that the determination of this application should focus on whether there is a ‘clear and convincing’ justification to accept the harm caused by the proposed separation, in light of the public benefits associated with the scheme - in this case the benefits of revealing and enhancing significance through full restoration of the building and its fine architectural details”*

Amenity Bodies - No responses.

PDNPA Historic Buildings Architect

Principle of conversion to two dwellings is acceptable in listed building terms. The judgement on the conservation deficit is left to the Planning Officer. Design proposals are generally fine and overall amount to a substantial enhancement of the listed building. The decision to base the design of the front elevation railing and gates on the historical arrangement shown in the early photograph is particularly welcomed. Therefore supports the application with some caveats, as set out in detail in the appendix. The applicant’s response to these recommendations is covered in the report below.

Natural England

No objections to submitted scheme. Recommend conditions and footnotes covering the following in any consent

PDNPA Ecologist

No objections subject to conditions and footnotes for clarification and to adopt working methodology and appropriate mitigation/enhancement

### **Representations**

These are summarised below, with the originals available to view in full on the Authority’s website and a longer summary in appendix 1.

### **Letters of Objection**

There have been three letters of objection, including one substantial objection from the owner of the adjacent property, The Old Vicarage. In addition to this, the solicitor acting for the owner of the Old Vicarage has written several emails raising questions and objections.

The representation made on behalf of the owner of The Old Vicarage is substantial and detailed. It

is supported by a detailed Heritage Statement and a Development Viability Assessment and has been updated and amplified in response to the amended plans and information submitted by the applicant. Since the submission of this objection there has been a continuing dialogue with the objector and his representatives. Please refer to the appendix for the detailed summary of the objections submitted.

### **Letters of support**

There have been 33 letters of support. These are summarised in the appendix.

### **Planning Policies and Legislation**

#### Legislation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the Authority to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that where an application is made to the Council for planning permission, the Authority shall have regard to the provisions of the development plan and any other material considerations.

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent the local planning authority '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'.

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the local planning authority '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' in the exercise of the Council's planning functions and in considering whether or not to grant planning permission for development that affects a listed building or its setting. It is important to note that section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had and considerable importance and weight should be given to the desirability of preserving a listed building or its setting when balancing a proposal against other material considerations.

Section 72 of the Listed Building Act 1990 contains a requirement for the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Again, this is a matter of considerable importance and weight.

#### Development Plan Policy

The Authority's Core Strategy was adopted in 2011 and provides, along with saved policies in the 2001 Local Plan, the starting point for considering the development. The following policies are relevant to this application and are set out in more detail in appendix 2:

Core Strategy: GSP1, GSP2, GSP3, DS1, HC1, L1, L3

Local Plan: LC4, LC5, LC6, LC8, LC17, LC18

## National Planning Policy Framework

The National Planning Policy Framework (NPPF or “the Framework”) was published in March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government’s intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. The Authority has considered the relationship between the Core Strategy and the Framework and resolved that they are consistent. This application does not raise matters that suggest otherwise.

As a material consideration in planning decisions, the Framework recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the Framework recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example policies relating to National Park.

One of the core planning principles outlined in paragraph 17 of the Framework requires that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In the case of the application proposal there are two heritage assets, the listed building and the Castleton Conservation Area, that must be conserved.

Paragraph 128 of the Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 131 identifies three objectives that should be taken into account in determining planning applications (relating to heritage assets):

- 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 132 states that when considering impact of proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. It points out that significance can be harmed or lost through alteration or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II building should be exceptional. Paragraph 132 sets out that local planning authorities should refuse consent where there is substantial harm to a building’s significance unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

Paragraph 134 advises that *“Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*. However, the courts have confirmed that where ‘less than substantial harm’ results, this does not mean that there is a ‘less than substantial objection’ to the grant of planning permission.

Paragraph 140 advises that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”*.

Prior to the publication of the Framework, Planning Policy Statement 5: Planning for the Historic Environment set out government policy on conservation of the historic environment. Whilst the PPS has been replaced by the Framework, the accompanying PPS5 Practice Guide has been retained and still sets out useful guidance on the assessment of the significance of a heritage asset. English Heritage (now known as Historic England, from 1 April) have been developing Good Practice Advice to supersede the PPS5 Practice Guide. A Consultation Draft was published on 11 July 2014: *“Historic Environment Good Practice Advice In Planning”*.

In this draft guidance English Heritage recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

In paragraph 77 the current Practice Guide advises that: *“Finding the optimum viable use for an asset may require the local planning authority to apply other development control policies flexibly and imaginatively to achieve long-term conservation”*. Paragraph 78 of the Guide advises that local planning authorities should take into account the likely longevity of any public benefits claimed for a proposed scheme: *“Speculative, ill-conceived or short term protection will not compare so favourably when considering an irreversible harm to the significance of heritage assets”*.

Paragraph 79 of the Guide sets out a number of potential heritage benefits that would weigh in favour of the proposed scheme:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting
- It reduces or removes risks to a heritage asset
- It secures the optimum viable use of a heritage asset in support of its long term conservation
- It makes a positive contribution to economic vitality and sustainable communities
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
- It better reveals the significance of a heritage asset and therefore enhances the enjoyment of it and the sense of place.



Paragraph 88 states that proposals for the development of a heritage asset will ideally be for its optimum viable use. Paragraph 89 states in respect of optimum viable use that: *“It is important that any use is viable, not just for the owner but also for the future conservation of the asset. Viable uses will fund future maintenance. It is obviously desirable to avoid successive harmful changes carried out in the interests of successive speculative and failed uses. If there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset.”*

Finally, paragraph 90 states: *“Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided that the harm is minimised”.*

English Heritage has published advice and guidance on *Enabling Development and the Conservation of Significant Places*. The applicant initially assumed that the development would be considered as “enabling development” and therefore referred to this document, but at the meeting on 31 January 2014 (and in correspondence), EH officers advised that they do not consider that the proposed sub-division falls within the definition of “enabling development”. However, some of the advice in the document, notably on how to assess whether there is a conservation deficit, is useful and has been used by the applicant in her viability appraisal. The following section of the guidance is also useful:

*“4.4.1 Most buildings at risk capable of beneficial use are taken up by commercial developers or (in the case of houses) by private individuals. The latter, particularly, may see viability as much in terms of meeting personal needs or aspirations for their residence as in strictly financial terms, and take a longer-term view of the difference between cost and market value. Most historic houses whose setting has survived and which are not in serious disrepair can be expected to find a market as houses, even if they have been recently in another use. In such cases, single domestic use will generally be the ‘optimum viable use’ in terms of PPG 15.”*

### **Officer Assessment**

As noted above, the following section is largely the same as the assessment for the associated planning application, but omitting those issues which are not listed building considerations. The following issues have been reviewed since the deferral of the applications from the Planning Committee in January 2014. Following the deferral officers had met with English Heritage officers, together with the applicant and representatives of the owner of the Old Vicarage, who is the principal objector. Officers then commissioned Derbyshire County Council to undertake an independent assessment of the applicant’s financial viability assessment, together with the objector’s consultant’s critique of this. Based on this report and the applicant’s confirmation of her agreement to a number of additional amendments and restrictions, officers produced a draft report recommending approval of the applications, which, on Counsel’s advice, they shared with the applicant and the principal objector (June 2014). Following the responses to this draft report, officers concluded that it was necessary to have a more thorough assessment of the viability of a single dwelling scheme which would deliver the key conservation benefits identified by the Authority. Consequently, following a tendering exercise, Smith and Roper Architects of Bakewell were appointed to carry out this assessment. Their report was finished in March 2015 and sent to the applicant, the principal objector and English Heritage. They were asked to respond by 27 March; at the time of writing this report the comments of the principal objector have not been received but any response received will be reported at the meeting, together with a supplementary report if necessary.

---

**Key Issue 1 - What is the optimum viable use for the building consistent with its significance and value as a listed building?**

There is historical evidence which shows/suggests that the premises forming Castleton Hall were not originally built as a single dwelling. However, the evidence shows that the Hall was turned into a single dwelling around the early C18th by the amalgamation of what appeared to be two semi-detached houses on the Castle Street frontage and some smaller cottages at the rear off The Stones, along with their associated curtilages. The tithe barn attached to the north and its associated land was also incorporated as additional accommodation. Around that time the additional embellishment of the fine baroque façade was added to increase the presence and prominence of the new Hall. For the following 220 years or so the property was in use as a single dwelling until the YHA converted it to a hostel in 1943. That use continued up to around 2011, when they vacated the premises and marketed the site after gaining planning permission and listed building consent for conversion back to a single dwelling.

The historical evidence available to the Authority demonstrates that the Hall as seen today was created and has been in use for the majority of its existence as a single dwelling. The explanatory text accompanying Local Plan policy LC6 reflects national planning advice relating to listed buildings in stating that the best use for an historic building is very often that for which it was designed. Indeed, use as a single dwelling is recognised by the listing which describes Castleton Hall as “House, now Youth Hostel”. English Heritage advice also clearly recognises the importance of use as a single dwelling and notes that whilst it may have consisted of more than one dwelling in the past, this evolution only adds to the significance of the building.

In this case the Hall still survives largely in the form created in the C18th century as a single dwelling, is under one ownership, and currently has the benefit from extant planning and listed building consents for its conversion from a hostel use back to a single dwelling. In granting those consents the Authority recognised the historical use had primarily been as a single high status house and that significant benefit would arise from its restoration and the enhancement, especially from the removal of the later unsympathetic alterations and additions incorporated into the building and its curtilage during use as a hostel.

On the basis of the above evidence, the optimum use compatible with its conservation as a designated heritage asset and listed building is considered to be as a single house. This is consistent with the advice which has been given by English Heritage in its responses to the applications and in their meeting with officers on 31 January 2014.

English Heritage officers have made it clear that, in their view, the subdivision of Castleton Hall to a use other than its optimum use as single dwelling would, in itself, involve a degree of harm to the listed building’s significance and special interest that would require special justification. This is also required because the Authority has a duty under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to 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*” in considering whether or not to grant planning permission for development that affects a listed building or its setting. This is a significant consideration which must be given due weight.

## **Key Issue 2 - Financial appraisal and conservation deficit**

The subdivision of the Hall into two separate dwellings brings with it some harm to the listed building which has been identified by English Heritage as “less than substantial”. This is nevertheless harm that would warrant refusal of the application unless there are special circumstances that would justify a different decision in order to conserve and enhance the listed building and its setting. The applicant argues that the approved single dwelling scheme is not viable and subdivision to two dwellings is essential for viability purposes and to achieve the conservation and enhancement benefits she has proposed.

An important question in determining whether the subdivision is required to achieve conservation and enhancement of the listed building is whether there is a ‘conservation deficit’. In simple terms, if there is significant shortfall between the cost of restoration and the end value of the property, there would be a deficit that would make the restoration works unviable and unlikely to materialise unless this shortfall is met through funding (e.g. grants) or through a philanthropic developer who is prepared to accept this loss. The applicant has based her assessment on the approach set out in the English Heritage document “*Enabling Development and the Conservation of Significant Places*”, which provides a template for producing the calculation of a conservation deficit. Whilst EH officers have now confirmed that they do not consider the subdivision to fall within the definition of “enabling development”, at the meeting in January they did accept that the calculation of a conservation deficit is essential to the justification for the proposal and that the approach recommended in the guidance is an appropriate way of doing this.

The English Heritage letter which sets out their “consolidated” advice makes it clear that they do not believe this is a case where Enabling Development arguments are applicable. That letter makes it clear that: “*By definition, Enabling Development is development which is contrary to policy and is not to benefit the owner or their financial circumstances but springs from the inherent needs of the heritage asset. An essential part of an Enabling Development argument is to demonstrate that a conservation deficit exists and that the scheme presented is the only viable option. This would follow full and open marketing at a price reflecting the building’s condition to identify if there are alternative, less harmful uses - in this case, retained as a single dwelling*”.

The objector’s representatives consider that if it cannot be considered to be enabling development, then it cannot be justified, whereas officers consider that the EH advice is that enabling development is a more significant departure from policy than the subdivision of a building into two dwellings. Notwithstanding this, at the meeting on 31 January 2014 EH officers acknowledged that the approach of establishing whether there is a conservation deficit is appropriate in this case, given that the optimum use of this building is as a single dwelling and some harm has been identified.

The objector’s solicitor consider that the basis of the instruction to DCC was flawed because it asked for Mrs Marsh’s viability work to be tested against the English Heritage guidance for Enabling Development and as a result the report is completely irrelevant to the determination of these applications. Consequently they have advised that if the Authority places any weight on that report and change the recommendation from refuse to approve this will be clear grounds for a second Judicial Review because Authority will have taken an irrelevant consideration into account. In response to this, it is important to explain that officers met with DCC before they carried out their work and explained that English Heritage do not consider this to be “enabling development” and that the brief was to consider whether the assessment carried out by the applicant was a sound basis for establishing a conservation deficit.

English Heritage advice is that the supporting development appraisal must be adjusted to include only those repairs and works that are essential to conserve the listed building and achieve its conservation, ideally in the optimum use. The existence of the approved single dwelling scheme, which would return the Hall to its optimum use consistent with its history and significance as a listed heritage asset, is a material consideration in this regard, especially given that scheme proposed and was conditioned to secure most of the conservation and enhancement works in this current scheme, without the associated harm from subdivision. The applicant understands that this is the Authority's starting point, but considers that her proposal provides a level of detail which was absent in the previous application, the main purpose of which was to gain permission so that the YHA could sell the buildings, so it did not fully assess viability or whether there would be a conservation deficit (and the application was, in any case, for the optimum use). In order to keep that scheme "live", she has now discharged the conditions on the planning permission and listed building consents which were granted in 2011, but she maintains her position that this scheme is not viable.

The applicant has amplified the submitted information regarding the financial viability of the project and, in essence, argues that the single dwelling scheme is not financially viable as it contains a significant deficit between the cost of the works (including purchase costs) and the resulting sales values. The applicant considers that the single dwelling scheme is not viable and will not achieve the conservation benefits that she and her advisors consider to be appropriate and desirable. She points out that there is a clear relationship between the need to restore the building to a certain level to make it habitable and to achieve the values which would justify carrying out the conservation and restoration works identified by the Authority's Conservation Officer.

Consequently, the applicant's case is that in order to achieve appropriate repair, restoration and enhancement of the building, the financial impetus of the two dwelling scheme is required. The applicant considers this to be the most appropriate development, being close to the optimum use, and is essential because two smaller, but nonetheless relatively large, houses would be more saleable and the best way to secure a sustainable long term viable and beneficial use for the building. The advice from the applicant's marketing agents is that as a single house the Hall would be of a size and type unsuited for this village centre location and with only a modest associated curtilage would have a reduced value to reflect these factors. In respect of the submitted scheme, they advise that two 5 bed houses would be more marketable and would in fact have a higher combined value than that of the single larger dwelling. The applicant has provided prospective valuations from five local estate agents to support her case, with these providing a range of potential valuations. The chief objector has provided one valuation from another local estate agent, with this producing a significantly higher valuation for a single dwelling than any of the applicant's valuations.

Looking in more detail at the evidence submitted, it shows that the applicant and her husband bought Castleton Hall with planning and listed building consent for conversion to a single dwelling, which is considered by EH to be its optimum use. There is evidence of strong interest by another party, the principal objector and neighbour, who was unsuccessful in buying the property. This interest continues, with the objector's written offer to purchase the Hall from the applicant. Authority Officers and EH officers consider that both matters a material planning considerations in this case. This is confirmed by the advice now received from Derbyshire County Council (DCC).

English Heritage officers (at the meeting on 31 January 2014) and the DCC have advised that it is appropriate to accept that the value of the property is established by what competing parties are prepared to pay for it. In this case it is understood that both the applicant and the objector were prepared to pay £250,000 for the property and that the objector has since offered a further £50,000 (to cover her post-purchase costs to date) to purchase from the applicant. DCC advice is therefore that this can be accepted as establishing a value for the property. The EH letter of 23 April 2014 does not offer direct advice on the value of the property, but advises that *"An essential part of an Enabling Development argument is to demonstrate that a conservation deficit exists and that the*

*scheme presented is the only viable option. This would follow full and open marketing at a price reflecting the building's condition to identify if there are alternative, less harmful uses - in this case, retained as a single dwelling*". However, EH state that they do not consider this scheme to be "enabling development", so the advice given at the meeting on 31 January is considered to be applicable.

The applicant's financial viability assessment shows a development deficit of over £370,000 for a single dwelling conversion and just over £87,000 for a two dwelling scheme. Assuming these figures are correct, they show that although the applicant paid £250,000 for the property, it effectively had a substantial negative value at the point of sale as a single dwelling project (and even as a conversion to two dwellings). The view of the objector is that the current application seeks to make the case to allow enabling development (sub-division into two units) to 'balance the books' or to support the viability of the applicant's intention from the outset to split the Hall, something for which there was no permission, and not a genuine conservation deficit. The alternative view, expressed by the applicant, is that the viability assessment she has carried out demonstrates that there is a significant conservation deficit which is evident on both schemes. She makes the point that in the case of the single dwelling there would be a deficit even if the purchase price of £250,000 is taken out of the equation and that the high valuation obtained by the objector is a single valuation which is significantly greater than those she has received from five estate agents.

In determining what works should be taken into account in seeking to determine whether a conservation deficit exists, it is a material consideration that the owner has a legal obligation to maintain the listed building. In this case the Hall is not on the Authority's 'at risk' register and has the benefit of an extant consent for conversion to its optimum use as a single dwelling at the time of its sale. The property is clearly in need of restoration and there is obviously a significant cost in converting the Hall from its former hostel use. There is, however, a clear difference between what the Authority can legally require a property owner to do and what an owner may be prepared to do by way of restoration.

Whilst the proposal subdivision is not considered to be enabling development by English Heritage, the principles which should be used to establish a conservation deficit are similar to those set out in the EH guidance. In its responses English Heritage has advised that it is not convinced that it can be demonstrated that a conservation deficit exists. This is required to support the argument that subdivision into two dwellings is the optimum viable use for Castleton Hall, a consideration identified in paragraphs 131 and 134 of the NPPF. In its consolidated response in April 2014 EH declines to comment on the costs which should, or should not, be included in this assessment: "*As we do not consider this to be an Enabling Development scenario, we do not believe it is appropriate for us to scrutinise each report in detail or to comment on which costs would be included in a development appraisal.*"

The letter sets out a summary position on this, as follows:

*"We remain of the view the proposed subdivision of Castleton Hall will result in a degree of harm to significance, which is considered less than substantial. We accept the physical works are minor and improvements to mitigate the harm have been submitted. We do not believe the guidance for Enabling Development is strictly relevant here and we do not consider a conservation deficit has been proven. Whilst financial justifications may form part of this background information for this proposal, we consider any justification should focus on the benefits of full restoration of the grade II listed Hall within the conservation area. Accordingly, we believe you have sufficient information upon which to determine these applications".*

The latest EH response, dated 25 March 2015, quoted above, reinforces this advice. It is therefore important to clearly identify how this proposal provides public benefits in respect of the heritage assets (the listed building, its setting, and the Conservation Area). English Heritage has referred to

these as being “*the benefits of revealing and enhancing significance*”. In this case these are considered to be: the removal of the warden’s bungalow, the demolition of the flat roofed dining room and Victorian games room, together with repairs to the east-facing baroque façade and the wider repairs and restoration of features and fabric throughout the building. All of these works fall within this definition and are needed to achieve essential conservation of the Hall and achieve the value of its optimum use. However, these demolitions, the essential repairs and other works were all conditioned to be achieved as part of the consented single dwelling scheme (also understood to have been in part a condition of the sale stipulated by the YHA itself), so it is reasonable to expect purchasers to have factored those costs into their purchase offer.

Given the strongly divergent views expressed by the applicant and the objector and his advisors, the Authority’s officers commissioned an independent assessment by Derbyshire County Council, which offers a financial viability service from suitably qualified officers. The report, received on 21 March 2014, advises that the majority of the costs submitted by the applicant are allowable, although they do recommend that some of the figures be validated by the Authority. The report states that it uses the cost headings in the EH guidance on enabling development as a basis for the assessment. The key points are as follows. It responds to criticisms raised by the objector’s surveyor in his reports on viability, that there is no basis for distinguishing between a developer as opposed to a private owner. On the purchase price, it concludes that, given the interest of another party who has offered £300,000 (understood to reflect the £250,000 purchase cost plus £50,000 other costs), the purchase price of £250,00 is not “too high” as alleged by the objector’s surveyor. The DDC officers were not asked to comment on the detailed costs of restoration as these figures have not been directly challenged. The DCC report does refer to a number of other costs, which total over £131,000, which need validation by the Authority, but which are not questioned in principle. They also point out that the applicant has not included any profit element, which would have been allowable in a development appraisal and which would add to the deficit.

The applicant has been asked to provide the additional information requested in the DCC report, and she has responded with more figures, on which further advice from DCC is awaited. However, officers consider that the DCC report is seeking validation of the figures, rather than questioning their inclusion in principle. Given that the total of the figures requiring validation is £131,000 out of a total deficit of £370,000, this does not make any significant difference to the overall conclusion that there would be a significant conservation deficit with a single dwelling scheme and a lesser one for a two dwelling scheme. The key conclusions from the DCC report are that, when establishing whether there is a conservation deficit, there is no justification for treating a scheme by a private developer differently from commercial scheme, as suggested by the objector’s advisor. The other key conclusion is that the purchase price of £250,000 can be considered as the appropriate valuation of the building as purchased in 2012. This confirms the view expressed by the EH officers at the meeting in January 2014.

The principal objector’s solicitor has responded to this by stating the EH do *not* consider the subdivision to be enabling development so the approach taken by the applicant, and apparently endorsed by DCC, is flawed. They also consider that any public benefit which is weighed against the harm must be a benefit which a single dwelling scheme cannot deliver, otherwise it should not be used to justify the proposal. They add that the Authority must understand the difference between A single dwelling scheme and THE single dwelling scheme. They consider that any criticism of the current single dwelling scheme which the Authority may have could never justify preferring this “suboptimal” proposal because the Authority is obliged to consider the benefits which any single dwelling scheme could deliver. It is their view that the applicant has not discharged the burden upon them to prove that a single dwelling scheme is not deliverable in light of the clear evidence of competitive market demand for a single dwelling at the time of purchase in late 2012 and by the principal objector’s subsequent offer to deliver Castleton Hall as a single dwelling.

In the initial report to the January 2014 Planning Committee officers advised that it was difficult to establish what exactly are essential repairs and conversion costs and what are restoration costs

which are not necessary now and which could potentially be deferred to a later date or reflect the personal preferences of the owner. The applicant did, however, separate out those costs which are purely the result of the proposal to subdivide the building or to provide elements which are not essential to the restoration (e.g. garaging). Nevertheless, the applicant's development appraisal shows a substantial deficit, which the applicant states is unlikely to be substantially reduced by cutting out works without affecting final value and thus not appreciably addressing the deficit. The applicant's figures show that for a single dwelling scheme there is a deficit of £370,448 based on a completed value of £850,000 (an average of their commissioned valuations that ranged from between £750,000 and £900,000) and total costs of £1,220,448, taking into account their purchase price of £250,000. For the submitted two dwelling scheme they show a £78,168 deficit. This is a figure which the applicant is clearly prepared to accept as a loss, on "book value" at least. The principal objector has, as is stated above, made an offer to the applicant of £300,000, but considers (based on the valuation they commissioned) that the value of a single dwelling is significantly greater than the applicant's valuation figures, so he considers this to be acceptable, particularly given his stated intention for this to be a private dwelling. It should be noted that the principal objector's surveyor has not disputed that there is likely to be a shortfall between the cost of the restoration scheme and the end value.

The applicant acknowledges that some costs could be delayed by deferring some repairs, but she states that this would affect the final value and, as her figures are already based on essential repairs rather than desirable works, they cannot be substantially reduced. In terms of funding the development, she has explained that a bank/lender is more likely to fund a scheme which has a smaller deficit and that, with rising property prices and the uncertain nature of the costs (which include a significant contingency element), the scheme may not be as marginal as the figures suggest, so a lender may consider the proposed scheme for two dwellings to be sufficiently viable to back it.

It is possible that the actual deficit in the single dwelling scheme could be reduced by deferring certain works of restoration which are desirable, but not essential; any works which are not necessary, such as the garaging can be discounted from the assessment of a conservation deficit. However, even when this is taken into account the applicant's figures show that there is a very substantial deficit on the single dwelling scheme. Whilst this may have the benefit of planning permission and listed building consent, this does not mean that it will necessarily be carried out. The then applicants, the YHA, were not asked to carry out a full viability assessment when they submitted the applications in 2011 as they were proposing the optimum single dwelling use. On the other hand, there is a view expressed by the principal objector that he would be prepared to carry out a single dwelling scheme, having offered to pay up to £300,000 for the property. Despite offers to do so, the principal objector has not provided the Authority with an assessment of how he would deliver a single dwelling scheme.

Members need to consider how much weight they can give to this proposal by the objector, given that the applicant's viability assessment appears to establish that there would be a conservation deficit and that this would result in a single dwelling scheme which the Authority's Cultural Heritage officers have confirmed is highly desirable and consistent with the Authority's responsibilities under the relevant legislation and guidance. The EH letter of 23 April concludes that "*We recommend these applications should be determined in line with the NPPF, including paragraphs 131, 132 and 134. Your authority will need to be convinced that the public benefit of the proposal outweighs any degree of harm to significance*". The EH letter therefore makes it clear that this assessment is one which the Authority can make, using its own heritage advice.

Given the importance of this, the Authority's officers have followed Counsel's advice and sought an independent assessment of the viability of a single dwelling scheme. This has been carried out by Smith and Roper Architects of Bakewell, who were appointed in December 2014. Their report was produced in March 2015 and was made available to the interested parties on 6 March (who were also provided with a copy of the brief in December 2014). The assessment and conclusion is set

out in the attached appendix. The brief was to provide an assessment of the viability of a single dwelling scheme, based on the 2011 approval, but omitting any non-essential works such as a new garage, but delivering the key conservation benefits such as restoration of the façade and windows. The assessment has provided an estimate of the project development costs from a suitably qualified surveyor and a valuation report from a local valuer.

In summary, the surveyor has calculated the total development cost for conversion to a single dwelling to be in the order of £1,331,994. The potential sale value of the completed property as estimated by valuers is in the order of £800,000 - £900,000. This demonstrates a shortfall of £430,000 - £530,000 between the development cost and potential sale value as a single dwelling. When considering conversion to a single dwelling with ancillary commercial use in the Tithe Barn section of the building, assuming a similar development cost, and with a potential sale value of between £1,000,000 and £1,100,000, there is still a shortfall in the order of £230,000 - £330,000 between the development cost and potential sale value. The valuer concluded that the large size of the single dwelling would have a “downward” effect on demand. He advised that some commercial use of the “Tithe Barn” section of the building could increase its value by up to £200,000. There are a number of items included within the approved drawings which are not necessarily essential conservation benefits, totalling £55,449. If these are omitted they would, however, have only a minor impact in reducing the shortfall between the development costs and valuation. As requested, the consultants have also explored the possibility of a phased project. The assessment concludes:

*“Whilst conversion to a single dwelling with ancillary commercial use may offer the optimum viable use, retaining the building in single ownership, there remains a significant shortfall between the development cost and potential sale value. Neither conversion to a single dwelling nor to a single dwelling with ancillary commercial use offers an immediate return on the development cost. Consequently the retention of the building in single ownership would be dependent upon any owner committing to a long term investment or being a philanthropist committed to the conversion and restoration of the Hall whatever the cost. Although such owners do exist, it would be unreasonable to insist upon or expect such a person to take on the responsibility of Castleton Hall. My overall conclusion therefore has to be that the conversion of Castleton Hall to either a single dwelling or single dwelling with ancillary commercial use in single ownership is regrettably not financially viable”.*

The full report is available on the Authority’s web site.

#### Conclusion:

The applicant’s figures demonstrated that there is likely to be a substantial conservation deficit in the optimum scheme for a single dwelling and there is likely to be one, albeit smaller, in the proposed scheme for two dwellings. This has now been confirmed by the independent assessment carried out by the architects commissioned by the Authority. The applicant has not sought to demonstrate what level of development would result in a viable scheme, but, based on her figures, this is most unlikely to be an acceptable scheme in terms of its impact on the listed building and its setting as it would be a more intensive scheme than the current proposal for two dwellings and the optimum use as a single dwelling. The assessment by Smith and Roper focussed on the viability of the single dwelling scheme which is, in principle, seen as the optimum use by English Heritage (now Historic England).

Consequently, it is now the Authority’s responsibility to assess whether the desirability of sustaining and enhancing the significance of the heritage asset (Castleton Hall and its setting) and putting it to a use consistent with its conservation, whilst revealing and enhancing its significance can be considered a public benefit. In coming to this judgement, the Authority must assess the merits of this conservation and enhancement against the degree of harm which has been identified by English Heritage. English Heritage have made it clear to Authority officers that this is judgment which the Authority should make, using its own professional cultural heritage advice. The counter



claim by the principal objector that he can deliver a single dwelling scheme which will provide the conservation benefits the Authority has been identified is a material consideration, notwithstanding the fact that he is not the owner of the property and the current owner has declined his offer to purchase. However, he has not produced figures to support his claims, despite offers to do so. He was provided with the brief which was sent to historic building architects in December 2014 and which resulted in Smith and Roper being instructed by the Authority. He and his advisors have therefore been in a position to produce an assessment if they intended to do so. Any response received before the Committee meeting will be assessed and reported to Committee as appropriate.

### **Key issue 3 - The principle of the proposed conversion of the Hall into two dwellings**

Core Strategy policy DS1 allows in named settlements such as Castleton for the principle of conversion or change of use of traditional buildings for housing. The key Core Strategy housing policy is HC1. This makes it clear that provision will not be made for housing solely to meet open market demand, but that exceptionally housing can be allowed where, amongst other things, it is required to achieve conservation and enhancement of say a valued vernacular or listed building or within a designated settlement like Castleton (HC1C).

The supporting justification argument in this case is clear that the proposed new dwellings are for the open market. Consequently the only route to accord with adopted housing policy would need to be under HC1(C). This states that new housing can be accepted where, in accordance with core policies GSP1, the conversion is “*required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings*” as allowed in policy HC1(C)(I), or “*conservation or enhancement in settlements listed in core policy DS1*”, as allowed in policy HC1(C)(II). The applicant’s case relies mainly on the former route.

A further consideration in respect of policy HC1(C) is that it states for schemes such as this, which propose more than one dwelling unit, that they must also address eligible local need and be affordable with occupation restricted to local people in perpetuity, unless (HC1CIII) it is not financially viable. It is clear that in this case the proposed subdivision would create two dwellings that would be substantially in excess of the maximum size guidelines for affordable dwellings and would not be affordable.

However, policy HC1 must not be applied in isolation and other policies in the Development Plan, together with the relevant legislation and guidance (notably the NPPF), provide protection for listed buildings from harmful development and seek their long term sustainable conservation and enhancement through being maintained in their optimum viable use. In particular, LC6 reflects this advice in stating that development affecting a listed building and its setting should clearly demonstrate: (i) How these will be preserved and where possible enhanced; and (ii) why the proposed works are desirable and necessary. It goes on to set out the very detailed information requirements and advises what is or is not likely to be permitted.

Whilst the Hall could physically be further subdivided to create more dwellings of an affordable size and type, a more intensive conversion to multiple units would bring significant harm the special character and internal layout of the listed building as a result of the need for new partitions, new staircases and a host of other internal alterations. Externally, there would also be a need for larger parking and turning areas as well as pressure for further plot division to create private amenity spaces for the additional units. Such a scheme would clearly move further away from the optimum use and bring substantial harm to the special qualities of the building and thus fail to achieve the ‘significant enhancement’ (GSP2) that is required as a basis for policy compliance in the first place. Consequently, it would be wholly inappropriate on listed building conservation grounds, as well as the adverse impact upon the conservation area, to further subdivide the Hall into more dwellings to meet eligible needs for affordable housing or otherwise, even if it were financially viable to do so.

In this case the Hall is an important Grade II listed building prominently situated within the heart of Castleton village (a DS1 settlement) and the Conservation Area. The key question in respect of policy HC1(C) is whether the new houses are 'required in order to achieve conservation and/or enhancement' of the Hall itself or 'conservation or enhancement' of the village.

The 2011 permissions for the change of use and conversion of the former YHA hostel to a single dwelling met this test and were approved because the development achieved the conservation and enhancement of the listed building by returning the building to its optimum use as a single dwelling. This was the use for which the Hall, in its current form, was originally designed and the consent for change of use to a single dwelling brought with it significant enhancement in the form of the removal of all the later unsympathetic alterations and extensions, both internally and externally, including the public benefits to the conservation area and street scene from the restoration of the baroque façade and repairs to the frontage walls and railings.

The current application scheme now proposes the subdivision of the Hall into two dwellings. As discussed above, this is not the optimum use for the conservation of the listed building and would bring with it the "less than substantial" harm identified by English Heritage. The key question is therefore whether there are any exceptional circumstances that would justify the subdivision and a change from the optimum use in order to achieve conservation and enhancement of the building, bearing in mind that the recent approvals for conversion into one dwelling were considered in 2011 to satisfy listed building legislation and achieve the aims of policies HC1(C) and LC6.

The applicant's assessment shows that the projected value as a single house would not cover the considerable development and restoration costs by a substantial margin, whereas the submitted scheme comes closer but could still have a sizeable deficit. The applicant considers that whilst her viability assessment shows that that conversion to two dwellings is not strictly viable, the shortfall is more reasonable for a private developer to accept if they see the restoration of the house as a longer term project (and certainly more viable than a single dwelling scheme). She therefore considers that the subdivision is required to achieve the conservation and enhancement of the building and the site, and by doing so, secure a long term beneficial and sustainable use for the listed building.

Clearly, if the proposed development conserves or enhances the listed building there would normally be no need to consider whether the works are 'required' in terms of viability under HC1. However, if there is any harm to the building or its setting, then special circumstances are required to justify making an exception, for example, development that is deemed essential to achieve a beneficial and sustainable use for the building and secure the overall conservation and enhancement of a listed building (paragraph 140 of the NPPF). Development in these circumstances (where "less than substantial" harm is involved) will only be acceptable if there are clear and convincing public benefits arising from the development to justify the harm caused and assumes that maximum possible mitigation steps have been taken/incorporated to minimise the harm to its lowest possible level. This is considered in the next section.

**Key Issue 4 - The harm caused by the proposed subdivision and physical works upon the significance of the Hall and its setting.**

The proposed subdivision has been the subject of detailed discussions between the Authority's officers and the applicant. She was given pre-application advice that the principle of subdivision may be acceptable, but this was clearly given without prejudice to the determination of any subsequent applications. She has employed a local specialist historic buildings architect to advise her on the scheme. The Authority's officers acknowledge that many of the alterations that are being proposed will remove inappropriate extensions and alterations that have taken place during the time that the Hall was in the ownership of the YHA. The demolitions, although largely screened from public views, are the most obvious external changes and will represent considerable enhancement to the setting of the rear of Castleton Hall, where the majority of the unfortunate later

additions and alterations are being removed. These demolitions will also have a beneficial effect on the setting of the nearby listed Coach House.

Internally, most of the YHA installed internal stud partitions have already been removed to reveal the original features and proportions of the various rooms. However, it should be noted that all the enhancements were either proposed or conditioned in the approved 2011 single dwelling conversion so there is nothing significantly new in this scheme in terms of further enhancement, if the 2011 scheme was considered to be viable and deliverable.

*Internal works of alteration:*

In terms of the physical internal subdivision of the Hall into two dwellings, this requires minimal alterations and is achieved by the blocking up of three door openings on the ground and first floors. Whilst these allow for a simple subdivision separating the former tithe barn from the main Hall, which would remain behind the baroque façade, there no precise details have been submitted to show whether these openings are original or not or exactly how this is to be detailed. In one case it would appear appropriate to retain a doorway fixed shut with a wall behind, whereas in the other two openings it would be appropriate to close the opening up with matching walling. The Authority's Historic Buildings Architect considers that subdivision at this point would minimise the impact on the internal fabric and character of the listed building and would be easily reversible in the event that the building subsequently reverted to a single dwelling. Details of the precise detailing of the blocking up of these three doors can be conditioned as part of any approval.

The other main internal change concerns the main stairway where presently the former open stairway has been mostly infilled at first floor level by the YHA to create an extra room. The applicant proposes that this infill will be largely removed, with part retained to give a balconied corridor across the space to gain access to a first floor window. This, together with the restoration of the staircase, is considered to be acceptable as it will enhance the listed building. Other changes include the insertion of new stud partitions to suit the new room layouts and the need for new bathrooms in a more sensitive manner than the previous YHA partitioning, along with a number of smaller works of repair and restoration as set out on the detailed drawings and specifications. Taken together, these works are considered to be acceptable.

*External works:*

Whilst subdivision may be relatively simple to achieve internally, externally the subdivision of the Hall requires more significant subdivision of the walled garden at the rear and the use of a larger part of it for additional car parking. There are also changes to the boundary walling for the creation of a new vehicular access and parking arrangements to accommodate the proposed subdivision. From a public perspective, the main changes will be the repairs to the baroque façade of the east facing Castle Street elevation and to the courtyard in front of the building, where there will be significant enhancement of the street scene.

*External works to front (Castle Street):*

The main work to the front would be the restoration of the baroque façade, which currently is in very poor condition, largely as a result of works to repair it having stopped after the initial removal of render and perished stonework. The existing boundary to the courtyard fronting Castle Street is a combination of a low stone wall with iron railings above. The amended scheme proposes that the boundary walling would be repaired and that the existing railings and gate be replaced with a more appropriate 18<sup>th</sup> century design matching the style shown in historic photographic evidence of the frontage. The improvement to the railing and gate design is welcomed as appropriate enhancement to the frontage.

To facilitate access from Castle Street to the Tithe Barn dwelling, a second pedestrian gate in the boundary wall/railings is also proposed to be inserted beside the Tithe Barn gable end. The new pedestrian gate would be constructed to reflect the main gate and the style of the new railings. Although it would not be a significant feature in the overall frontage and the matching detail would

provide a continuity of design, the introduction of the second entrance into the frontage wall would result in a slight loss of existing character and enclosure of the frontage boundary, but this is not sufficient to justify a refusal on this ground alone.

The existing trees would remain with some crown lifting; these make an important contribution to this part of the conservation area. The paved courtyard would be re-laid with additional raised grassed/planted beds and the paving layout adjusted to informally denote the differing ownerships in the frontage, instead of the hedge as originally proposed to divide the front yard. Apart from the new gateway, there would be no other formal boundary to indicate the proposed subdivision of the property at the front.

Overall, the frontage would be conserved and enhanced by the proposals, particularly the significant repairs/restoration to the baroque façade and the more appropriate railings and gate. It is considered that the enhancement of the new railings would offset the slight harm to the setting arising from the new pedestrian gateway and result in overall net public benefit to the listed building, its setting, the street scene and the Conservation Area. It should be noted, however, that the restoration of the baroque façade was a condition of the previous single dwelling scheme, so the only change between the two schemes is the new railings of a more appropriate 18<sup>th</sup> century design.

One potential concern with the two dwelling scheme is that the differing maintenance regimes by the separate owners could, over time, result in changes to the appearance of the two sections of the Hall that would further highlight differing ownerships, despite planning and listed building constraints which could control any significant changes. In response to this, the applicant has offered to enter into a section 106 legal agreement or accept other restrictions to ensure a single maintenance programme. These are often used to ensure coordinated maintenance of multi-occupancy properties or leasehold properties. If Members are minded to approve this application, it should be subject to a legal agreement to secure this.

The solicitor acting for the principal objector has stated that they do not accept that the changes to the building and the site are realistically reversible. In reality once the separate planning units are in separate ownership they will never be reunited. They consider that the Authority cannot control ownership and that assurances from the applicant are of no relevance. They therefore consider that the Authority will have to rely on conditions and that it is a risk that conditions will not be effective to control management and appearance of the two separate properties.

#### *External Works to Rear:*

The removal of the detached outbuildings and later YHA additions at the rear, as set out in the application details, followed by restoration of the walled garden using lawns, planted beds and paved areas would significantly enhance the rear garden and, more importantly, the setting of the Hall and the Conservation Area.

Whilst these works would open up the rear setting of the Hall and the garden, the proposal undermines that enhancement potential to some extent by subdividing the garden to create a separate residential curtilage for the Tithe Barn. This would be achieved by retaining some walling from the previous layout, together with the erection of a new section of matching 1.7m high walling. This would reduce the openness of the garden and detract from the setting of the garden and the Hall to some extent, but it should be noted that this rear area was approved as a parking area in the single dwelling scheme, with a new double garage built in approximately the same location as the Victorian games room. This earlier approval was, on reflection, not ideal, but it this is a material consideration in determining the current application.

#### *Parking and garaging:*

Amended plans now show that off-street parking facilities for each dwelling would be provided in the north-east corner of the Hall garden, accessed via a single new vehicular entrance through the

wall at the end of the shared private driveway with The Old Vicarage. The new opening would be provided with stone gateposts and fitted with a timber sliding gate. There are no details of the new gates, but the principle of such gates is acceptable. The new access is also considered to be acceptable, being of a design sympathetic to the character and setting of the listed building. It will require the complete removal of the remaining section of the partially demolished bungalow, as there is insufficient space available between the remaining bungalow and the end wall to accommodate the proposed access width and gate piers. This is currently a matter in dispute between the applicant and neighbour. Highway issues are dealt with below.

The amended layout of the Tithe Barn dwelling's garden and parking facilities provides some improvement over the original submitted layout in that it now omits the single garage, the new vehicular access off the shared driveway into the Tithe Barn garden (which reverts to a pedestrian gate), and move all of the parking out of the proposed garden. The Authority's Conservation Officer considers this to be acceptable, subject to conditions covering some of the details.

*Tithe Barn Parking:*

The amended layout shows three parking spaces would be provided in a parking courtyard immediately inside the new gateway off the shared main drive with The Old Vicarage. The spaces would be provided either side of the new driveway, two of which would be sited immediately behind and to the west of the Tithe Barn garden wall and bounded from the rest of the garden to the Hall dwelling by a new beech hedge. A wide double-gated entrance through the tall garden boundary wall would lead from these spaces into the Tithe Barn garden. This would, however, be an inappropriately wide opening in the garden wall which the Conservation Officer considers would detract from the containment and setting of the garden and should have been reduced to pedestrian width. As drawn, it would potentially facilitate additional parking within the garden at a later date which would further detract from the listed building and be unacceptable. In the event of an approval, this should be reduced to a single pedestrian gate; the applicant has confirmed her willingness to accept a condition to achieve this.

*Hall Dwelling Parking:*

A separate parking area for four cars and a detached double garage would be sited immediately west of that provided for the Tithe Barn and separated from it by a further sliding gate running between the gable of the proposed garage and the across to the corner of the beech hedge proposed to surround the Tithe Barn parking area and separate it from the rest of the Hall garden. The proposed double garage would be situated adjacent the northern garden boundary wall with The Old Vicarage, which is about 2.5m high. The garage would be constructed in natural materials to match the Hall and, subject to minor detailed conditions including the provision of stone lintels over the doors, it would be of an acceptable simple design. It would be sited between two trees that would be in close proximity to, and affected by, the walls of the garage. The Authority's Tree Officer has advised the applicant that there are no objections to their removal, but the applicant wishes to retain the better of the two, a Yew, which would fall within the proposed Tithe Barn's parking court. The western one is proposed for removal in the amended plans to make way for one of the parking spaces for the Hall dwelling.

The relocation of the double garage and parking from the immediate rear of the Hall (as approved in the single dwelling scheme) would be an improvement to the rear setting of the Hall over the scheme approved for the single dwelling. The siting of the garage against the north wall would not have a harmful impact upon the setting of the Hall and the garden.

However, as a result of the new Tithe Barn walled garden, both the Tithe Barn parking and that proposed for the Hall are pushed back further into the site and extend over part of the remaining garden area. The parking spaces for the Hall are also shown in the amended layout without any form of boundary separating them and the garaging from the remainder of the formal walled garden. The Authority's Historic Building Architect considers that some form of partitioning off from the rest of the garden would have been more appropriate e.g. by hedging in the same way as proposed the

Tithe Barn parking spaces. The applicant has confirmed her willingness to accept a condition requiring this.

It must be acknowledged that the new garden walling and parking areas would be intrusive features within the garden and upon the setting of the Hall and to some extent they may detract from the character and appearance of the listed building, and to a lesser extent the setting of the Coach House and the Conservation Area, even though the impact on the Conservation Area would be limited by the existing high walls and buildings. However, *any* use of the Hall is likely to require some parking within the curtilage (unless it is on the adjacent streets) and if a viable, beneficial use is to be accepted for the building, then this is likely to involve some changes to the setting of the building. Some degree of change can be acceptable and is not necessarily harmful to the heritage assets. Whilst the approved single dwelling scheme was not ideal in proposing a garage and parking area at the rear of the Hall, the amended layout for this two dwelling scheme is considered to be less harmful to the setting of the listed building as the garage is now in more sympathetic location adjacent to the boundary wall. The omission of the single garage for the Tithe Barn dwelling is a significant improvement from the submitted application and removes a reason for refusal of the application. The additional boundary walls to create a separate curtilage for the Tithe Barn dwelling would result in some subdivision of the rear garden, but when assessed against the beneficial works which the application proposes, on balance, the scheme is considered to be acceptable.

*Alterations to outbuilding ‘wing’:*

The outbuildings projecting off the rear of the Hall, running down the side of The Stones on the southern boundary, are proposed to be converted into a sun room and an ancillary flat for the Hall dwelling. The proposed sun room is to be created by remodelling the pitched roof link building between the Hall and the two storey ‘annex’ on the southern boundary. This building was originally proposed to be removed in the approved single dwelling scheme, along with the flat roofed dining room extension and an external fire escape. It is now proposed to remove the flat-roofed dining room extension and fire escape, but to retain the remainder of the pitched roof building. The retained building follows the traditional form of the Annex building and its retention will maintain the existing character and form of the building when viewed from The Stones. It will also prevent overlooking into the rear courtyard of the Hall from adjacent properties. The retention of this section of the link building and its remodelling to form a Sun Room with patent glazed roof window is considered to be sympathetic to the character and setting of the Hall and is acceptable. Provided the use of the annexe remains ancillary to the use of the Hall dwelling, there are no objections to this ancillary accommodation.

Currently there are eight rooflights in the annex roof, three of which are on the southern roofslope overlooking The Stones. The plans propose removal of all of the south facing roof lights and replacement of those in the north by four conservation roof lights along with four more fixed together and sited over the sun room giving the appearance of a bespoke patent glazed continuous panel. Since submission the applicant has clarified the size of the proposed new rooflights in the annexe, as currently they are shown as different sizes on separate plans. Subject to the use of the smaller size, as confirmed by the applicant, there are no objections to this element, which would enhance the appearance of the building and the wider conservation area.

*Alterations to lean-to store beside the rear central projecting wing on the Hall:*

The application also seeks consent to retain the shallow lean-to roof over the former kitchen store and part of the former link corridor to create a utility room. The existing rooflights would be removed. This room would sit between the two storey hipped roof rear wing projection and the retained section of walling to form the southern boundary of the Tithe Barn dwelling’s curtilage. The single dwelling scheme proposed the complete removal of this shallow roofed lean-to extension and all of the link corridor as part of the overall package to enhance the rear elevation. Its retention in this scheme is therefore not ideal given its later fabric and poor form, but due to its modest size and location it has only a modest impact on the rear elevation. The plans showing the

gable elevation also show the full doorway height cannot be achieved within the space available and the roof would cut across the outer corner of the door and frame which would need to be partially trimmed. This gable end would, however, be recessed from the adjacent two storey projection and being in a corner formed by the new boundary walling to the Tithe Barn garden the lean-to would not be overly prominent. Whilst complete removal would still have been preferred, its remodelling will bring some enhancement over the existing and would therefore conserve the Hall. It is therefore considered to be acceptable.

*Changes to fenestration:*

As with the previously approved single dwelling scheme, this scheme proposes considerable enhancement to Castleton Hall, with the majority of the unfortunate later additions and alterations, both externally and internally, being removed and restored to their original appearance and proportions. The scheme also involves the replacement of later doors with a more appropriate style and window frames with more appropriate sash frames as well as the reconfiguration of openings to match their original form. In many cases the reconfigured openings are to be provided with full natural surrounds or natural gritstone lintels and sill, where appropriate. All the new frames being installed on the rear the frames will be double glazed and all the sash frames to the front will be single glazed.

In respect of new openings, one new window opening and a new door opening are proposed. An additional ground floor window is proposed in the north elevation of the Tithe House. This window overlooks the shared access drive and is centred beneath an existing stone arched head. The window opening is positioned opposite the corner of the gable wall of The Old Vicarage and the tall boundary wall which runs along the northern side of the joint access drive. Given that there is evidence of an opening in this position, the additional window opening is considered to be acceptable in terms of its impact on the listed building and is appropriately detailed. The window faces the joint access drive and does not overlook any windows in The Old Vicarage or its front garden which is screened by the garden boundary wall. The proposed additional window is therefore considered to be acceptable and would not impact upon the residential amenities of the adjacent property.

The proposed new door opening is situated within the west elevation of the central rear wing building. The applicant has confirmed her acceptance of a request by the Authority's Historic Building Architect to reduce the width of this door and to match the fenestration of other rear doors and has stated that she would be willing to submit amended plans covering these and any other details. This can be dealt with by condition if the application is considered to be acceptable

A further door opening on the north elevation of the Tithe Barn dwelling, opening onto the shared access, would be altered to serve what would be the side entrance hall to the Tithe Barn dwelling. Plans show it would be opened up fully to its original proportion and fitted with fully glazed double doors. The fully glazed detailing is not ideal in design terms for this particular style and positioning of opening and should be changed to a more appropriate solid style. However, given its location it would be sited sufficiently far enough back from the Old Vicarage and with the intervening walling and orientation it is considered that it would not give rise to issues of amenity concern sufficient to warrant further change or omission.

Three new conservation rooflights were originally proposed in the south facing roof of the Tithe Barn, to give additional light and ventilation to the master bedroom and en-suite. These rooms are presently served by existing sash windows which are positioned just above the internal floor level. The submitted plans also showed the enlargement of the existing rooflights on the north side of this roof. There were objections to the principle of new rooflights on the prominent front roofslope and, in addition, those shown on the plans are considered to be unacceptably large and dominant upon the roofslope of this main elevation overlooking the courtyard and formal façade and would detract from the roofscape. It was therefore recommended by the Authority's Conservation Officer that these should be omitted. The existing ones on the north are equally prominent in the street scene

and should also be retained as existing size to avoid dominating and detracting from the roof. This is further reinforced by the recommendations from the Ecologists that no work should be done above the roofline without further survey. The applicant has confirmed that the proposed new rooflights are omitted from the proposal and that the others on the north will be retained as existing. Consequently, given there will be no changes to these roofs, there is no need for further bat survey.

*Greenhouse:*

The application proposes the addition of a greenhouse to the north western corner of the Hall garden. This is bounded on its northern and western sides by the existing tall, 2.4m high boundary wall and within close proximity of a mature tree. It is a relatively small structure (4.0m x 2.6m) with a plinth wall and glazed upper walls and roof, with a projecting gabled door entrance. It is of an appropriately modest scale and of suitable design; that there are no objections to this aspect of the proposals, subject to the plinth wall being constructed in natural limestone rather than brickwork.

*Impact upon the setting of the separately listed Grade II Coach House to the rear:*

In addition to having to pay special regard to the desirability of preserving the setting of the Hall, the Authority must also consider the setting of the adjacent Coach House. The Coach House is a separately listed Grade II listed building lying to south of the Hall's walled garden and separated from it by a tall dividing wall constructed when the Coach House was separated from the property and sold by the YHA, although there was already a high wall close to the rear of the Coach House. The setting of the Coach House has already been compromised to some extent by the new boundary wall and its separation from the Hall. This amended scheme proposes further subdivision of the walled garden with a larger parking and turning space encroaching further out over the garden. Whilst this was a recommended reason for refusal in the January report, officers have reassessed this and do not consider this to be of sufficient concern to justify refusal on these grounds, particularly given the layout of the parking and garaging for the single dwelling scheme and the fact that the new walls and altered layout to the rear of the Hall does not impinge on the setting of the Coach House to a significant degree.

Conclusion

Officers acknowledge that the alterations that are being proposed to the Hall will remove inappropriate extensions and alterations that have taken place during the time that the Hall was in the ownership of the YHA and would be significant enhancements to the building and its setting. The demolitions, although largely screened from public views, are the most obvious external changes and will represent considerable enhancement to the setting of the rear of Castleton Hall, where the majority of the unfortunate later additions and alterations are being removed. These demolitions will also have the effect of enhancing the setting of the adjacent listed Coach House and the Conservation Area. With regard to those individual elements of the scheme where officers have concluded that there may be some limited harm or where the scheme does not propose the optimal enhancement, officers consider that when taken together these do not cause sufficient harm to justify refusal of the application. Moreover, when weighed against the benefits which the restoration of the Hall offers, these limited impacts are considered to be acceptable.

As with the previously approved single dwelling scheme, the detailed scheme for the Hall itself proposes considerable enhancement to the listed building. The majority of the unfortunate later additions and alterations, both to the external fenestration and internally, will be removed and restored to their original appearance and proportions. The replacement of later doors and window frames with more appropriate sash frames and the reconfiguration of openings to match their original form, in many cases provided with full natural surrounds or natural gritstone lintels and sill where appropriate, is welcomed. The repairs to the baroque facade and railings to the front is also welcomed repair which will enhance the building. Although most of the enhancements were proposed or conditioned by the 2011 single dwelling conversion, the applicant has demonstrated that this scheme is not viable and would result in a significant conservation deficit. This has now



been supported by the independent assessment carried out by Smith and Roper Architects on behalf of the Authority. The weight to be given to the principal objector's claim that he could achieve the enhancements in a single dwelling scheme which would either be viable or in which he would accept any deficit is a matter which the Committee needs to consider very carefully.

In conclusion, this amended scheme is acceptable (subject to appropriate conditions) in respect of the proposed demolitions and fenestration changes, as the works would enhance and restore the original form, character and appearance of the Hall in compliance with the relevant Adopted Core Strategy and Local Plan policies and with government guidance, notably in the National Planning Policy Framework. English Heritage has advised that the scheme would cause some harm through subdivision, even though that harm is considered to be "less than substantial". In accordance with paragraph 134 of the Framework (NPPF) English Heritage therefore advises the Authority that *"Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*. English Heritage advises that this balancing exercise is a judgement for the Authority to make. The Authority's Conservation Officer considers that as amended and subject to the conditions referred to above, the scheme would, on balance, deliver greater benefit to the listed building and its setting than the harm which would be caused, notably by the external works in the rear garden.

### **Conclusion**

In comparison with a single dwelling scheme, which English Heritage consider to be the optimum use, the current application for subdivision involves harm to the listed building, which, overall, English Heritage and Authority officers consider is "less than substantial". Nonetheless, any harm created by a development which is for more than the optimum use raises an issue of principle in terms of the duty placed on planning authorities by sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 which require that the Authority *'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'* (section 16(1)) and *'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'* (section 66 (2)), and with paragraph 134 of the Framework. As noted above, section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had.

The issue of principle comes from its subdivision from the optimum use as a single dwelling and from the associated physical changes, particularly to the setting of the rear elevation and the setting of the garden from the creation of the separate garden and parking facilities. These changes also affect the Conservation Area and to the setting and amenity of the adjacent listed Coach House, albeit to a lesser extent.

The view which has been taken by English Heritage is that only essential works of repair and maintenance should be taken into account in determining whether there is a conservation deficit which could otherwise justify an approval of a scheme which is not the optimum use. At the meeting on 31 January 2014 and in the consolidated response dated 23 April 2014 English Heritage have clarified a number of points, including their view that whilst the subdivision does not fall into the definition of "enabling development", the template for assessing a conservation deficit is essentially the same as for enabling developments. On this basis, the Authority commissioned Derbyshire County Council to review the applicant's assessment and the objector's surveyor's assessment of this. Whilst recommending validation of some figures, the DCC report confirms that the approach taken by the applicant is valid and demonstrates that there is a conservation deficit. The figures requiring validation do not fundamentally affect this conclusion. Following further consideration of these issues, the Authority's officers instructed historic building architects to carry out a viability assessment for a single dwelling scheme which could deliver the key conservation benefits identified by the Authority's Conservation Officer. This assessment concludes that a single

dwelling scheme would not be viable.

If Members are minded to approve the current applications, they should do so only on the basis of the advice in paragraphs 134 and 140 of the National Planning Policy Framework, which state that *“Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”* and that *“local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”*. Significant weight must be given to the Authority’s statutory duties under sections 16, 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the listed building and the conservation area, referred to above.

English Heritage officers have made it clear that this assessment is matter for the Authority. The Authority’s Conservation Officer considers that the proposal will provide sufficient benefit through restoration and enhancement to outweigh, on balance, the harm identified by English Heritage. The conservation deficit which has been demonstrated shows that these benefits are unlikely to be realised through a scheme to restore the building to a single dwelling. This view is clearly disputed by the principal objector, who considers that he could refurbish the house as a single dwelling and that this would be the optimum and viable scheme. However, officers consider that the applicant has provided sufficient evidence that her proposal is the optimum and most viable scheme which would be acceptable in terms of its impact on the listed building and its setting and is one which is likely to provide a sustainable use for the building in the future. The principal objector has not produced alternative figures to demonstrate that he can deliver a viable single dwelling scheme which achieves the key conservation benefits.

In these circumstances the officer recommendation is of approval, subject to a section 106 legal agreement to secure the benefits being proposed and to ensure sympathetic long term management of the two dwellings, and to appropriate planning conditions.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

**For appendices, please refer to appendices 1- 4 in the preceding planning application report**



This page is intentionally left blank

**8. FULL APPLICATION – CHANGE OF USE OF ALDERN HOUSE FROM LOCAL AUTHORITY OFFICES TO A MIXED USE OF LOCAL AUTHORITY OFFICES AND COMMERCIAL OFFICES IN A B1(A) USE, PEAK DISTRICT NATIONAL PARK AUTHORITY, ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/0315/0214, P.2760, 421961 / 369440, 30/03/2015/AM)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

The application site is located on the northern edge of the town, within the Bakewell development boundary but outside of the designated Bakewell Conservation Area. The application site is a single planning unit, occupied by the Peak District National Park Authority as local authority offices. The application site includes the main building Aldern House, which is a Grade II Listed Building, the original building was designed and occupied as a house dating from c1820.

Aldern House contains the public reception for the building, the board room, smaller public meeting rooms and toilets along with offices occupied by staff. Outside the main building there is a detached single storey office building (the bungalow) and outbuildings used for ancillary purposes. To the rear (west) of the main building is a large car park set on three terraces as the land rises. There are two vehicle access points and one separate pedestrian access onto the site from Baslow Road.

There are number of neighbouring residential properties adjacent to the red-edged application site boundary. These include Meadow Bank and The Mullions to the west of the car park, Burre Cottage to the south of the main access and a number of properties on the eastern side of Baslow Road opposite the site.

**Proposal**

This application seeks planning permission for a change of use of the application site from use as local authority offices to a mixed use of local authority offices and commercial offices in a B1(a) use. The proposed change of use would affect the main building, the bungalow and three outbuildings which are used for storage.

The plans show that the proposed mixed use of local authority offices and commercial offices would take place within the areas, which were currently occupied predominantly as local authority staff offices. The plans specifically show that the existing board room, reception, public meeting rooms and toilets would be retained for use by the public in relation to the function of the local authority but also made available for use by the occupants of the proposed commercial offices.

No physical alterations are proposed to Aldern House, or to the adjacent bungalow and outbuildings, and no alterations to the existing parking or access arrangements are proposed.

**RECOMMENDATION:**

**That, subject to no representations which raise material planning objections being received before the end of the consultation period, that the application be APPROVED subject to the following conditions or modifications.**

- 1. Statutory three year time limit.**
- 2. Development to be carried out in accordance with specified approved plans.**

## **Key Issues**

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the character, appearance and amenity of the site, its setting and that of neighbouring properties.

## **Relevant Planning History**

None Relevant.

## **Consultations**

The public consultation period for this application finishes on the day of the meeting (Friday 17 April). Therefore this recommendation is made subject to there being no adverse consultation responses or representations being received by the end of this consultation period. Any responses received before the meeting will be verbally updated by Officers. If any responses are received after the meeting then a decision will be taken in consultation with the Chair and Vice Chair of the Planning Committee.

Highway Authority – No objections.

District Council – No response to date.

Town Council – No objection provided the effect of the change of use does not generate overflow car parking that cannot be accommodated within the site.

## **Representations**

No representations have been received to date.

## **Main Policies**

### **National Planning Policy Framework**

Paragraph 28 of the National Planning Policy Framework (the Framework) says that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas and also promote the retention and development of local services and community facilities in villages.

Paragraph 115 says that great weight should be given to conserving landscape, wildlife and cultural heritage in National Parks, whilst paragraph 132 says that great weight should be given to the conservation of any affected designated heritage assets.

### **Development Plan**

Relevant Core Strategy policies: GSP1, GSP3, DS1, L3, HC4 and E1

Relevant Local Plan policies: LC4, LC6, LT10, LT18, LB1

The most directly relevant policies in this case are Core Strategy policies HC4 and E1.

HC4 (A) seeks to encourage the provision or improvement of community facilities and services within Bakewell, preferably through the change of use of an existing traditional building and encourages shared or mixed use with other uses. HC4 (C) says that proposals to change the use of buildings or sites which provide community services and facilities to non-community uses must

demonstrate that the service or facility is either no longer needed, available elsewhere in the settlement or can no longer be viable. HC4 (C) goes on to say that wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing.

E1 (A) says that business development will be permitted within or on the edge of Bakewell. Proposals must be of a scale that is consistent with the needs of the local population and wherever possible must re-use existing traditional buildings of historic or vernacular merit or previously developed sites.

Core Strategy policy L3 and saved Local Plan policy LC6 are also relevant because Aldern House is a Grade II Listed Building. Taken together, these policies say that all development must conserve and enhance the significance of the listed building and other than in exceptional circumstances, development which would have a harmful impact will not be permitted. Saved Local Plan policies LT10 and LT18 say that adequate parking and access arrangements are a pre-requisite of any development.

In this case relevant policies in the Development Plan are considered to be up-to-date and in accordance with the more recently published National Planning Policy Framework because both documents seek to promote sustainable development which conserves the National Park and safeguards existing community facilities and services.

### **Assessment**

The application proposes to retain the existing board room, reception, public meeting rooms and toilets for public use associated with the National Park Authority's work. It is proposed that existing office space which is under-occupied by the Authority's staff would be made available to be occupied by outside organisations, businesses or individuals as commercial offices in a B1 (a) use.

The submitted plans show the whole of the area currently used as staff offices as part of the proposed change of use. The applicant has stated that this is to allow flexibility in the future to respond to specific space requirements of prospective occupants of commercial offices and the requirements of the Authority to provide space for staff to work on site. Overall the site would remain as a single planning unit in a mixed use.

The proposed development would therefore not result in the loss of the existing community service and facilities at the site. The proposed development would enable the Authority to share the facilities at Aldern House with other occupants and potentially raise an additional source of income to support the retention of the services and facilities provided by the Authority. Aldern House is located in a sustainable location within Bakewell where small-scale business development is appropriate. It is therefore considered that the principle of the proposed development is in accordance with Core Strategy policies HC4 and E1.

In terms of the potential impact of the proposed development, Aldern House is served by a safe access and has ample off-street parking facilities to serve the proposed development. The Highway Authority considers that the proposed development would not have any adverse impact upon either highway safety or the amenity of road users in accordance with saved Local Plan policies LT10 and LT18. The proposed development would not give rise to any additional impacts to neighbouring properties compared to the existing use therefore the amenity, security and privacy of neighbouring properties would be conserved.

No building operations or works to the listed building are proposed to facilitate the proposed development. It is also considered that the proposed change of use would not have any material impact upon the setting of the listed building compared to the existing use. Therefore it is considered that the proposed development would not have any adverse impact upon the

---

architectural or historic significance of Aldern House or its setting in accordance with Core Strategy policy L3 and saved Local Plan policy LC6.

### **Conclusion**

It is considered that the principle of the proposed development is in accordance with Core Strategy policies HC4 and E2 and that the proposal would conserve the significance of Aldern House which is a Grade II listed building. The proposal would not have any adverse impact upon highway safety or the amenity of neighbouring properties.

Therefore it is considered that the proposed development is in accordance with relevant policies in the Development Plan and the National Planning Policy Framework. In the absence of any further material considerations; the current application is recommended for approval subject to a condition to require the proposed change of use to be carried out in accordance with the submitted plans.

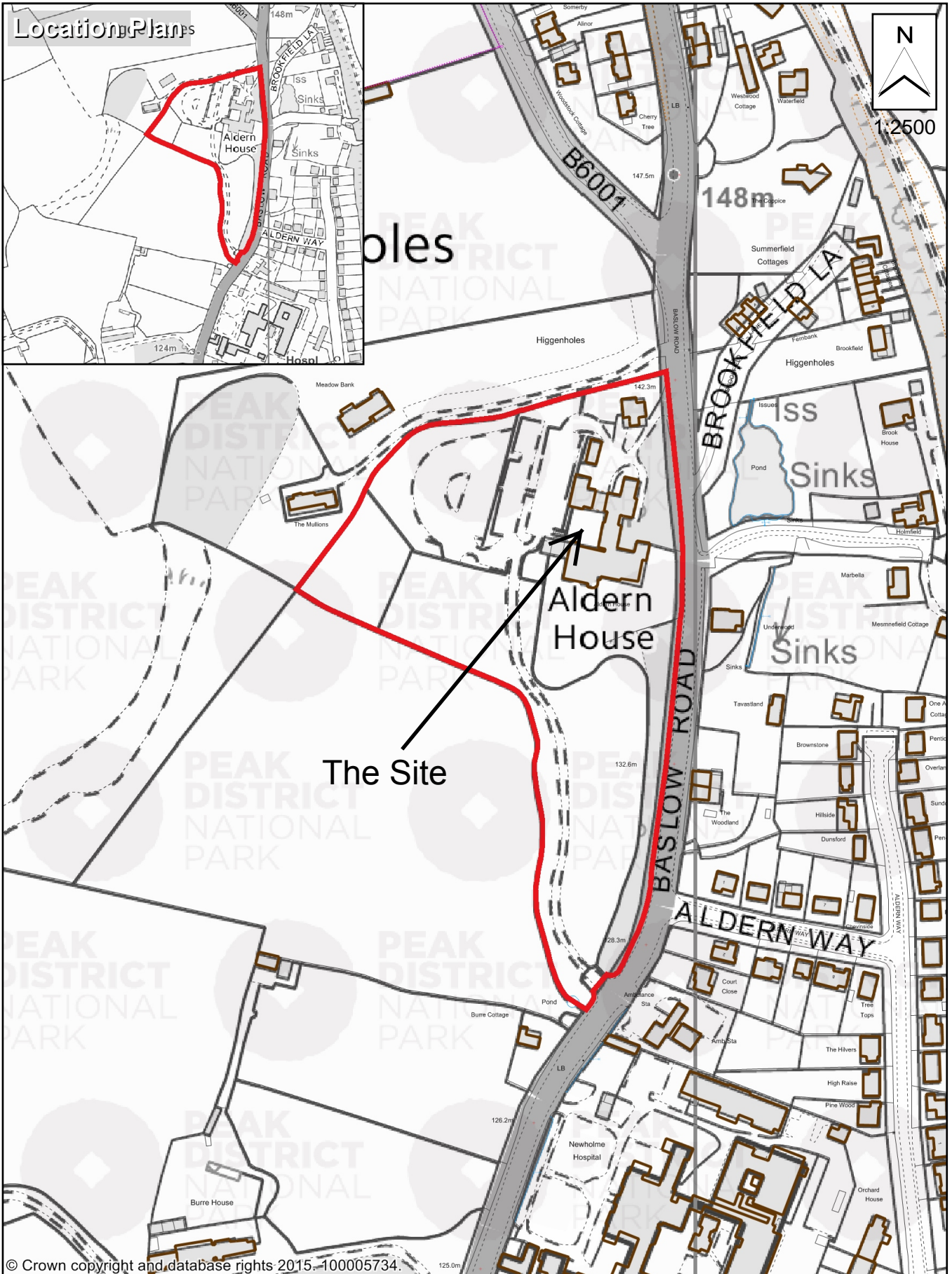
### **Human Rights**


Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers (not previously published)**

Nil





Committee Date:	17/04/2015	<b>Title:</b> Peak District National Park	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	8	Authority	
Application No:	NP/DDD/0315/0214	Aldern House	
Grid Reference:	421961, 369440	Baslow Road	
		Bakewell	

This page is intentionally left blank

**9. FULL APPLICATION – INSTALLATION OF 4 CAMPING PODS WITHIN THE EXISTING CAMPSITE AND ALTERATIONS TO EXISTING CAMPSITE BUILDING INCLUDING REPLACING EXISTING WINDOWS AND DOORS ON SOUTH ELEVATION WITH TWO SETS OF DOUBLE DOORS AND REPLACING EXISTING METAL WINDOWS WITH TIMBER TO MATCH THE EXISTING AT NORTH LEES CAMPSITE, HATHERSAGE (NP/DDD/0215/0112, P.9804, 423536 / 383448, 23/03/2015/AM)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

North Lees Campsite is located in open countryside, approximately 1.6km to the north of Hathersage. The campsite is well established and is owned and operated by the Peak District National Park Authority. The site includes three camping fields and a stone building used as a reception and amenity block. The boundaries of the site are generally well screened by existing native mature tree and hedge planting.

Access to the site is via Birley Lane and the whole of the application site is open access land. The nearest neighbouring properties are the grade II\* listed North Lees Hall 170m to the north of the site, a dwelling known as Cattis Side 90m to the east of the site and Bronte Cottage 170m to the west of the site.

**Proposal**

This application seeks planning permission for the siting of four camping pods in a small area of plantation woodland within the existing campsite and alterations to the existing amenity building on the site.

The submitted plans show that the four proposed camping pods would be sited within a triangular shaped area of woodland adjacent to the northernmost camping field within the site and approximately 70m to the north east of the amenity building. The pods would be fitted around the existing trees within the plantation, which would be retained. Access to the pods would be along a new pedestrian path to an existing area of hardstanding to the south east. The top surface of the paths would be finished with limestone flush with the level of the field with no timber edging.

The proposed pods would be constructed from timber under a curved roof clad with overlapping 'oberon' tiles (a metal tile having a granular textured surface) which are coloured dark brown. The roof overhangs part of the timber base to create a covered area. Two 'family' sized pods, 3.4m wide by 5.4m long and two 'standard' sized pods, 3.2m wide by 4.5m long are proposed. Each would have a pair of glazed doors in the front gable and a window in the rear for ventilation. Internally each pod would have an open plan sleeping area.

The alterations to the amenity building include replacing the existing windows and door on the front elevation with two sets of timber double doors. One pair of doors would be glazed and the other provided with vertically boarded timber doors. The colour and finish of the proposed doors would match the existing. Finally, the application proposes to replace five existing metal framed windows (three to the rear and one on each side) with new timber window frames.

**RECOMMENDATION:**

**That the application be approved subject to the following conditions or modifications.**

- 1. Statutory three year time limit for implementation.**

2. **Development to be carried out in accordance with specified approved plans.**
3. **The camping pods shall not be sited anywhere within the application site other than in accordance with the plots identified on the approved plans.**
4. **No camping pod shall be replaced with any other structure or caravan at any time.**
5. **Restrict occupancy of camping pods to short term holiday letting purposes (no more than 28 days occupancy by any individual per calendar year) ancillary to North Lees Campsite. The camping pods and the existing campsite shall be retained within a single planning unit.**
6. **The roof tiles and external finish of the pods shall be in accordance with the approved samples / specifications and permanently maintained throughout the lifetime of the development.**
7. **No trees shall be felled within the area proposed to site the four camping pods other than in accordance with a details scheme (to include details and timing of any tree to be felled and subsequent species, size and location of any new planting) which shall have first been submitted to and approved by the National Park Authority.**
8. **No alterations to the amenity building shall be carried out other than between the period between the 1 October and the 1 May in the following year.**
9. **The new windows and doors within the amenity building shall be timber which at the time of erection shall be finished to match the colour of the existing timber windows and doors.**
10. **Access paths to the Camping pods to be surfaced with crushed gritstone, not limestone.**

### **Key Issues**

- Whether the proposed development is acceptable in principle.
- Whether the visual and landscape impact of the development is acceptable.

### **History**

2014: NP/DDD0614/0627: Planning permission granted conditionally for the installation of ground source heat pump within the campsite.

### **Consultations**

Highway Authority – No objection because this is an existing campsite with an existing and established vehicular access off Birley Lane.

District Council – No response to date.

Parish Council – Support the application for the following reasons.

The Parish Council believes that the proposals will help secure the ongoing viability of the campsite, which the Council would like to see flourish. The Parish Council does not consider any aspect of the proposals to be visually unacceptable and the changes to the admin/toilet block will improve its appearance.

The Parish Council is of the view that the proposed camping pods are closer together than ideal and it would be desirable to space them out a little more, while remaining within the same triangular copse.

PDNPA Landscape – Raise no objections and makes the following comment.

The present use of this site for camping has existed in an organised way for many years but has become increasingly inconspicuous as the perimeter trees, augmented with more recent planting and natural regeneration, has matured. The site is relatively secluded, with Birley Lane winding past it and up the steep hill towards Stanage, giving only filtered and occasional views, if any, over a high drystone boundary wall.

The proposed additional use can hardly be open to significant landscape objections, given the extent of the existing mixed age tree cover, whose screening effect will be enhanced in the future, rather than diminished, especially from early summer through to autumn.

There are no more distant views of the campsite and above the small field corner proposed for the 4no camping pods the woodland becomes more conifer dominant, which in turn offers more year-long screening. Furthermore, the proposed pods are located on the opposite side of the campsite from the road.

The only mitigation which could offer more screening would be a native hedge along where the fence is located. Also advise that the pods should be suitably coloured, for example in a dark olive green to further minimise visual impact.

### **Representations**

Four letters of representation have been received to date. Three letters support the application and one makes no objections to the application. The reasons given in support of the application are summarised below. The letters can be read in full on the website.

- The introduction of a limited number of camping pods as proposed will not detract from the landscape.
- The proposed development will extend the camping season at the site and attract different groups of visitors to stay in the upgraded facilities who will then contribute to the local economy.
- The proposed development will enhance the attraction of the site for families and disabled people.

### **Main Policies**

#### **National Planning Policy Framework**

Paragraph 115 in the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

#### Development Plan

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1 and RT3

Relevant Local Plan policies: LC4, LR3, LR5 and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the NPPF because they promote sustainable recreational and tourism development in the Peak District (including proposals for camping and caravans) where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests.

CS policy RT3 is especially important in determining the acceptability of the proposed development. RT3 says that proposals for caravan and camping sites must conform to the following principles:

- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions.
- B. Static caravans, chalets or lodges will not be permitted.
- C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
- D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

The supporting text which precedes RT3 is also a relevant consideration. Paragraph 10.26 says:

Many landscapes in the National Park are very open, with narrow and often ecologically sensitive valleys and dales, and many areas have poor road access. A restrictive policy is appropriate because national policy gives particular weight to protection of the landscape in national parks. Size is an important factor in assessing the impact of a camping or caravan site on the landscape and traffic movements. The following policy states that small touring camping and caravan sites may be acceptable, but 'small' is not defined, either in terms of extent or number of pitches. Appropriate size will vary from site to site. For guidance, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances. Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. There may be some locations where, through the use of effective design and landscaping, small, simple timber structures may be acceptable as replacements for existing static caravans where this would result in enhancement.

L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority's Landscape Strategy and Action Plan. GSP3 and LC4 require all development to be of a high standard of design which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties. LT18 states that safe access is a pre-requisite for any development within the National Park.

## **Assessment**

### Camping pods

The application proposes the installation of four camping pods which would be occupied as short-term holiday accommodation by visiting members of the public. The proposed camping pods are permanent timber buildings which would be placed on the ground within part of the existing campsite. The character and potential impacts of the proposed pods would therefore be more comparable to siting chalets or lodges on the land rather than either touring caravans or conventional tents.

Policy RT3 (B) specifically states that static caravans, chalets or lodges will not be permitted. The supporting text says that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. RT3 therefore makes a general presumption against this type of development unless it is proposed in locations where it would not be intrusive in the landscape. Consequently, the key issue is whether the proposed development would be well screened (in accordance with RT3 (A)), or, in other words, whether or not the proposed development would be intrusive in the landscape.

In this case, the four proposed camping pods would be sited within a well-established campsite. This campsite is located within the 'Slopes and Valleys with Woodland' area of the 'Dark Peak Yorkshire Fringe' in the Authority's Landscape Character Assessment. This area is typically a steeply sloping and undulating topography below the gritstone edge of Stanage. It has patches of acid grassland and bracken, with irregular blocks of semi-natural and secondary woodland. Typically there are open glades comprising small fields enclosed by gritstone walls in this character area, though not in the immediate vicinity of the site itself.

The perimeter planting around the campsite includes scots pine and oak, with birch and rowan above the campsite, with more broadleaf planting, including alder, surrounding the site down to its entrance on Birley Lane. The present use of the site for camping has become increasingly well screened by the perimeter trees as these have matured and been augmented with recent planting and natural regeneration.

The effect of the planting around the site is such that the site can be described as being very well screened in the wider landscape. Closer views of the site are limited to from Birley Lane as it runs around the site to the east; however, there would only be occasional views of the four pods from here and these would be filtered through the trees and over a high dry stone boundary wall. The proposed site for the four camping pods would also be within a corner of the site where there is a greater mix of conifers within the woodland which offer screening all year round.

Officers therefore agree with the Authority's Landscape Officer and consider that the proposed development of four camping pods at this site can be considered to be small scale and that the development would be well screened within the established caravan site and not intrusive in the landscape.

The proposed design is considered to be an appropriate response in the context of site within well-screened woodland. The applicant in this case has provided a sample of the proposed roof tiles and a specification of the finish for external timberwork. The proposed roof tiles and external finishes would give the proposed pods an appropriate dark recessive visual appearance to

further mitigate the visual impact of the development.

In this case no further planting is considered to be necessary to mitigate the impact of the proposed camping pods. The use of limestone surfacing for the paths would be inappropriate given the geology of the area is gritstone and hence a condition would be recommended to ensure the use of crushed gritstone surfacing if permission is to be granted. Further conditions would also be recommended to ensure that the development is carried out in accordance with the submitted plans and samples. There are otherwise no objections to the proposed pedestrian path which would follow the line of an existing drystone wall before entering the wooded area and branching off to serve the individual pods.

The applicant has confirmed that the existing trees within the area for the pods would be retained in accordance with advice from the Authority's Tree Officer. The proposed pods would be placed upon the land without the need for excavation and therefore there are no concerns that the proposed structures would have an adverse impact upon the trees within the application site. If permission is granted, a condition would be recommended to ensure that the trees around the pods are retained to ensure that they continue to mitigate the visual impact of the development.

The proposed pods would be sited outside of the adjacent wooded valley and stream which is defined by the remains of a drystone wall to the north of the proposed pods. No works are proposed within the wooded valley. It is therefore considered that the proposed pods would not adversely affect any protected species or their habitat. There would be no changes to existing access or parking provision on the site and the proposed four pods would not generate any significant traffic to or from the site compared to the existing situation. Therefore officers agree with the Highway Authority that the proposal would not adversely affect highway safety or the amenity of road users.

Due to the relatively small scale of the proposed development and the intervening distance to neighbouring properties there are no concerns in this case that the proposed development would have an adverse impact upon the amenity, security or privacy of neighbouring properties.

Finally, if permission is granted, a condition would also be recommended to limit the occupancy of the camping pods to holiday use (no more than 28 days occupancy per calendar year by any one person) ancillary to the existing campsite. This is a requirement of policy LR5 to prevent permanent occupation of the pods which would be contrary to the Authority's housing and recreation policies.

#### Alterations to amenity building

The application also proposes alterations to the existing amenity building on the site. The alterations include replacing the existing windows and door on the front elevation with two sets of timber double doors and replacing five existing metal framed windows (three to the rear and one on each side) with new timber window frames.

There are no objections to the design of the proposed alterations. It is considered that the alterations to the front elevation would maintain the simple utilitarian character of the building as a whole and would actually simplify this elevation by replacing the existing windows and pedestrian door with two pairs of timber doors. There are no objections to the proposal to replace the existing metal window frames around the side and rear of the building with timber frames. If permission is granted, conditions would be recommended to ensure that the new timber doors and windows are finished to match the existing frames.

The Authority is aware of a known bat roost within the amenity building. The Authority's Ecologist has advised that they have adequate knowledge of this roost site and that no further survey work is required. The proposed works are below the eaves of the building and therefore would not directly impact upon the roost. Therefore, provided that the works to the amenity building are



carried out between the 1 October and 1 May (to avoid disturbing roosting bats), it is considered that the works would not have any adverse impact upon either the bats or their habitat within the building. If permission is granted a condition would be recommended to ensure that works take place within the time period recommended by the Authority's Ecologist.

### **Conclusion**

The proposed development is considered to be a small scale improvement of the existing facilities provided at North Lees campsite. The proposed four camping pods would be sited in a very well screened position within the existing site where they would not be prominent from either local vantage points or in the wider landscape. The proposed alterations to the amenity building would conserve its character and appearance. The proposed development is therefore considered to be in accordance with relevant policies in the development plan and RT3 in particular.

The proposed development would not have any adverse impact upon biodiversity, highway safety or the amenity of any nearby neighbouring property or road users. In this case relevant policies are in accordance with the more recently published National Planning Policy Framework which sustainable recreation development which conserves the National Park.

Therefore, in the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the conditions outlined in this report.

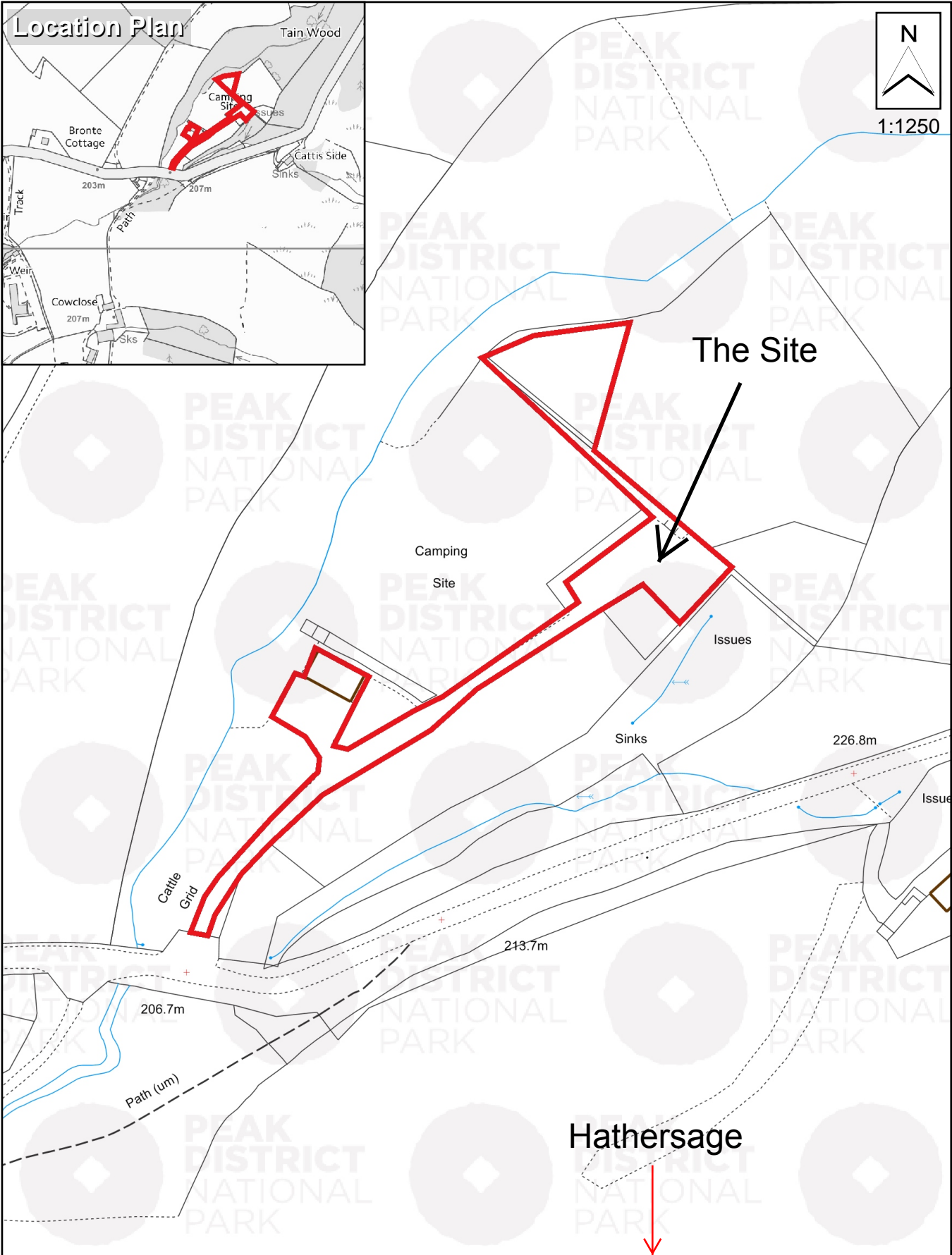
### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.


#### List of Background Papers (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015	<b>Title:</b> North Lees Campsite	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	9	Hathersage	
Application No:	NP/DDD/0215/0112		
Grid Reference:	423536, 383448		

This page is intentionally left blank

**10. FULL APPLICATION - ALTERATION AND CHANGE OF USE OF REDUNDANT STONE BARN, TO A THREE BED DWELLING AT NEW ELM TREE FARM, CHURCH LANE, PEAK FOREST (NP/HPK/0914/0934), P9188, 411594 / 379653/SC)**

**APPLICANT: MR & MRS A AND J HOLLINGRAKE**

The application is brought to the Committee, since views of the Parish Council are contrary to the Officer recommendation.

**Site and Surroundings**

Old Dam is a small hamlet approximately 400m north of the centre of the settlement of Peak Forest. The community consists of a collection of properties centred around a small green at the junction of Church Lane and Old Dam Lane. New Elm Tree farmhouse and its associated farm buildings are located on the western fringe of Old Dam and together with a separate dwelling (Elm Cottage), are served by a narrow access track off Church Lane.

The barn, subject of this application, is a traditional building and part of a group of more modern structures arranged around a courtyard. The barn had been used in the past as a shippon, for milking and for storage of hay/fodder. This use has long ceased, with the former function now being accommodated within a larger purpose-built modern livestock building on the site. Whilst the farmhouse, modern structures and farmyard lie outside the Conservation Area, the barn and access track to the farm lie within it.

**Proposal**

Full planning permission is sought, to convert the barn to a three bed roomed, open market dwelling. The submitted plans show an internal ground floor arrangement consisting of a lounge, kitchen/dining area and a circulation area/study space. A central staircase leads to a mezzanine walkway, which in turn gives access to three bedrooms and a bathroom/toilet.

A small shallow pitched roof outbuilding attached to the north east corner of the barn would be removed. No new openings are proposed in the walls, but six new roof lights are proposed, three on the south (farmyard facing) elevation of the roof slope and three to the north elevation in place of three 'glass slates'. A proposed garden/curtilage area, which would incorporate car parking and bin storage, would be sited adjacent to the north and east elevations of the barn.

**RECOMMENDATION:**

**That the application be REFUSED for the following reasons:**

- 1. Contrary to Policy HC1C (I); the impetus of an open market housing is not required to achieve conservation and/or enhancement of a valued vernacular or listed building.**
- 2. Inadequate amenity for future occupiers of any conversion as a result of the close proximity to a working farmyard and access.**

**Key Issues**

- Whether the building is of valued vernacular merit and therefore of sufficient architectural or historic merit to justify an exceptional approval to an open market dwelling.
- Whether the conversion to an open market dwelling is required for the building's conservation or could this be achieved by a conversion to another use within policy.

- Does the scheme conserve or enhance the building's character and appearance or its setting.
- Does the scheme conserve or enhance the Conservation Area.
- Whether conversion to a dwelling have a detrimental effect on the amenity of future occupiers with regard to the close proximity to the working farmyard/access.

### **History**

No planning history on file.

### **Consultations**

Parish Council – Recommend approval.

Highway Authority – No objections, subject to conditions relating to space being provided within the site curtilage for site accommodation, storage of plant etc, with both on-site parking and bin storage being provided prior to occupation.

### **Representations**

No third party representations.

### **Main Policies**

Relevant Core Strategy policies: GSP1, 2, 3, DS1, HC1, L3

Relevant Local Plan policies: LC4, LC5, LC8, LT11

### **National Planning Policy Framework**

It is considered that in this case, there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.

### **Development Plan Policies**

#### **Core Strategy (CS)**

GSP1, GSP2 and GSP3 jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

DS1 sets out at paragraph C that conversion or change of use to housing and a number of other uses, is acceptable in principle, preferably by re-use of traditional buildings.

HC1 states that provision will not be made for housing to solely meet open market demand. However exceptionally, new housing from the reuse of existing buildings can be accepted where there is a local need or where in accordance with policies GSP1 and GSP2, is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings, or is required in order to achieve conservation or enhancement in settlements listed in policy DS1.

L3 is particularly relevant, as it deals with cultural heritage assets. It explains that development must conserve and where appropriate enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.

#### Local Plan

LC4 seeks to ensure that where development is permitted its detailed treatment is to a high standard that respects, conserves and, where possible, enhances the landscape, built environment and other valued characteristics of the area.

LC5 states that applications for development in a Conservation Area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and where possible enhanced.

LC8 states that conversion of a building of historic or vernacular merit to a use other than that for which it was designed will be permitted provided that: it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement or other alteration to form and mass, inappropriate new window spacings or doorways, and major rebuilding); and the new use does not lead to changes to the building's curtilage or require new access or services that would adversely affect its character or have an adverse impact on its surroundings.

LT11 states that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

Supplementary Planning Guidance has been adopted on Design and on Climate Change and Sustainable Building.

#### Officer assessment

##### Principle of conversion to an open market dwelling

DS1 provides the development strategy. It allows conversion or change of use for a number of uses including housing, preferably by re-use of traditional buildings, subject to other policies within the Plan.

Policy HC1 provides the detailed housing policy. This explains that provision will not be made for housing solely to meet open market demand. Exceptionally, new local needs housing or key agricultural or forestry workers dwellings may be permitted.

The most relevant provision to the current proposal is part C, which in accordance with GSP1 and GSP2, HC1C (I) states that development is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings.

Paragraph 12.18 of the Core Strategy (CS) sets out the key aspects of policy HC1, as follows:

*“Occasionally, new housing (whether newly built or from re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building) or the treatment of a despoiled site. Sometimes this requires the impetus provided by open market values, but wherever possible and financially viable, such developments should add to the stock of affordable housing, either on the site itself or elsewhere in the National Park. It is accepted that for small schemes capable of providing only one dwelling (whether new-build or changing the use of a building such as a barn) this is unlikely to be viable. However, unless open-market values are demonstrably required for conservation and enhancement purposes, all other*

*schemes of this type that provide new housing should be controlled by agreements to keep them affordable and available for eligible local needs in perpetuity”.*

Prior to the adoption of the Core Strategy policies, dwelling conversions in the open countryside outside the confines of Local Plan Settlements, were restricted to local needs dwellings, holiday accommodation or agricultural worker’s dwellings. The adopted Core Strategy policy HC1C now permits the conversion of a traditional building to a single open-market dwelling, provided that it is required to achieve conservation and/or enhancement of a valued vernacular or listed building.

In this case, the application has been submitted solely for open market housing. The key judgment therefore in assessing whether the proposal meets the Authority’s policies in respect of the conversion of buildings to open-market dwellings, is whether the building is a valued vernacular building of sufficient architectural or historic merit to justify an approval on an exceptional basis and if so, whether an open market dwelling is required to achieve its conservation and/or enhancement.

The barn is a traditional building, constructed of gritstone under a Hardrow tile roof, but it is considered to be a relatively ordinary and modest agricultural outbuilding, with no exceptional architectural or historic features of any note. Consequently, the barn is not considered to be a valued vernacular building and therefore, the principle of its conversion to an unrestricted open market dwelling fails to comply with policy HC1C.

#### Alternative options

Given the policy objection with regard to HC1C, it is considered that the applicant has not fully explored why the proposal is required to conserve and/or enhance, with which to meet the test of Policy HC1C, and that this could not have been achieved by other uses acceptable within policy, such as agricultural worker’s dwelling, ancillary accommodation, or holiday accommodation as diversification to the current farming business for example.

#### Amenity issue

Whilst the proposal includes the provision of necessary amenity provision for the proposed dwelling, in terms of parking, bin storage and a separate garden area, Officers have strong concerns over the level of residential amenity that the proposed dwelling would have in this location, given that the south elevation of the barn faces into the working area of the farmyard and also the access to the barn would be shared with the farm. It is therefore considered that a separate dwelling would potentially interfere/conflict with the normal day to day working of the farm and the operations of the farm would give rise to conditions that would adversely affect the residential amenity and reasonable enjoyment of the property by potential future occupiers.

Whilst a conversion which is linked to the existing agricultural use or the occupiers of the business would potentially overcome this objection, by ensuring that accommodation remains within the same ownership and control as the existing use, the current proposal is for an independent dwelling. An alternative use on this basis would also help to address the current policy issue, (HC1C), as the Core Strategy tests for acceptability would be less stringent for the other uses previously indicated.

#### Design/impact on Conservation Area

LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings. Design principles are set out in the Authority’s Supplementary Planning Documents.

Policy LC5 states that applications for development in a Conservation Area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and where possible enhanced.



LC8 states that conversion of a building of historic or vernacular merit to a use other than that for which it was designed will be permitted provided that: it can accommodate the new use without changes that would adversely affect its character (such changes include significant enlargement or other alteration to form and mass, inappropriate new window spacing's or doorways, and major rebuilding); and the new use does not lead to changes to the building's curtilage or require new access or services that would adversely affect its character or have an adverse impact on its Surroundings.

Design principles are set out in the Authority's 1987, 2007 and 2014 Supplementary Planning Guidance and Documents.

In terms of the external appearance of the barn, there is little change, with the proposed conversion being completely within the shell of the building, without the need for further significant window or door openings, other than the addition of six roof lights, three on the south (farmyard facing elevation) of the barn and three on the north side. In addition, a small almost flat roofed extension will be removed from the south east corner of the barn. In this case, the insertion of roof lights would not be considered harmful to the simple character and appearance of the barn, provided they are kept to a minimum in both scale and a 'conservation type' sited close to the eaves. It is therefore considered that this could be subject to a planning condition if the principle of the development is acceptable.

In addition, the removal of the later extension would be an improvement and is considered to be an enhancement to the building. Consequently, these changes would not harm the simple character and appearance of the barn and its setting, and are therefore considered to be acceptable in design terms, preserving the character and appearance of the Conservation Area.

#### Other issues

The Highway Authority has no objections, subject to the applicant providing space within the site during construction to accommodate storage of plant etc, with on-site parking and bin storage being provided prior to occupation. These matters could be covered by conditions if the principle of conversion is accepted.

No structural condition survey or bat survey has been submitted. However, the barn appears to be in sound structural order and the roof of the barn has been replaced in the recent past and is considered in good overall condition. Officers are therefore of the opinion that no protected species would be affected and therefore no survey required.

#### Conclusion

Whilst Officers recognise that the alterations to the external appearance of the building are minimal and therefore acceptable in design terms (subject to minor changes regarding roof light size and position), there are clear objections on fundamental policy grounds regarding the principle of the conversion to open market housing. In this case, the barn is in sound condition and has a relatively new roof. The proposed conversion is therefore considered not required to conserve and or enhance this traditional building.

The provision in policy HC1C is intended to allow conversions on an exceptional basis, where other alternative uses would not be sufficient to protect a building which is of particular merit. The policy is not intended to permit the conversion of relatively ordinary buildings to open market dwellings and especially so in cases like this, where the building is already in good condition and does not need the impetus of an open market approval to ensure its conservation. Such buildings, which may have some vernacular merit/character, are directed by policy into to a range of other uses such as affordable local needs housing, agricultural workers dwellings, visitor accommodation, ancillary accommodation or workspace where the site specific impacts are more acceptable.

In addition, the issue of amenity arising from a conversion to an independent open market dwelling in close proximity to a working farmyard and access, is a key concern. In this case, as previously stated, a conversion which is linked to the existing agricultural/ancillary use may help to overcome this concern, as it would allow the accommodation to remain within the same ownership and control. A proposal for a dwelling on this basis would also help to address the policy issue, (HC1C), as the Authority may accept a lower threshold for the quality of the building.

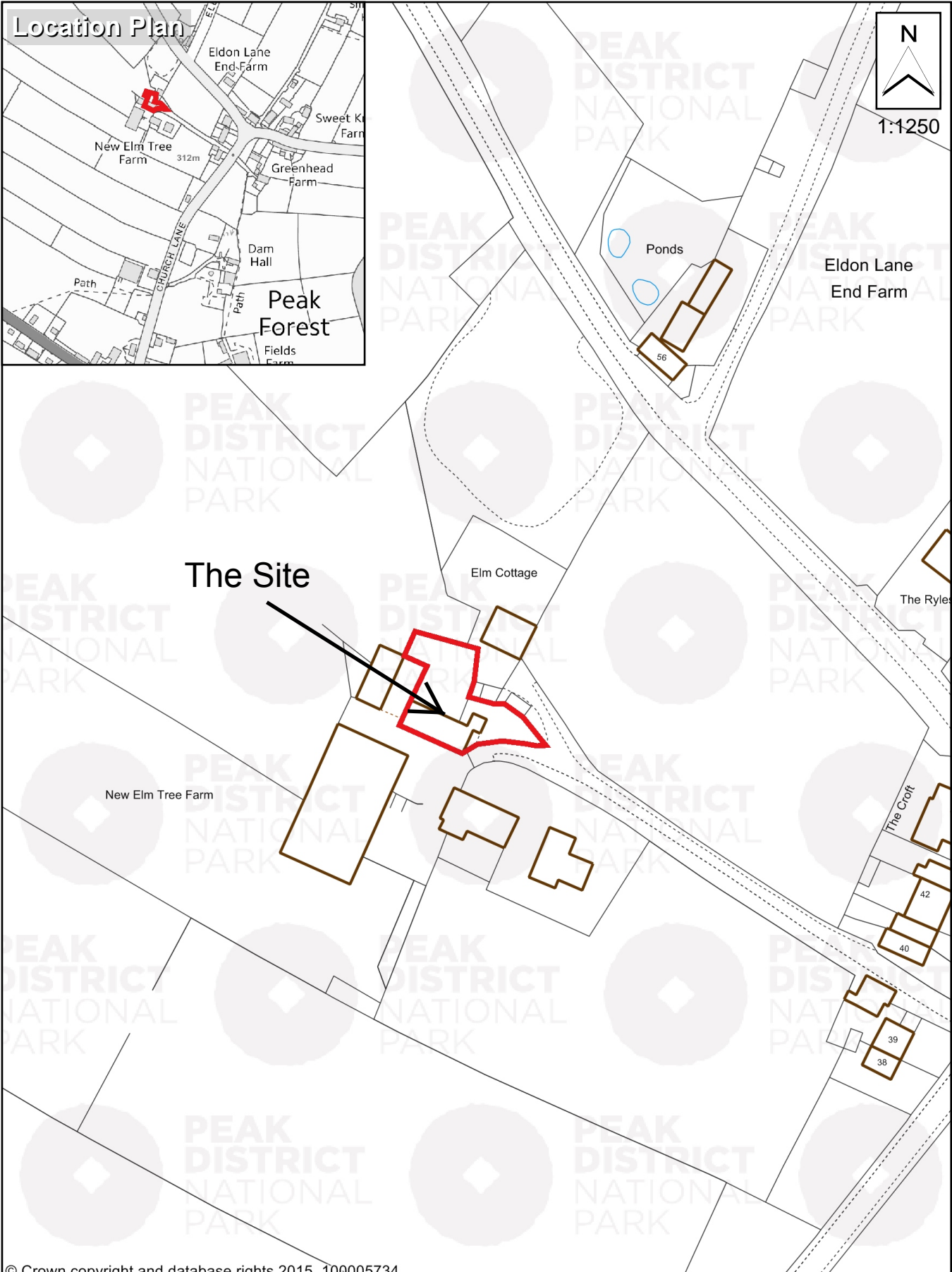
In this case, the recommendation of refusal would ensure that the Authority's housing policies are protected. Approval of this application contrary to policies, would potentially allow other non-valued vernacular buildings to be converted to open market housing, therefore directing investment away from development that can support the conservation and enhancement of the National Park more widely.

### **Human Rights**


Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil



© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015	<b>Title:</b> New Elm Tree Farm	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	10	Church Lane	
Application No:	NP/HPK/0914/0934	Peak Forest	
Grid Reference:	411594, 379653		

This page is intentionally left blank

---

**11. FULL APPLICATION – ERECTION OF 2 AGRICULTURAL BUILDINGS, CLIFFE HOUSE FARM, BRADFIELD (NP/S/1214/1273, P.1252, 427668 / 391738, 09/02/2015/JK)**

**APPLICANT: MR WILLIAM HAGUE**

**Site and Surroundings**

Cliffe House Farm is located in an elevated position on the northern slope of the Loxley Valley above Damflask Reservoir and about 1.1km to the south-east of High Bradfield. The farm comprises a recently erected modern agricultural shed and a smaller range of older sheds and sits close to the edge of an escarpment on the hillside. Immediately to the south of the agricultural buildings there are two detached dwellings, Hill Top and the original Cliffe House Farmhouse, both of which are in separate ownership. There are two accesses serving the building group. The first is via a narrow track off Loxley Road to the south west. This serves the dwellings and the farm buildings and also carries a public footpath which runs past the south side of the new farm building into the fields east of the farm. The second and main access for the farm buildings comes down off Kirk Edge Road to the north and also carries a public footpath which links with one running west to east through the site.

To the north, east and south east of the site there are large fields used for cereal production which form part of the larger land holding of about 1200 acres of which 795 acres are in cereal production with 414 acres are grass and grazing.

From the west the land falls away from the site and on this side the building group is partly screened by a combination of the landform, tree cover on the slopes of the escarpment and by a stand of mature trees on the south west corner of the building group. In these views only the gable end of the new shed is visible but it does not extend above the height of adjacent trees and is dark coloured. From Kirk Edge Road to the north the new building is clearly visible as a strident feature in the foreground due to its large scale and long length which is only partly screened by a row of *leylandii* trees alongside it. In this view the original building group is largely hidden behind the new shed. The proposed site for the new buildings comprises a roughly rectangular area of field (about 100m by 75m) immediately to the north of the existing new farm building and adjacent to the main access into the farmyard from Kirk Edge Road.

In more distant views across the valley from the south the older farm buildings and houses in the group can be seen on the escarpment with the new shed standing behind. Those buildings partly mask the new building which although obviously large, at this range is not intrusive in the wider landscape as its dark colour and the fact that it is below the skyline help to mitigate the impact. In closer views of the site along the footpath from the east the building group is dominated by the large scale of the gable end of the new building which dwarfs the scale and low form of the traditional dwellings seen in the rest of the building group.

**Proposal**

This application seeks full planning permission for the erection of two further agricultural sheds, one to house cattle and the other for grain and other general agricultural storage purposes in connection with the holding (e.g. storage of different grains, fertiliser, straw, chemicals and implements). The buildings would be sited immediately to the north and at right angles to the existing large modern shed. The ground rises to the north of that shed and it is proposed that this would be excavated so that the new buildings would be set into the ground by up to 12m at the northern end to achieve the same floor level as the existing shed. As a result of lowering the buildings into the site in this way the ridge heights at the northern gable ends would be at or close to ground level.

The southern gable ends of the new buildings would be spaced off from the existing shed by 25m and 10m to create a yard area and leave space to access the field to the east respectively. Each building would have a footprint identical to the existing shed of 27m wide by 75m long (1963m<sup>2</sup>) with the building to the east having a 10m ridge height and the one to the west having a 12.7m ridge height matching that of the existing shed. Materials for the eastern building would be concrete panelled walls with tanalised Yorkshire boarding above under a dark green coloured profile sheet roof laid to 15 degrees. The building to the west would be similar construction but with dark green coloured profile sheet walling instead of Yorkshire boarding. Doors would be roller shutter style and it is intended that the exposed concrete panel walls would be painted dark green to match the finish similarly employed on the existing building to good effect.

The plans have been amended since submission in respect of increased landscaping. These show that some of the excavated material would be reused to remodel the banking off the eastern gable of the existing building and would also be extended northwards to form a low bund up the eastern edge of the excavated site. This would then be planted to form a 15m wide shelter belt of trees and hedging from the east gable of the existing shed up around the new buildings to the access road. Further planting is shown extending the existing tree planting on the bankside to the west across the access track from the buildings which is shown expanded both to the north and southwards. The small stand of mature trees in the SW corner of the yard would also have its eroded and missing boundary walling reinstated to provide protection to them.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions or modifications.**

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified approved plans.**
- 3. Full implementation and maintenance thereafter of the submitted landscaping scheme with the bunding completed before the buildings are brought into use and all tree planting completed by the end of the first available planting season following the substantial completion of the buildings and the bunding. Precise details of the bunding down the east side to be clarified by submission and agreement of a further amended plan before works commence (unless amended plans are received in time for and adopted by the meeting).**
- 4. Excess spoil not used in the landscaping scheme to be disposed of via licensed waste operator.**
- 5. Buildings to be used for agricultural purposes in connection with the associated land and when no longer required for those purposes the buildings shall be removed and the land reinstated to its former contours and use.**
- 6. The concrete panelling on the southern gable ends and the exposed east and west facing walling of the sheds shall be painted a dark colour within one month of the completion of the building works.**
- 7. The metal roof and wall sheeting to the buildings shall be pre-coloured dark green**

- 8. All fencing shown to protect the line and users of the public footpath through the yard as shown on the amended drawings shall be completed before any work starts on the construction. Thereafter the segregation of the path from the yard and track shall be permanently so maintained throughout the lifetime of the approved development.**

### **Key Issues**

- Whether having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park.
- The landscape impact of the proposed development.
- Other material considerations include access issues, the amenity of neighbouring houses and the impact on the setting of the listed building at Fair Flatts Farm together with any potential impact upon biodiversity.

### **Planning History**

2012 – Approval for Demolition of a collection of existing concrete framed agricultural buildings at Cliffe House Farm and provision of a single replacement steel framed agricultural building with associated vehicle turning area and associated landscaping. This building was completed in 2014. (NP/S/0712/725)

2013 – Approval for Discharge of condition 4 – Landscaping scheme for the 2012 approval

2014 – Pre-application advice from officers lends qualified support for the principle of additional farm buildings at the site subject to a comprehensive landscaping scheme to demonstrate that the development could be satisfactorily integrated into the landscape.

### **Consultations**

#### **Sheffield City Council**

Rights of Way Officer – The proposal does not physically obstruct the nearby public footpaths, however does raise the following concerns :

- 1) The access off Kirk Edge Road is also a public footpath and these additional barns will result in more farm traffic by large vehicles. Questions if the current track is suitable for this increase and whether the surface of the track is suitable for this extra use and not detrimental to its public use. Notes there is a particular danger area where vehicles turn in and out of the new yard area and onto the new track and suggests it may be useful to require the provision of a segregated footpath (protected by bollards or a fence) alongside the track from a point where the new yard commences to where the footpath meets the footpath running west to east.
- 2) The additional planting proposed in the south east corner near to the public footpath. Requests that no planting is done any closer than 3m to the public footpath.
- 3) Any damage to the public footpath in this same location should be made good and the path enhanced so as to have a firm surface and at a level that does not hold water.

#### **Bradfield Parish Council**

No objections providing that all planning rules are followed.

### PDNPA Landscape Architect

No objections in principle subject to incorporation of additional tree and hedge planting to mitigate the landscape impact of these large buildings.

### **Representations**

4 letters of representation have been received to date which include one from the Loxley Valley Protection Society. All object to the application for the reasons summarised below, with most also commenting that the existing building constructed last year is out of keeping with the local built environment and has a significant landscape impact. One also raises matters of process which are not reported below as they relate to the previous application. All the letters can be read in full on the Authority's website.

1. The buildings completely dwarf the original farm buildings.
2. The design is more appropriate to an industrial estate than this attractive valley. Even where local industrial developments have taken place it has involved building on a traditional scale, not like these huge factory scale buildings.
3. The buildings will totally dominate the adjacent footpaths.
4. Applicants wrongly state that the buildings will not be visible from public road, public footpath, bridleway or other public land which is not the case. The buildings will be clearly visible from two adjacent footpaths and also from Kirk Edge Road.
5. The buildings will be visible from the far side of the valley.
6. Nowhere else in the upper valley is there any similar developments.
7. Concerned that the existing new shed has set a precedent for further similar-sized buildings in this current application.
8. The application states that no additional parking will be required, however it also states that they plan to take on four new staff members and due to the lack of public transport in the vicinity, additional parking would be required.
9. The buildings are being erected within the curtilage of a grade II listed barn at Fair Flatts Farm. ( Officer Note: The buildings are not within the curtilage of the listed building which is one field away and in a different planning unit and ownership, however they are in the setting of the building)
10. None of the submitted images submitted with the planning application show the view from the east. (Officer note: Plans do show the eastern elevation)
11. There are believed to be badger setts on land adjacent to the proposed development.
12. These planned industrial sized units do not comply with PDNPA goals / mission statement.

One letter is from the Loxley Valley Protection Society, which objects to this application on the following grounds as well as supporting the grounds raised by the other objectors.

- i) The existing new structure can be seen for miles around, where it stands out on the



skyline and its scale is incongruous in the landscape.

- ii) To allow two more, on this scale, would be folly and set a precedent for massive agricultural structures, in what is a sensitive and well protected landscape of rare natural beauty.

## **Main Policies**

### National Planning Policy Framework

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to state that to promote a strong rural economy planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings as well as promote the development and diversification of agricultural businesses.

Paragraph 115 in the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

The application is for two agricultural buildings within the National Park amounting to a total floor space of 3,926 square metres and therefore constitutes “major” development in a ‘designated area’ as defined within the NPPF. Paragraph 116 of the NPPF states that;

*“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

### Development Plan

Relevant Core Strategy policies: GSP1, GSP3, DS1, and L1

Relevant Local Plan policies: LC4, LC6, LC13, and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the NPPF because they promote sustainable agricultural development in the Peak District (including proposals for new buildings) where it is consistent with the conservation and enhancement of the National Park’s scenic beauty, cultural heritage and wildlife interests.

Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities.

Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

In particular Local Plan Policy LC13: Agricultural or forestry operational development states that new agricultural buildings and associated working spaces will be permitted provided that they are a) close to the main group of buildings wherever possible and in all cases relate well to and make best use of existing buildings, trees, walls and other landscape features; and b) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and c) avoid harm to the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and d) do not require obtrusive access tracks, roads or services.

L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority's Landscape Strategy and Action Plan. GSP3 and LC4 require all development to be of a high standard of design which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties. LT18 states that safe access is a pre-requisite for any development within the National Park.

### **Assessment**

The main issues in the determination of this application are firstly whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park. The second main issue is whether the scale of development can be satisfactorily accommodated within the landscape. Other material considerations include the suitability of the access and the impacts upon the footpath, the setting of a nearby listed building (Fair Flatts farm) and the amenity of nearby dwellings together with any impacts upon ecology.

### **Principle of Development**

The application site lies in the open countryside outside the 'Natural Zone' and comprises an established base for an agricultural business farming a significant area of land (1200 acres), both inside and outside the National Park. Core Strategy policy DS1 states that agricultural development in the open countryside, outside the Natural Zone, is acceptable in principle. Policy L1 requires all development to conserve and where possible enhance the landscape. Saved local plan policy LC13 sets out the detailed locational and design criteria all agricultural developments must meet to be accepted. Consequently the development of further buildings at the site to meet the needs of the business is therefore acceptable in principle by the Core

Strategy subject to compliance with other national and local policy considerations.

As the development comprises 'major development' in a protected landscape, the acceptability of the principle must also include consideration of the tests set out in Paragraph 116 of the National Planning Policy Framework for such development. The paragraphs below assess the proposal against those tests in terms of the need, the opportunity and potential costs of developing outside the park along with consideration of the developments impact upon the landscape as well as the effectiveness of the mitigation proposed to minimise those impacts.

### **Agricultural need**

The application proposes two new farm buildings at Cliffe House Farm which the applicant is developing as the base for this large farm business because it is centrally located within the wider land holdings of the business and has good access up to the main Kirk Edge Road. This proposal represents the second phase of the applicants planned relocation of the business away family farm from Prospect Farm which is located off Kirk Edge Road just outside the Park some 1.3 km to the NE of the application site. At Prospect Farm the business had access to 5,558 m<sup>2</sup> of buildings but that site and the buildings on it are now no longer in the ownership of the applicant or available to him following a family dispute. The first phase of the redevelopment of Cliffe House Farm to consolidate the site as the base of the farming operations comprised the existing grain storage and general purpose building built in 2014. This now provides 1963m<sup>2</sup> of modern working space and replaced the majority of the obsolete farm buildings which needed to be demolished to provide the space for the new building and operational yard area. The current proposal would provide a further 3926m<sup>2</sup>, giving a total of 5889m<sup>2</sup> and would essentially replace the floor space (5557m<sup>2</sup>) that was lost to the business at Prospect Farm.

The supporting statement, which has been supplemented by additional information, sets out that the existing building on the site currently has to accommodate all the farm storage needs and therefore has to house straw, grains, machinery, equipment, fertilizers, pesticides and fuel, all of which need to be kept sufficiently separated from each other. The new buildings would provide the necessary space to meet the farms needs and will enable the various products and substances to be stored sufficiently far apart and in separate buildings as appropriate to meet recommended safe storage requirements for these potentially volatile chemicals.

The statement explains the taller building of the two is required to meet the businesses need for different grain storage and conditioning facilities with the height (12.7m to ridge) justified by the need for adequate ventilation and to accommodate the large machinery necessary to move, sort, and store the grain along with grain conditioning facilities, all which need to be housed separately. Furthermore, the agent stresses the need on a farming operation of this scale to realise the economies of scale in terms of locating all grain storage in one site location for logistics of import and export of produce and associated products like the large quantity of straw and the fertiliser necessary on a farm business of this scale. In addition, he makes the point that the specialist handling equipment needs to be readily available in one location.

The other building is required for cattle housing and the additional information submitted by the agent sets out that the scale of the floor space is necessary to accommodate 200 head of cattle. The area is based on the guidelines which require an average of 10m<sup>2</sup> per head for housing, handling, segregation and isolation which equates to the 1963m<sup>2</sup> being provided. The height of the cattle shed (10m ridge height) is lower than the adjacent shed and is stated to be necessary to ensure a satisfactory degree of welfare for the cattle in terms of enabling adequate ventilation. In particular the agent points out that a lower height shed would have required a compensatory increase in the floor area to accommodate the livestock use.

In terms of the tests in the NPPF for major development, it is clear that the evidence submitted with the application supports the case that there is an agricultural need for the scale and type of

building development proposed to meet the requirements of this farm business. The Authority has already accepted the principle of major development on this site when it granted consent for the principle and scale of the phase I building approved in 2012 which represented a significant investment of capital by the business on this site. This current application represents phase II of the works and follows the plan to relocate the rest of the business and consolidate all the buildings on one central site for obvious operational and cost reasons.

Currently the business employs three full time persons plus a fluctuating number of seasonal employees, estimated at up to a further 4 at peak periods. The local rural economy is largely based on agriculture and would therefore benefit in terms of this application from the stated creation of a further full time job. Furthermore it is clear that the investment in these new buildings will likely provide greater security for the existing jobs as the business gains a more sustainable footing as it realises the benefits from the economies of scale and from cutting operating costs by operating from a single central site.

There is a general requirement placed on local authorities by government via the NPPF to adopt policies and make decisions that would promote a healthy and prosperous rural economy. Local policies in the Development Plan therefore support the principle of farm building development provided they can be accommodated without harm to the landscape of the park. In this case the justification for major development comes from the local needs of a farm business to develop a viable and sustainable operating base on land which it owns and is which is suitably located in the context of the wider land holdings. The site is a long established farmstead and the business has already invested heavily on the site following the Authority's approval in 2012 for the new building which has already established the principle of both major development in this location as well as the principle of the farms relocation and consolidation on this site. It is clear that the business would incur additional costs in terms of both a continuing financial burden and operational difficulties if it were forced by refusal of this application to develop elsewhere and operate a split operation i.e. outside the Park. Whilst no information has been submitted on the likely costs or implications of such a decision in terms of jobs, future investment and the sustainability of the business, clearly the impacts would be unfavourable and not in the interests of promoting or supporting a prosperous rural economy as required by national policy. For the above reasons, officers consider that the principle of this major development to be acceptable on this site within the Park provided it can be accommodated without harm to the local landscape.

### **Landscape considerations**

The farm is located within the 'Slopes & Valleys with Woodland' area of the 'Dark Peak Yorkshire Fringe' in the Authority's Landscape Character Assessment. This area is described as small scale but extensive pastoral landscape which is heavily wooded in places. There is a varied undulating, often steeply sloping topography. Interlocking blocks of ancient semi-natural and secondary woodland are a characteristic feature of this landscape, together with patches of acid grassland and bracken on steeper slopes.

In this case the farm is part of a building group on the edge of a steeply sloping hillside which to the west and south retains its semi-natural scrub woodland where it rises up steeply from the lower slopes which remain as a small scale pastoral landscape. Together with scrub woodland on the slopes, further trees around the site and a stand of larger trees on the south-western edge of the building group provide effective screening and shelter to the building group from the prevailing winds and views from the SW. To the north and east of the site the former small scale pastoral landscape has been changed by the removal of boundary walls/hedges to create larger open fields to facilitate large scale arable farming.

The large modern shed built in 2014 benefits from the existing landform and tree cover around the site to mitigate its impact in key views from the west where although the gable is clearly visible the fact that it is dark coloured and no higher than the trees serves to ensure it is not

intrusive in these views. However, it does remain a clearly visible structure in the wider landscape from a number of other public and private vantage points, particularly from the north and east. In close views from the footpath passing through the site and approaching the site along the footpath from the east it is a dominant feature at present in the absence of any intervening landscaping at present. Whilst the applicant has painted the building to darken its tone and the previously approved landscaping will mitigate the impacts in time, this will take many years to take full effect.

The proposal is to site the new buildings immediately to the north of the existing new agricultural building and access them off the existing track and yard thus meeting the locational requirements of Local Plan policy LC13. This siting also makes best use of the screening effect of the tree cover on the western slopes and the cover provided by the existing building and landform. The revised plans now submitted significantly increase the proposed screening by incorporating an amended landscaping scheme which has been developed with the advice of the Authority's Landscape Architect and the support of the applicant, particularly in respect of incorporating improved landscaping to the east gable of the existing building, which would represent a significant improvement to the planting scheme approved in 2014.

Currently, in views down to the site from Kirk Edge Road to the north a row of *leylandii* trees alongside the existing building provide it with only a partial foil. From this viewpoint the application plans propose the removal of these *leylandii* followed by the very substantial excavation of the rising ground in order to site the two new buildings down into the ground and have the same ground floor level as the existing building. The rising ground around and above the site coupled with the proposed gentle bund and 15m wide shelter belt of trees around the site would ensure that in views from Kirk Edge Road the viewer would be looking down the field and initially see only the ridge lines and part of the upper roof of the new sheds, of which the taller one of the two would be the same as the existing buildings ridge. This remodelled land form would significantly improve the screening of the existing building in these views and in only a few years the wide band of tree and hedge planting would effectively screen both the new buildings and the existing building behind them very effectively and with species that are appropriate to the wider landscape character.

Down the eastern side of the site the depth of the excavation would screen the majority of the new buildings although they would be visible where they are close to the existing building. However, the landscaped bund down this side would provide further screening as it extends down around the site to the south and across the gable end of the existing building to remodel the present steep earth bank with a more natural looking slope. In the amended plans the height of the bund down this side is not shown extending far enough up the site and therefore officers are seeking clarification before the meeting by way of a further amended plan or if necessary by the suggested wording of condition 3 above to secure this detail for the avoidance of any doubt. The proposed 15m wide shelter belt of trees/hedging plants down this bund, with a gap left for a field access track, would in time also grow to effectively foil and then screen the buildings from the east. In views from the footpath to the east the new buildings would be visible only in part and then extending back into the hillside. More importantly in these views, the additional landscaping scheme in front of the existing building would represent a significant improvement to the eventual appearance of that building in the landscape and go some way to mitigating the continuing objections/concerns from local residents about its appearance in the landscape.

In addition to the planting to the north and east sides of the development, the applicant has also agreed to further enhance the tree planting on the bankside across the access road to the west of the proposed buildings. This would take the form of extending the existing planting northward and southwards to give greater depth and continuous tree cover in views from the west. The applicant has also confirmed that the existing stand of mature trees within the SW corner of the site would be protected by repairs to perimeter walling.

The proposed building design is typical of modern agricultural buildings and matches the existing building. The colouring of the sheeting and boarding is considered to be appropriate in the context of the site to give an appropriate dark recessive visual appearance to further mitigate the visual impact of the development.

On balance your officers, supported by the Authority's Landscape Officer, have concluded that the amended plans now demonstrate that the proposed development, although acknowledged to be substantial, can nevertheless be satisfactorily assimilated into the local landscape. Furthermore the amended landscaping scheme would also bring benefits in terms of additional bunding and tree planting to help improve the screening and integration of the 2014 building into the landscape.

### **Other material considerations:**

#### Access issues

There are no changes to access with the main access continuing to be down from Kirk Edge Road which has already been improved following the last application. There is adequate parking provision on the site within the large working yard area which is set down into the land and therefore screened from views outside the site. Currently the route of the public footpath through the yard is undefined. In response to the concerns of the footpaths officer about potential conflicts between users of the footpath and the inevitable increase in farm traffic, the plans have been amended to incorporate fencing to protect and segregate the route of the right of way where it passes through the yard.

#### Amenity Issues

The site is already a long established working farmyard and previously had an extensive range of cattle buildings which have been largely replaced by the present building. The application site is physically screened from the houses in the rest of the building group by the existing building and remaining range of older barns which will limit noise and sight of the operations. There will obviously be an increase in farming activity on the site from that which existed more recently which will be noticeable from the houses from time to time, however this needs to be considered in the context of the previous level of farming activity on the site and the fact that it is a long established working farmstead. On this basis, it is considered that the impact upon the neighbouring amenity security or privacy will not be such to warrant any changes to the application or restrictions to the business operation.

#### Setting of Fair Flatts Farm - Listed Building

Fair Flatts Farm, which has a grade II listed barn in its garden, is situated some distance to the east of the site across a large arable field. Whilst part of the application buildings will be visible initially from the Fair Flatts Farm, it is considered that the two sites are sufficiently far apart to the degree that the new development would not impinge upon the setting of the listed building. Furthermore, the landscaping scheme developed for this current application would, in time, screen the new buildings and significantly improve the visual appearance of the existing buildings in views from Fair Flatts Farm.

#### Impact upon ecology

Although reference was made in one of the representations about animal burrows potentially being nearby, the site inspection by officers found no signs at or around the application site which currently forms part of a working farmyard and a section of an intensively farmed open arable field immediately next to the buildings. Whilst there may well be ecological interests in the bankside and trees to the west and south-west of the yard, these areas are physically separated

from the working yard area by the existing raised banking running down the west side of the access/yard site. Apart from additional planting there will be no other disturbance to this area as a result of the development. The protection to existing trees and the new planting of native species will improve habitat and accordingly it is considered that there are no ecological issues preventing determination of the application.

### **Conclusion**

The proposed development, although large in scale, is required to meet the agricultural needs of the current farm business operating from the site. Phase I of the applicant's plans to consolidate the farm business at this site have already been implemented with the significant investment in the construction of the existing new building in 2014. Approval for that building in 2012 comprised major development in its own right and established the acceptability in principle of such development on this site within the Park and the planned further replacement of building space lost from Prospect Farm on this site.

The supporting planning statement explains why locating the application buildings on another site outside the park would not be an option for the business because of the increased costs in monetary terms, operational inefficiencies and manpower implications of operating a split site. All of these would be damaging to the long term future viability of the business and would conflict with local and national policy aims to support a prosperous thriving rural economy. In contrast approval would meet those aims and bring those benefits to the wider public interest as well as bringing an additional local employment opportunity. It has therefore been concluded that the applicant has demonstrated an exceptional need for the development to be on this site inside the National Park in accordance with to accord with local and national policy guidance (GSP1 and NPPF paragraphs 115 and 116).

Furthermore, the amended landscaping scheme has demonstrated that the proposed development can be satisfactorily accommodated on this site without harm to the wider landscape as well as bringing some additional enhancement to the setting of the existing building built last year. The proposed new buildings would be sited well into the ground and very well screened by earth bunding and planting such that they would not be prominent from either local vantage points or in the wider landscape.

The proposed development is therefore considered to be in accordance with relevant policies in the development plan in terms of the main issues of need and landscape impact (policies DS1, LC13 and L1). The proposed development would not have any adverse impact upon the ecology of the area, highway safety (policy LT18) or the amenity of the nearby neighbouring property (policy LC4) or the setting of the nearby listed building (policy LC6). In this case relevant policies are in accordance with the more recently published National Planning Policy Framework which allows for agricultural development which conserves the National Park.

Therefore, in the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the conditions outlined in this report.

### **Human Rights**

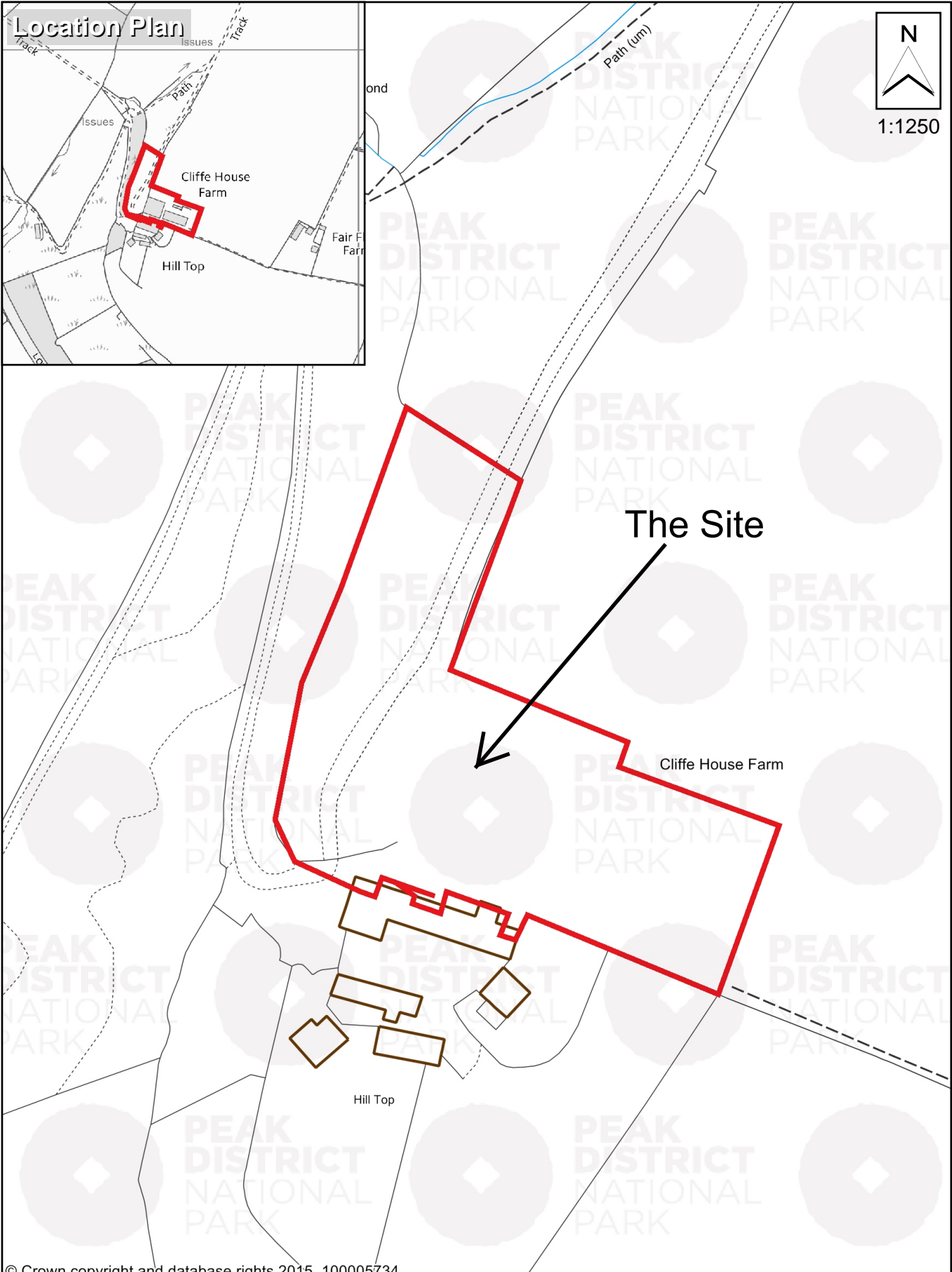
Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers (not previously published)**

Nil

This page is intentionally left blank





© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015	<b>Title:</b> Cliffe House Farm Loxley Road Sheffield	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	11		
Application No:	NP/S/1214/1273		
Grid Reference:	427668, 391738		

This page is intentionally left blank

**12. FULL APPLICATION: ADDITIONAL USE (A3) TO SERVE HOT DRINKS IN EXISTING BOOKSHOP (A1) AT BAKEWELL BOOK AND GIFT SHOP, MATLOCK STREET, BAKEWELL (NP/DDD/0115/0048, P.4818, 421802/368388 31/3/2015/CF)**

**APPLICANT:** Mrs Jemma Pheasey

**Site and Surroundings**

The current application concerns Bakewell Book and Gift Shop, which occupies a Grade II listed building on a corner plot at the junction of King Street and Matlock Street in the centre of Bakewell. The premises also lie within Bakewell's Central Shopping Area and the designated Conservation Area.

**Proposal**

The current application proposes a change of use of the premises from retail (A1 use class) to a mixed use of shop and café to allow for the sale of coffee for consumption on the premises. The submitted plans show these proposals would not include any works to the listed building or changes to the external appearance of the premises but do show the provision of a 'standalone' coffee service area and the provision of a mixture of tables and chairs to provide up to 25 covers. The plans also show the retention of bookshelves along the internal walls of the premises and a sales counter at the entrance to the premises.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1704-02 A.**
- 3. The development hereby permitted shall not place other than on the ground floor of the premises and the sale of food and drink from the premises shall be limited to the sale of hot drinks for consumption on the premises.**
- 4. The hours of opening of the use hereby permitted shall be restricted to 09.00 – 17.30 hours Monday to Saturday and 10.00 – 16.00 hours on Sundays and Bank Holidays.**
- 5. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 08.00 – 18.00 hours Monday – Friday; 09-00 – 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

**Key Issues**

- Whether the proposals would harm Bakewell's Conservation Area and Central Shopping Area and the character of Bakewell's town centre, including their vitality and viability, and detract from Bakewell's role as the main service centre within the National Park.

2015 Application for Listed Building Consent for additional use to serve hot drinks deregistered by Authority (NP/DDD/0115/0046).

2014 Application for Listed Building Consent for additional use to serve hot drinks

withdrawn prior to determination (NP/DDD/1014/1033).

- 2003 Planning permission granted for replacement of shop front, window and door (NP/DDD/0603/302).
- 2003 Listed Building Consent for external alterations to shop front (NP/DDD/0503/294).
- 1983 Planning permission granted for alterations and extensions (NP/WED0383/133).
- 1982 Planning permission granted for re-instatement of boarded up window (NP/WED/0982/367).

### **Consultation**

Bakewell Town Council - Resolved to object to the current application because the Town Council considers the proposals would undermine the variety and sustainability of the retail core of the town by adding yet another A3 use serving the seasonal needs of visitors more than residents. The Town Council go on to say such an addition would reduce the viability and vibrancy of the market down and add further momentum to the damaging progression towards a highly seasonal tourist destination.

The Town Council also refer to a community research and consultation paper 'Bakewell 2012 and Beyond', which identified the provision of more diverse retail outlets as a priority issue for Bakewell and says: "that a greater diversity of retail outlets is required to meet the needs of residents and to encourage them to shop locally".

County Council (Highway Authority) - No objections

District Council – No response to date

### **Representations**

The Authority has received two objections to the current application from local residents. One letter briefly summarises the proposals as changing a book shop selling the odd coffee to a coffee shop with the odd book to browse through and considers these changes would further threaten the economic viability of the town. The second letter makes similar points saying that the area proposed to be set aside for serving drinks forms in excess of 80% of the floor area, which constitutes a change of use rather than an additional use and the proposed change of use would not enhance the retail/services mix within the central shopping area for either the community or visitors.

The author of this letter goes on to say there is an over-provision of businesses offering refreshments, chiefly to visitors. Therefore, the town is rapidly losing its appeal as a 'retail destination' as businesses with unique offerings have disappeared over recent years whilst local people now have to travel to obtain a wide range of goods and services. In these respects, both letters set out the respective authors' strong concerns that the current proposals would not support the local economy.

### **Main Policies**

Policy HC5(A) of the Authority's Core Strategy states that in towns or villages, shops, professional services and related activities must:

- i. be located within the Bakewell Central Shopping Area, or in or on the edge of named settlements listed in policy DS1; and

- ii. be of appropriate scale to serve the needs of the local community and the settlement's visitor capacity.

Policy HC5(C) goes on to say that related activities such as professional services and premises for the sale and consumption of food and drink will be permitted in towns and villages provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability. HC5(B) relates to out of town shopping centres and is therefore not applicable.

Local Plan policy LS1, which also deals with new retail development in the National Park's towns and villages, does not provide any further criteria to apply to the current application but Local Plan policy LB9 says within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted.

These policies are consistent with the approach to ensuring the vitality of town centres in the National Planning Policy Framework ('the Framework'), which says local planning authorities should recognise town centres as the heart of their communities and pursue policies that are positive, promote competitive town centre environments and support their viability and vitality.

### **Wider Policy Context**

Relevant Core Strategy policies: GSP1, GSP2, GSP3 & L3

Relevant Local Plan policies: LC4, LC5 & LC6

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. The Framework otherwise states that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, including safe and suitable access provisions. These provisions are consistent with the requirements of Policy GSP3 and saved Local Plan policy LC4, which set out a range of criteria to assess the suitability of all new development within the National Park.

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development that would affect the setting of a Conservation Area in the Authority's Development Plan and set out in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

### **Assessment**

In the first instance, the proposals would have a negligible impact on the significance of the Grade II listed building in which the premises or located or the appearance of the setting of the listed building, which includes the surrounding Conservation Area. This is because no works are required to the listed building to facilitate the proposed change of use of the premises from a shop to a mixed use, and there would be no changes to the exterior of the building. The limited scale of the proposals would also mean that the proposals would have a very limited impact on the general amenities of the area.

The addition of a coffee service area does not require the addition of potentially intrusive mechanical extractor units, for example, and would not give rise to the potential issues of noise, odour and disturbance that would be associated with a more intensive use of the property as a

café or restaurant. The Highway Authority has no objections to the proposals on highway safety grounds and there is no requirement for dedicated parking spaces to serve the premises because of the extent of public parking provision within the town centre. The premises are also located within Bakewell's Central Shopping Area where Local Plan policy LB9 says development in Use Classes A1, A2 and A3 will be permitted.

Therefore, the key issue in the determination of the current application is whether the proposed change of use of the shop to allow for the sale of coffee for consumption on the premises would serve the needs of the local community and in particular, whether the proposals would harm the character of Bakewell's town centre, including its vitality and viability, and detract from its role as the main service centre within the National Park. Moreover, it was noted in a recent appeal decision that two of the characteristics of the designated Conservation Area are the wide range of retail/commercial uses, and the busy and vibrant nature of Bakewell's town centre.

In these respects, the absence of any representations in support of the current application and the nature of the representations received to date may suggest that the premises would not necessarily serve the needs of the local community if permission is granted. There are also strongly expressed local concerns that the proposals would harm the character of Bakewell's town centre, including its vitality and viability, and detract from its role as the main service centre within the National Park.

However, in the 2012 appeal decision for the Costa coffee shop on King Street, the Planning Inspector concluded that whilst there are a number of similar premises in the town and the proposal would increase the total number of non-retail units, the introduction of a coffee shop in the former retail unit on King Street would not make the town centre less attractive and the proposed mixed A1/A3 use would provide a facility to the general public (including the local community and visitors). The Inspector's reasoning is especially relevant to this case insofar as it demonstrates that the proposed mixed use of the premises cannot be refused simply on the basis that it would not serve the needs of the local community.

Nonetheless, it is acknowledged that the town centre has suffered difficult trading conditions since this appeal decision and there are growing concerns that the mix of retail and non-retail units in the town centre is becoming increasingly unbalanced. In these respects, permission for the current application would not allay these concerns but officers are equally concerned at the number of vacant premises within the town centre and lack of obvious demand for these premises.

The appearance of the adjacent premises vacated by Derbyshire Building Society demonstrates that if the Bakewell Book and Gift Shop were to stop trading, the subsequent vacant appearance of the premises in this prominent town centre location would detract from the street scene, and that this outcome is likely to have a much more harmful impact on the vitality of the wider town centre and the character of the Conservation Area than the current proposals.

### **Conclusion**

It is therefore concluded that the benefits of granting planning permission a more flexible use of the premises that would help to keep a retail unit within Bakewell's Central Shopping Area occupied would outweigh the harm arising from what amounts to the addition of another coffee shop in Bakewell's town centre. In all other respects, the current application accords with the wider range of design and conservation policies in the Development Plan and the Framework subject to appropriate planning conditions.

Accordingly, the current application is recommended for conditional approval.

In this case, it would necessary to restrict the mixed use to the ground floor of the premises as shown on the drawings submitted with the application and to restrict the service of food and

---

drink to the sale of coffee for consumption on the premises for clarity and avoidance of doubt. These conditions are also considered to be reasonable as any further intensification of the premises within an A3 use would be outside of the scope of the current application. Furthermore, any future changes to the use of the premises would also need to be considered carefully in the context of the public interest in the future of the town centre and the policy considerations set out in policy HC5(C) of the Core Strategy.

Similarly, further intensification of the premises could affect the living conditions of nearby residents, which is also policy consideration under HC5(C), but in terms of the proposed use conditions should also be imposed restricting opening hours, deliveries and servicing. These conditions are considered necessary to protect the amenities of the occupiers of nearby residential properties and the general amenities of the town centre. Finally, it would be reasonable and necessary to impose a time limit on the commencement of the proposed development, and to ensure the development is carried out in accordance with the plans and specifications submitted with the current application in the interests of the proper planning of the local area.

### **Human Rights**

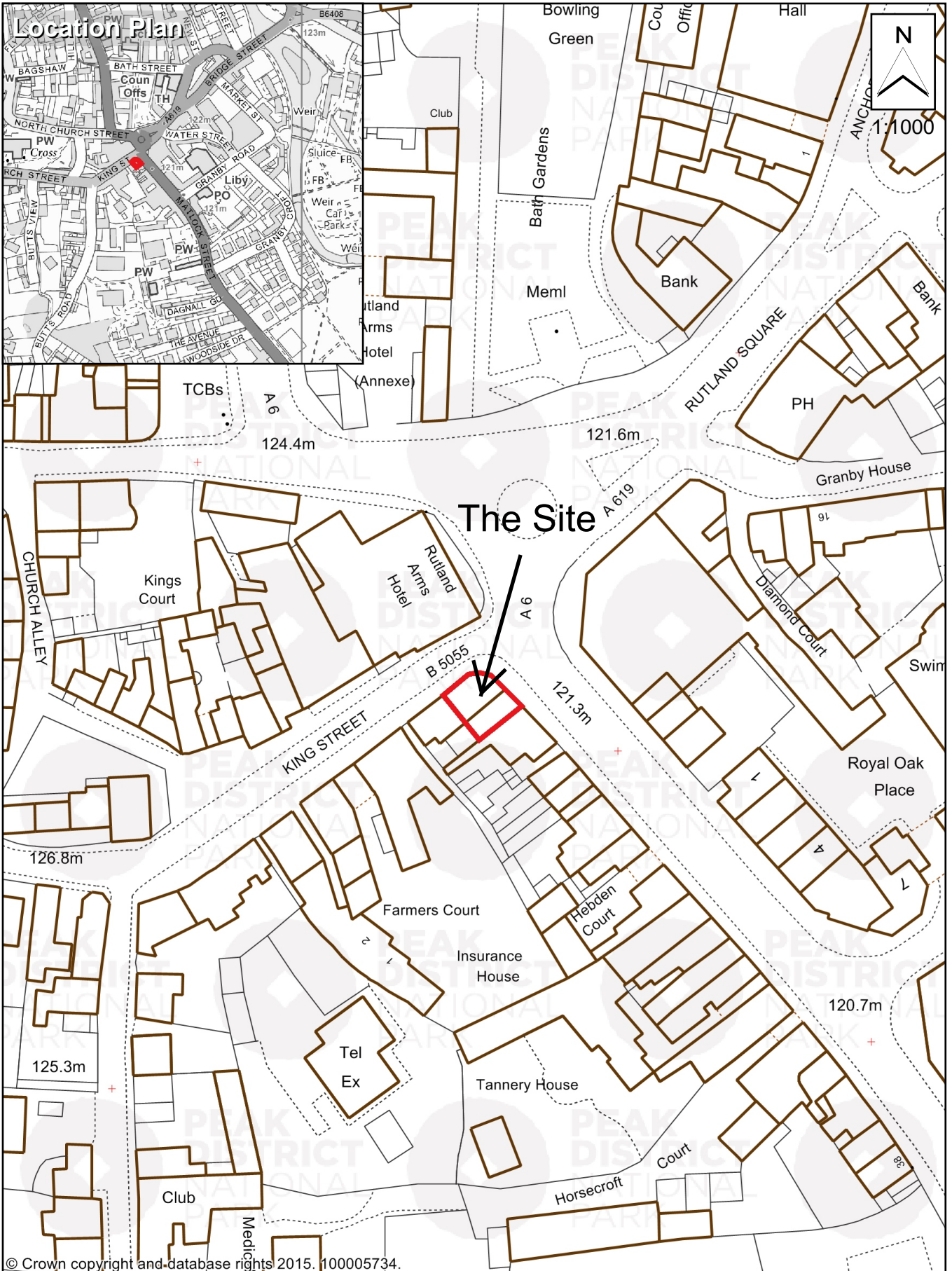
Any human rights issues have been considered and addressed in the preparation of this report.


### **List of Background Papers (not previously published)**

Nil

This page is intentionally left blank





Committee Date:	17/04/2015	<b>Title:</b> Bakewell Book and Gift Shop Matlock Street Bakewell	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	12		
Application No:	NP/DDD/0115/0048		
Grid Reference:	421802, 368388		

This page is intentionally left blank

---

**13. FULL APPLICATION – DEMOLITION OF EXISTING DORMER BUNGALOW AND REBUILDING 4 BEDROOM 2 STOREY HOUSE AT LEAHAY, MAIN STREET, ELTON, (NP/DDD/0115/0033, 422609/360998, 28/01/2015/ALN)**

**APPLICANT:** Mr and Mrs R Buxton

**Site and Surroundings**

The application site is located towards the eastern end of Elton village abutting the north side of Main Street. Lea Hay is a detached bungalow constructed in the 1930s. It has rendered external walls under a red clay tiled roof. It has a footprint measuring approximately 12m x 9m and it is orientated with its ridge running north/south such that the gable end faces towards the road. It has a habitable floor area of 167.3 sqm. The property has a lounge, kitchen, bathroom and two bedrooms on the ground floor and two further bedrooms within the roofspace, lit by windows in the gable ends. The site lies outside of the designated Conservation Area.

Immediately to the rear of the site is a public playing field known as 'Jubilee Field'. To the east is a residential property and there is an area of open land to the west. A concessionary footpath leads along the boundary of the playing field, to the west of the site. The bungalow sits behind a high hedgerow which fronts the highway. The vehicular access and pedestrian gate are located at the south eastern corner of the site and there is also a separate pedestrian gate on the southern boundary.

To the rear (north) of the bungalow there is a detached single flat roofed garage. There are two other domestic outbuildings constructed in a mixture of metal, timber and masonry.

**Proposals**

The application proposes the demolition of the bungalow and replacement with a two storey dwelling constructed in natural gritstone under a blue clay tiled roof. The dwelling would be orientated such that the main ridge runs parallel with Main Street. There would be a two-storey off-shot projecting at right angles to the rear elevation together with an adjacent single storey rear lean-to. A garage would be constructed to the east of the dwelling, linked to the house by a simple flat-roofed link structure.

The dwelling would have a gable width of 6m, an eaves height of 4.7m and a ridge height of 7.5m.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Submit and agree final finished floor levels of dwelling in relation to surrounding land.**
- 4. Existing bungalow, outbuildings and garage to be demolished and removed from the site prior to the occupation of the dwelling hereby approved.**
- 5. Remove permitted development rights for extensions, alterations and outbuildings, porches, walls, fences and solar panels.**

6. **Submit and agree hard and soft landscaping scheme.**
7. **Development to be built to a minimum Code Level for Sustainable Homes required of RSLs.**
8. **Submit a copy of the summary score sheet and Post Construction Review Certificate verifying that the minimum code level will be achieved.**
9. **Stonework to be in natural gritstone – sample panel to be agreed.**
10. **Openings on north facing gable end to be reduced to a French window of no more than 1.7m wide with a double casement above to match the adjacent double casement window in terms of size. Details to be submitted and agreed in writing.**
11. **Each light of casement window frames and long window on south facing elevation to be subdivided with a single horizontal glazing bar. Details to be submitted and agreed.**
12. **Garage to remain available for the parking of private domestic vehicles in connection with Leahay.**
13. **Parking and manoeuvring spaces to be provided and maintained.**
14. **Minor Design Details.**

#### **Key Issues**

1. Whether the principle of the proposed replacement dwelling complied with Local Plan policy LH5;
2. Whether the proposed dwelling is of a similar size to the bungalow it will replace (LH5 Criterion iii); and
3. Whether the proposed dwelling would conserve and enhance its setting.

#### **History**

There is no planning history held on file with regard to this property.

#### **Consultations**

Highway Authority – no objections subject to maintaining 3 no off street parking spaces.

District Council – no response.

Parish Council - no objections but feel photos showing street scene are misleading as they do not show entrance clearly.

Authority's Ecologist - A bat scoping survey has been completed for the above site and no evidence of bats has been found. No evidence of nesting birds was found, although there was some potential. The recommendations in Section 5 of the report in relation to birds should be followed.

#### **Main Policies**

In this case, saved policies LC4 and LH5 are considered to be especially relevant to the key issues in the determination of the current application.

Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Particular attention will be paid to, amongst other things, the amenity, privacy and security of the development and of nearby properties

Policy LH5 (Replacement Dwellings) states that the replacement of unlisted dwellings will be permitted provided that:

- (i) the replacement contributes to the character or appearance of the area.
- (ii) it is not preferable to repair the existing dwelling.
- (iii) the proposed dwelling will be a similar size to the dwelling it will replace.
- (iv) it will not have an adverse effect on neighbouring properties.
- (v) it will not be more intrusive in the landscape, either through increased building mass or the greater activity created.

LH5 also says the existing structure must be removed from the site prior to the completion of the replacement dwelling or within 3 months of the occupation of the new dwelling where the existing dwelling is a family house.

Further detailed advice on design is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide, and the recently adopted SPD on alterations and extensions.

#### Wider Policy Context

Relevant Core Strategy Policies include: GSP1, GSP2, GSP3, L1 and L2

Relevant Local Plan policies include: LC4, LC17,LT11 and LT18

#### **National Planning Policy Framework**

It is considered that in this case there is no conflict between prevailing policies in the Development Plan and more recent national planning policies in the Framework with regard to the key issues that are raised in the determination of the current application in that both Development Plan policies and the Framework promote sustainable development that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

#### **Comment**

##### Issue 1 - Whether the principle of the proposed replacement dwelling complied with Local Plan policy LH5

Local Plan policy LH5 (ii) specifies that a replacement dwelling will only be permitted where it is not preferable to repair the existing dwelling. In this case the existing bungalow was built in the 1930s. It has a simple rectangular footprint and is orientated with its ridge running north/south, in contrast to the other properties lining Main Street whose ridge run east/west, reflecting the east/west orientation of the main road. Added to this, the gable ends of the property are

particularly wide at 9m and the south facing gable is particularly prominent from the road. This, combined with the steep 45° degree roof pitch, means that the roof of the property appears as a very dominant structure which is visible above the hedgerow from Main Street.

Moreover, the materials are inappropriate to the area, being cream painted render under a red clay tiled roof. The detailing is also uncharacteristic of the area, with largely metal framed windows and doors. The overall effect is a property that is out of keeping with the local vernacular and is prominent both from Main Street and from the concessionary footpath and playing field to the north and west.

In addition, the agent has explained that the dwelling is a single brick rendered construction and the render is failing in places. There is evidence internally of cracks which suggest there is localised movement of localised structural failure possibly as a result of water ingress. There is no floor insulation and there is evidence that the asphalt dpm has broken down. The roof is not insulated and windows and doors would need to be replaced. Overall this would be a costly exercise and would not result in an overall enhancement of the site. It is considered that the site represents an opportunity for enhancement both in building and townscape terms and by providing a better performance in terms of environmental management as required by Core Strategy policy CC1. The principle of a replacement dwelling is therefore considered to meet criterion (ii) of Local Plan policy LH5.

#### Issue 2 - whether the proposed dwelling is of a similar size to the bungalow it will replace (LH5 Criterion iii)

This part of the policy uses the phrase 'similar size' as a parameter to control the size of replacement dwellings to protect the landscape, instead of a simple like-for-like floor space or volume calculation. This enables a degree of flexibility which is necessary to both achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting.

Whilst this consideration cannot be divorced from landscape impact, it does need to be satisfied if the scheme is to be judged as policy compliant. In this case, the existing dwelling has a footprint of 108m<sup>2</sup>. The replacement dwelling (excluding the garage and link) has a footprint area of 107.2m<sup>2</sup>. In footprint terms, therefore, the replacement dwelling would be almost the same size. Whilst the proposed dwelling is of a low, two-storey form, its total floor area amounts to 192m<sup>2</sup>, which represents an increase in floor area of 90m<sup>2</sup> (or 88%).

Footprint and floor area must also be considered alongside other measures of size, and volume is a useful measure as this more closely represents the scale and massing of a proposal and is therefore more indicative of how these relate to the local building traditional and potential impact on the surroundings. In this case, the bungalow has a volume of 395m<sup>3</sup>. The replacement house (including the porch and link but excluding the garage) has an above ground volume of 445.3m<sup>3</sup> which equates to a 12.7% increase in the size of the existing bungalow. This would not therefore exceed the normally accepted allowance of 25% over the volume of the original bungalow, which is the guideline volume given in the Local Plan for domestic extensions.

It is considered that the phrase 'similar size' in this part of policy LH5 enables a degree of flexibility necessary to achieve enhancement of the Park and to allow the scale of a replacement dwelling to respond to what is appropriate for any particular site and its setting. In this case, whilst the replacement dwelling would be larger than the existing, it is considered that its acceptability depends upon whether the proposals would contribute to the character of the area or offer up other planning gain that would outweigh any concerns about the increase in size.

#### Issue 3 - Landscape, Visual Impact and Design

Clause (i) in policy LH5 requires that the replacement dwelling must contribute to the character and appearance of the area and clause (v) states that it should not be more intrusive in the landscape either through increased building mass or the greater activity created. In this case, given the flexibility allowed in clause (iii) in terms of the dwelling being of a 'similar' rather than the same size as the dwelling to be replaced, officers consider that a slightly larger dwelling could be accommodated on this site without causing harm to the landscape.

The existing bungalow is prominent from a number of vantage points. The dwelling is visible from Main Street and also from the well-used concessionary footpath which runs to the west of the site, and from the public playing field to the south. The proposed scheme reflects officer's pre-application advice in that it is for a low two-storey dwelling which faces the road and is constructed in local natural materials. Overall, whilst the ridge of the roof of the new dwelling would be 0.5m higher than the existing bungalow, the massing of the dwelling would be more traditional and in keeping with advice in the adopted Design Guide, particularly in respect of the gable width, which is reduced from 9m to 6m. The eaves height, at 4.7m, is within the parameters of a traditional dwelling as identified in the Design Guide. Although the dwelling would be visible from the public vantage points identified, it would sit more comfortably into its surroundings than the existing untraditional bungalow.

The agent has submitted a 'visualisation' of the appearance of the front of the property in relation to the adjacent dwellings to the east and this demonstrates that the dwelling would not appear unduly prominent or otherwise out of keeping with the character of the street scene.

The proposed two storey gabled projection off the rear elevation is considered to be acceptable in terms of its massing. However, as submitted the plans showed a large amount of glazing within the gable end, consisting of a 2m wide patio door with a similarly sized window directly above. The result is that the glazing appears overly dominant in relation to the masonry around it. This is directly contrary to advice in the Design Guide which states that gables are traditionally plain and that doors and windows are traditionally surrounded by large areas of masonry, making the wall the dominant element and giving the building a high solid to void ratio. It states that the larger openings visually weaken the elevation and lack the strong appearance of traditional buildings. The Guide emphasises that successful modern buildings that fit well in the Peak District often have a high degree of visual solidity.

Added to this, the rear facing gable elevation would be clearly visible from public vantage points - from the playing field to the north and from the concessionary footpath which runs to the north and west. When looking back at the edge of the village from these vantage points it is notable that many of the traditional dwellings within the Conservation Area to the west of the site also have rear projecting gables but none have the large extent of glazing proposed here. Consequently acceptance of the proposals as submitted would lead to a detail that would jar with its surroundings and would not be in keeping with the established character of the area.

The Planning Officer has advised that the patio door at ground floor level should be reduced in width and the large opening at first floor reduced to a double casement to match the adjacent window. However the applicant does not wish to lose natural light levels in the north facing elevation. Amended plans have been received showing the openings reduced to 1.7m in width. Whilst this might be acceptable at ground floor level, the opening at first floor would appear as a large French door and a "Juliet" balcony has been introduced which further takes the design away from the local vernacular style. Officers consider that the detailing as amended is contrary to advice in the Design Guide and therefore it is considered reasonable and necessary to impose a condition requiring the size of the opening to be reduced.

Moreover, it is considered that the window patterns of the casement windows frames, including the proposed 'long' window on the front elevation, would be improved by the insertion of horizontal glazing bars to improve the subdivision of the windows frames and thus reinforce the

domestic scale and appearance of the dwelling. The agent cites other examples of dwellings allowed without glazing bars but each case must be taken on its own merits and as this dwelling has been designed in the vernacular style with otherwise traditional detailing, it is considered that a condition requiring the use of glazing bars is necessary and reasonable in order to secure a satisfactory design.

Other minor amendments have been requested by officers to improve fenestration details and these have been agreed by the applicant and shown on amended plans. Therefore, it is considered that the scheme, as amended, and subject to the conditions outlined above is appropriate in terms of its design, massing and detailing and represents a significant enhancement of the site and the landscape through the removal of the existing incongruous bungalow. A condition removing permitted development rights for extensions, alterations, extensions, porches, ancillary buildings, walls, fences, and solar panels is also recommended to allow the Authority to retain control to protect the visual amenities of the local area.

It is therefore considered that subject to conditions the dwelling would contribute positively to the character and appearance of the area and would not be more intrusive in the landscape and therefore the proposals, as amended comply with criteria (i) and (v) of LH5.

#### Impact on Neighbours

The only dwelling that has the potential to be affected by the proposals is the dwelling immediately to the east of the application site, known as 'Stonehaven'. This has its main habitable room windows facing south towards Main Street and north, looking over the playing field. At present the kitchen window on the bungalow faces directly towards 'Stonehaven' although overlooking is only onto the driveway of the property due to the lack of any windows on the west facing elevation on the Stonehaven. The new dwelling would be set further away from the eastern boundary of the plot than the existing bungalow and this, together with the fact that there would be no windows facing towards Stonehaven, means that the impact on the amenity of this property would be improved overall.

As such it is considered that in terms of impact on residential amenity the proposal meets criteria (iv) of policy LH5, and Core Strategy policy GSP3 and Local Plan policy LC4.

#### Environmental Management

Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources, must take account of the energy hierarchy and must achieve the highest possible standards of carbon reductions and water efficiency. A minimum sustainability standard equivalent to that required by the government of affordable housing shall be achieved unless it can be demonstrated that this is not viable.

As required by the SPD a condition requiring the development to be built to a minimum of Code Level 3 (the current level required of Registered Social Landlords) is considered to be necessary and reasonable in this case also taking into account that the improvements to the environmental performance of the existing bungalow that might be achieved by its replacement are considered to weigh heavily in favour of the current application.

No other details of specific environmental management measures have been submitted with the scheme; however, it is considered that these can be accommodated by attaching a condition requiring submission and agreement of appropriate environmental management measures.

#### Access and Parking

Local Plan policy LT18 states that the highest standard of design and material should be used in



transport infrastructure and the provision of safe access arrangement will be a prerequisite of any development. LT11 states that the design and number of parking spaces must respect the valued character of the area.

The scheme involves the use of the existing vehicular access and as this a like-for-like replacement dwelling proposal there is not considered to be any significant highway issues raised by the proposal. Parking for up to two vehicles would be provided within the garage and a further space in front of the garage.

### **Conclusion**

In conclusion, whilst the proposed dwelling would be slightly larger than the existing in volume, it would not be more intrusive in the landscape and would result in overall enhancement to both the appearance of the existing dwelling site and its setting subject to appropriate planning conditions. Together with the proposed enhancements and environmental benefits (which would be difficult to achieve in a scheme to retain and repair the existing dwelling), these factors weigh in favour of approval in this case.

Therefore, The proposals are considered to accord with Core Strategy policies GSP1, GSP2, GSP3, L1 and CC1 and Local Plan policies LH5, LC4, LT11 and LT18 as well as national policies in the Framework. Accordingly, the current application is recommended for conditional approval

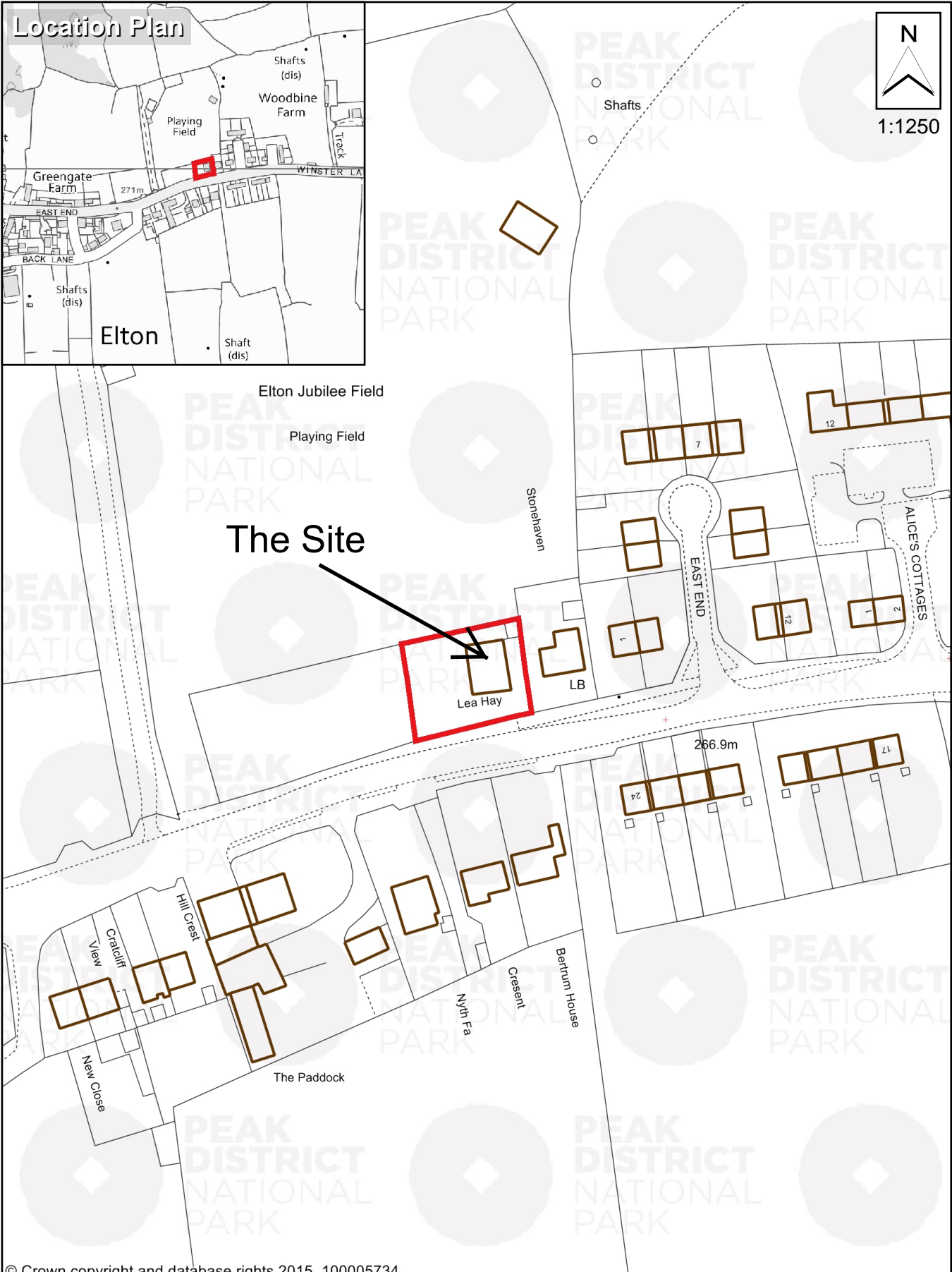
### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.


#### List of Background Papers (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015	<b>Title:</b> Leahay Main Street Elton	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	13		
Application No:	NP/DDD/0115/0033		
Grid Reference:	422609, 360998		

This page is intentionally left blank

**14. FULL APPLICATION: THE SITING OF STATIC CARAVAN FOR USE AS HOLIDAY LET IN CONJUNCTION WITH USE BY FAMILY VISITORS ON OCCASIONS PLUS AN ADDITIONAL PITCH FOR A TOURING CARAVAN AT THE QUIET WOMAN INN, EARL STERNDALE (NP/DDD/1214/1266, P.6171, 409004/366992 31/3/2015/CF)**

**APPLICANT:** Mr K Mellor

**Site and Surroundings**

The Quiet Woman Inn is a public house that lies in the centre of Earl Sterndale overlooking the village green. The public house lies on the southern edge of the village and the landscape opens out into the open countryside of the Limestone Hills and Slopes at the rear of the pub. There is also a static caravan and timber shed at the rear of the pub, which are sited on land in the applicant's ownership but outside of the curtilage of the pub. These were granted temporary planning permission in 2015.

The static caravan is occupied by a member of the applicant's family, who was said to be working in the pub at the time the application was submitted last year. The temporary permission for the static caravan was granted partly to help maintain the viability of the pub, but also to allow some time to put together comprehensive scheme for re-development of land in the applicant's control that includes the retention of the Quiet Woman as a pub and may include affordable housing and a more permanent place of residence for the occupant of the static caravan and their family.

These proposals have not come forward yet but were discussed partly in the context of the untidy state of some of the land at the rear of the pub where there is a range of buildings in various states of repair. Earl Sterndale is also a designated settlement in policy DS1 so there would be no policy issue with the provision of affordable housing on land within the applicant's control and it is readily accepted that there is a compelling need for more affordable housing to meet local need within the local area where land available for affordable housing is difficult to find. There is also policy support for safeguarding and promoting and encouraging the viability of community facilities.

**Proposals**

The current application proposes (1) the siting of static caravan for use as holiday let in conjunction with use by family visitors on occasions and (2) an additional pitch for a touring caravan within the curtilage at the rear of the pub. The submitted plans show the caravans would be sited next to a boundary wall and between the rear garden at the back of the pub and the existing static caravan and timber shed at the Quiet Woman. Information submitted with the application says that the caravans would help to provide a supplementary income for the pub.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. When the caravans hereby permitted are no longer required for visitor accommodation at the Quiet Woman, or on or before 14 November 2017, whichever is the sooner, the caravans shall be permanently removed from the land and the land shall be restored to its original condition.**

- 2. This permission relates solely for the use of the caravans hereby permitted for holiday residential use; the caravans shall remain within the same planning unit as the Quiet Woman; neither caravan property shall be occupied as a permanent dwelling and neither caravan shall be occupied by any persons for a continuous period exceeding 28 days in any calendar year.**

**The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.**

### **Key Issues**

- Whether the benefits of granting temporary planning permission for the current application would outweigh conflict with policy RT3(B) of the Core Strategy and/or offset the potential impacts of the proposed development on the local area.

### **History**

- 2004 Planning permission granted for replacement outbuilding to form village shop and alterations, extensions to existing buildings and change of use of existing building to camping barn (NP/DDD/0304/0348).
- 1997 Planning permission granted for alterations and extension to form utility room and kitchen (NP/DDD/0597/232)
- 1996 Planning permission granted for extension to form utility, kitchen and conservatory (NP/DDD/0696/242).
- 1991 Planning permission granted for erection of agricultural building, extension to public house car park, and construction of beer garden (NP/WED/1191/522).
- 1990 Advertisement consent granted for signs (NP/WED/0590/270).

### **Consultations**

County Council (Highway Authority) - No response to date

District Council – No response to date

Parish Council – Support the application but comment that the site should be tidied up.

### **Representations**

The Authority has received eight letters of objection to this application, of which three have been submitted anonymously and five are from local residents. The letters set out in some detail the respective authors' concerns about the current proposals, which can be summarised as follows:

- the proposals for a permanent static caravan on this site are contrary to the Authority's planning policies;
- there is no evidence that the presence of a static caravan would enhance the financial viability of the Quiet Woman;
- a number of public footpaths converge at The Quiet Woman; the addition of another caravan/caravans would further increase the adverse impact of the untidy appearance of the yard area at the rear of the pub;

- the proposals would offer limited facilities for staying guests, noting the untidy appearance of the rear of the pub, and would be more likely to become additional ancillary residential accommodation for the applicant's relatives;
- the presence of the static caravan would damage the landscape and it would be seen from a range of public vantage points within the surrounding landscape.

### **Main Policies**

Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, L1 & RT3

Relevant Local Plan policies: LC4 & LR3

Core Strategy policy HC4 sets out a general presumption that community facilities should be safeguarded and seeks to prevent the loss of these types of facilities including a village pub like the Quiet Woman. This stance is consistent with policies in the National Planning Policy Framework ('the Framework') which says at paragraph 28: in rural areas, local planning authorities should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

National planning policies in the Framework also offer support for tourism development that would result in economic, social and environmental benefits for rural areas whilst recognising the importance of protecting the scenic beauty of the National Park for its own sake. Development Plan policies are similarly supportive of the provision of development for tourism and leisure where the proposals are well-designed and are consistent with a sustainable pattern of development and the environmentally sound management of the National Park (policies DS1, GSP1, GSP2, GSP3 and L1 of the Core Strategy, and policy LC4 of the Local Plan).

Therefore, the prevailing policy framework generally supports the principle of developing tourist facilities at the Quiet Woman but in order to achieve a proper balance between the conservation of the National Park and recreation interests: policy RT3 of the Core Strategy says caravan and camping sites must conform to the following principles:

- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network, and do not adversely affect living conditions.
- B. Static caravans, chalets or lodges will not be permitted.
- C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
- D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

Local Plan policy LR3 adds further criteria for determining the acceptability of camping and caravanning sites and sets out a number of factors to consider in determining the acceptability of the current application including the location of the proposals, their scale, their potential impact on their landscape setting and neighbouring uses, and the suitability of access arrangements.

## **Assessment**

In this case, officers have similar concerns about the current proposals as those raised in representations on the current application. There has been very limited information submitted with the application that demonstrates the provision of two caravans at the rear of the Quiet Woman would maintain the viability of the pub also taking into account the untidy state of the yard that means neither caravan would be a particularly attractive place to stay. There is also a clear policy objection to the provision of static caravans in the National Park set out in Core Policy RT3(B), which officers consider would equally apply to the permanent provision of a touring caravan as proposed in this application.

The siting of a static caravan and the permanent siting of a touring caravan at the rear of the Quiet Woman would also exacerbate the harmful visual impact of the static caravan and timber shed at the rear of the pub. However, it is also considered the temporary permission granted for the existing static and timber shed is a relevant consideration that weighs in the determination of the current application. In the first instance, the two caravans proposed in this application would be sited between the rear of the pub and the existing static caravan, which is considered to be a logical approach seeking to minimise the visual impact of the overall development.

Secondly, it was concluded that a temporary consent for the siting of a static caravan for a person employed at the Quiet Woman and their dependents could be justified at Quiet Woman because the benefits to the pub, whilst succession planning and proposals for redevelopment of the site are still pending, would offset the harm to the National Park from the retention of the development. In reaching this conclusion, substantial weight was placed on the desirability of promoting the viability and longer term retention of the pub, which also appears to be an important community facility, taking into account that the Parish Council supports the current proposals.

However, officers acknowledge that, at this stage, a clear master plan for redevelopment of the land associated with the pub has not come forward, and it is not clear that the pub business is currently financially sound and has a clear prospect of remaining so. There also remains some uncertainty that the plans for redevelopment of some of the land associated with the pub can be achieved within a reasonable timescale, despite the stated intentions of the applicant, especially in the absence of reliable profit and loss accounts, financial development appraisal or formal business plan, or even draft plans for the longer term proposals for the site.

Nonetheless, Planning Practice Guidance says circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.

In these respects, it is considered a temporary consent (consistent with the expiry date for the temporary permission for the existing static and shed) offers a reasonable way forward. This is because officers consider that a temporary permission would allow some 'breathing space' for the applicant to bring forward his plans for redevelopment of the site whilst supporting the viability of the pub business through any supplementary income generated by the caravans. In this analysis, the specific policy objection to the current proposals in RT3(B) is offset by the wider policy presumption in the Development Plan and the Framework that local planning authorities should seek to safeguard existing community facilities. It is also relevant that the initial plans for redevelopment of the site include a desire to retain the Quiet Woman as a public house and the provision of affordable housing.

The specific policy objection to the current proposals in RT3(B) is also offset by the limited harm



that would arise from granting a temporary planning permission for the current application. The proposals are of a very limited scale, limiting their potential impact on their landscape setting and the amenities of the nearest neighbouring properties, and the caravans would be sited in the least damaging practicable location at the rear of the pub. There is also some degree of existing screening limiting the visual impact of the proposals on the wider landscape. Access arrangements are generally acceptable and on-site parking spaces would be provided. There are no ecological issues and the proposals would not impact on the significance of any heritage asset.

### **Conclusion**

It is therefore concluded that the proposals would not conflict with the wider range of design and conservation policies in the Development Plan and the Framework if the two caravans were to be on site for a limited period of time whilst the overall benefits of granting temporary permission for the current application outweighs and offsets the identified conflict with policy RT3(B) of the Core Strategy. However, as set out above, the proposals are only permissible on an exceptional basis and the retention of either caravan on a permanent basis would not be appropriate in policy or landscape conservation terms.

Therefore, it is considered reasonable and necessary to limit any permission to a temporary consent that would be consistent with the temporary permission for the existing static and timber shed on the presumption this will help to maintain the viability of a community facility and allow the applicants longer term regeneration plans for the pub and associated land to come forward. It would also be reasonable and necessary to impose a holiday occupancy restriction on both caravans to ensure as far as possible that the caravans would generate an income for the public house rather than become ancillary residential accommodation, for example.

These conditions are also considered to be reasonable taking into account there is already consented staff accommodation on site used by a member of the applicant's family and a fall back position exists whereby a caravan could be sited within the curtilage of the pub for staff accommodation without planning permission.

Accordingly, the current application is recommended for conditional approval.

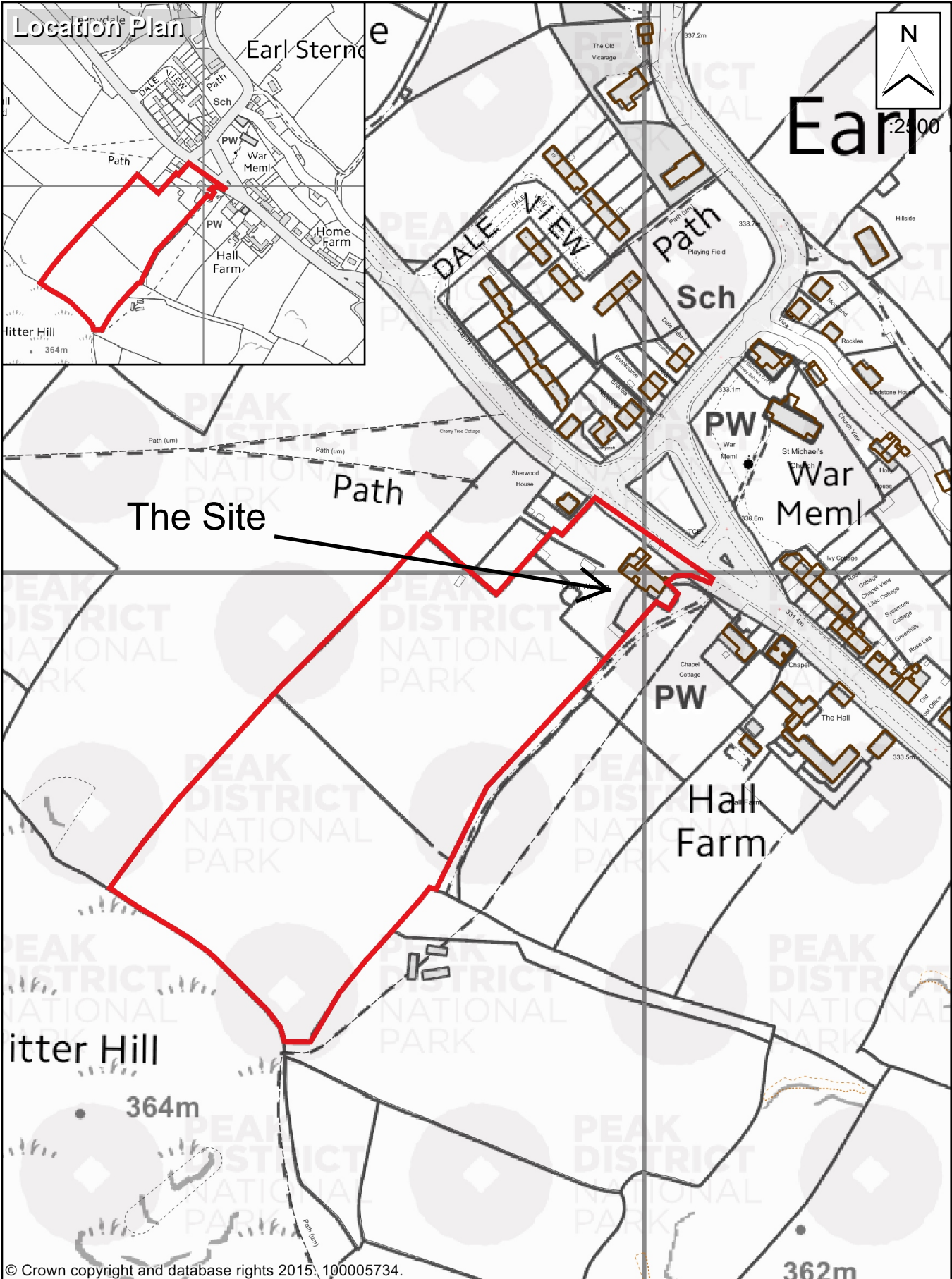
### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.


### **List of Background Papers (not previously published)**

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

Committee Date:	17/04/2015	<b>Title:</b> The Quiet Woman Earl Sterndale	 <b>PEAK DISTRICT NATIONAL PARK</b>
Item Number:	14		
Application No:	NP/DDD/1214/1266		
Grid Reference:	409004, 366992		

This page is intentionally left blank

**15. MONITORING & ENFORCEMENT QUARTERLY REVIEW – APRIL 2015 (A.1533/AJC)**

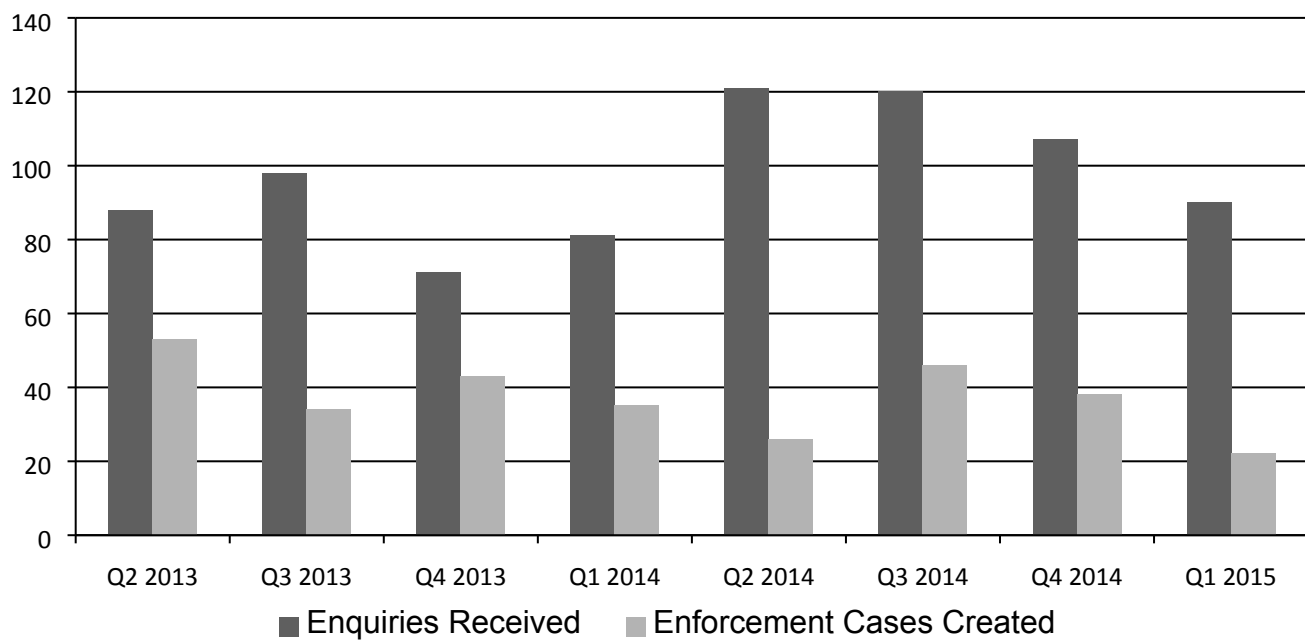
**Purpose of the Report**

This report updates the Committee on the work being carried out by the Monitoring & Enforcement Team within the Planning Service. It includes a summary of enforcement activity over the last two years and an update on the high priority cases.

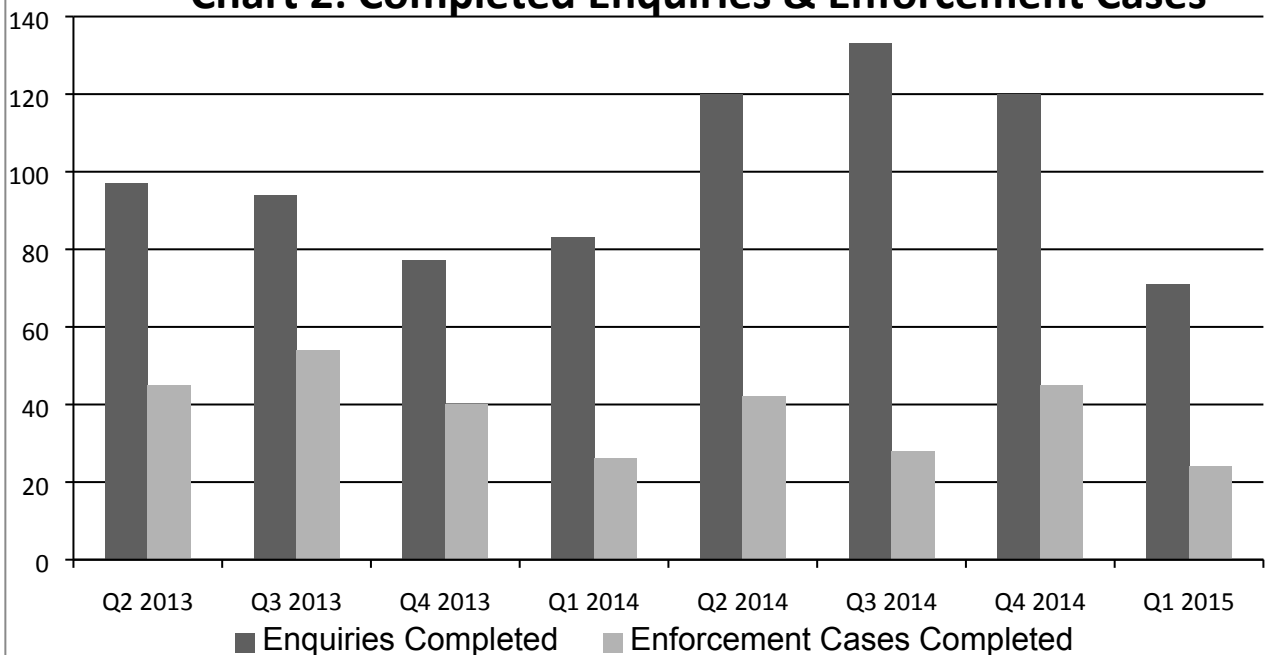
**RECOMMENDATION:**

**That the report be noted.**

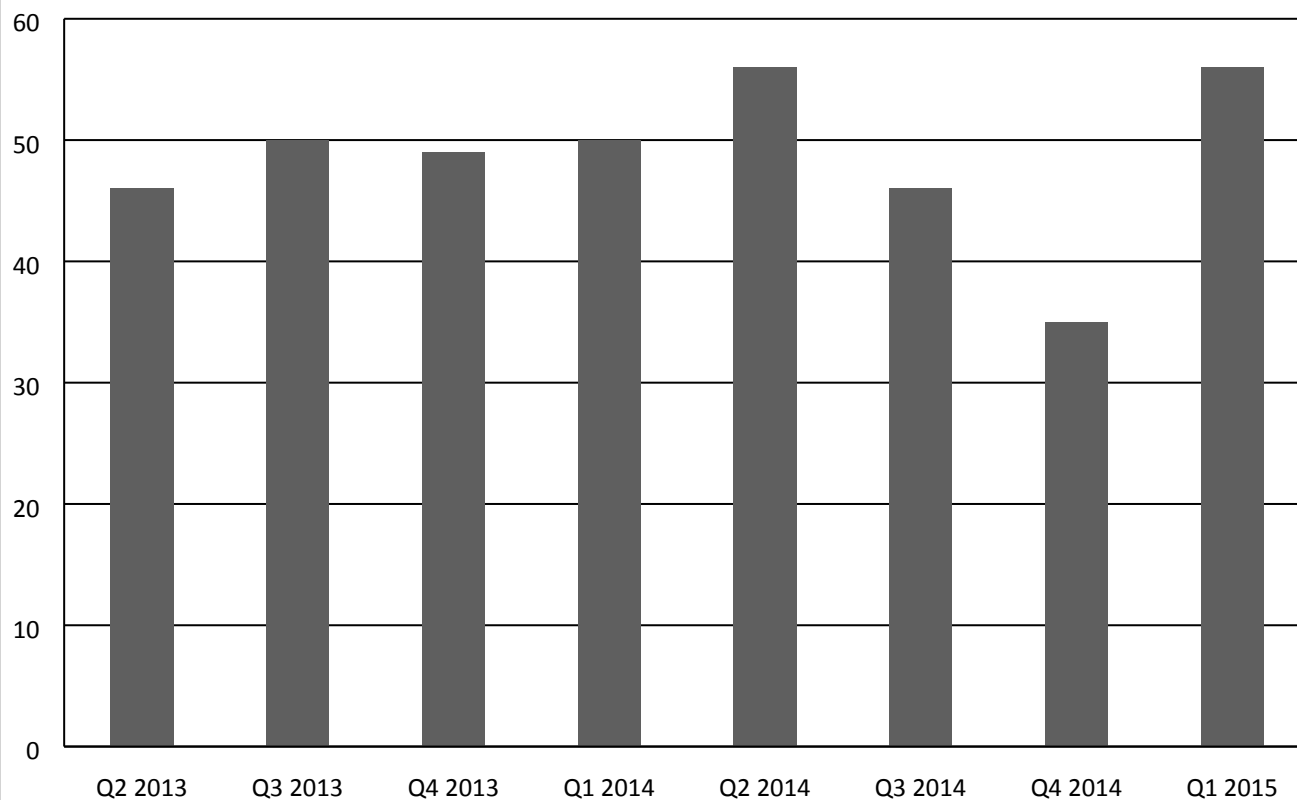
**Chart 1: Enquiries Received & Enforcement Cases Created**



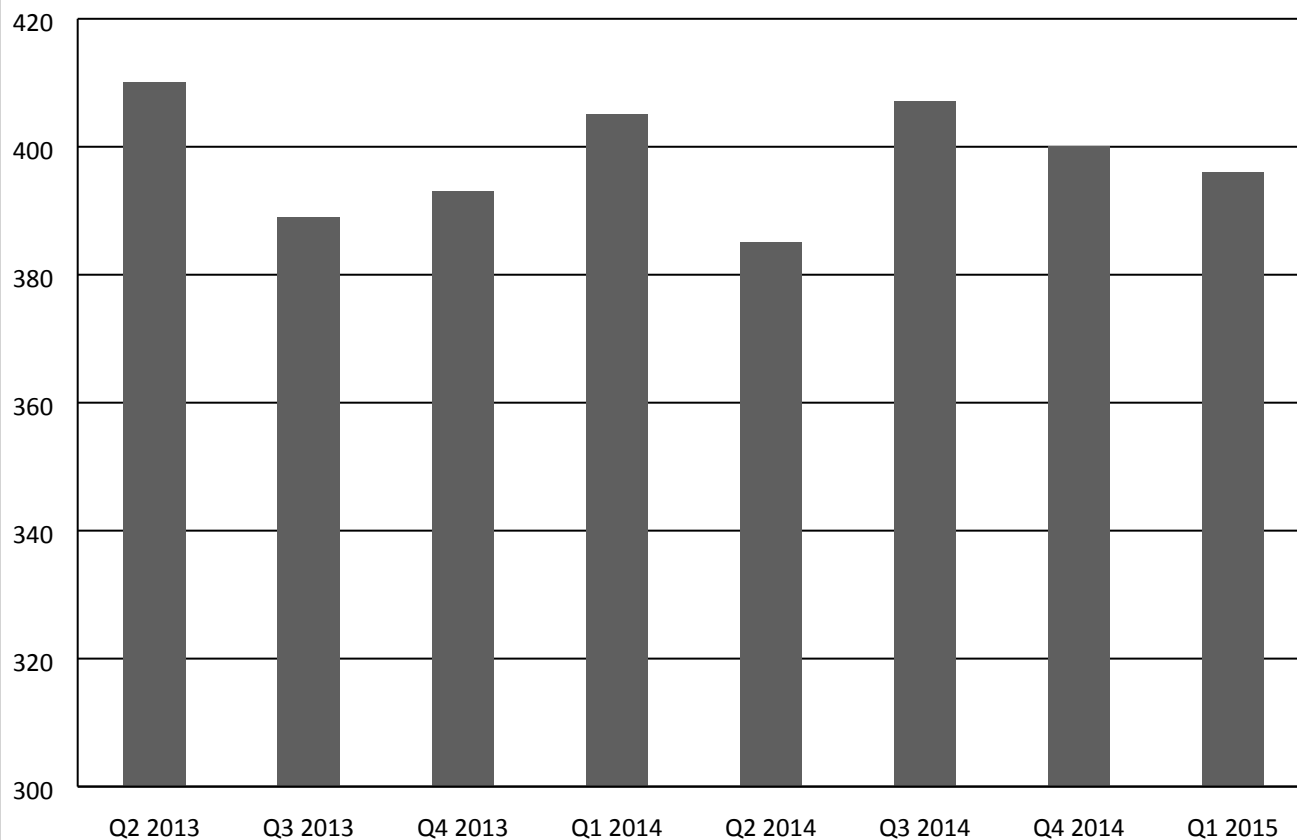
**Chart 2: Completed Enquiries & Enforcement Cases**



### Chart 3: Outstanding Enquiries



### Chart 4: Outstanding Enforcement Cases



## **Interpretation of Charts**

The above charts show a summary of activity in the team over the last two year period and below is a brief analysis of each chart.

### Chart 1 – Enquiries Received and Enforcement Cases Created

This chart shows the number of enquiries received and the number of enforcement cases created for each quarter over the last two year period.

New enquiries are logged and acknowledged by the Customer Service Team and then allocated to Monitoring & Enforcement Officers to investigate. Our target is to conclude the investigation within six weeks and in the quarter just ended, 97% of investigations have been concluded within that target period. If, on investigating an enquiry, a breach of planning control is identified then an enforcement case is created.

In general the number of enquiries received is higher in the spring and summer, probably due to the higher rate of building construction and general activity, for example. For most of the last two years the number of new enquiries received each quarter has fluctuated between 60 and 100. However, in the second and third quarters of 2014 the number rose to around 120. Since then the number has dropped back to 107 and then 90 in the latest quarter. However, this is still above the figure of 81 for the corresponding quarter in 2014.

In the latest quarter, 22 new enforcement cases were created – this is the lowest number of new cases created over the last two years and compares with 35 cases in the corresponding quarter last year.

### Chart 2 – Completed Enquiries and Enforcement Cases

This chart shows the number of enquiries and enforcement cases completed each quarter over the last two years.

Over the last two year period the team's performance on investigating and completing enquiries has exceeded the number of enquiries received. Similarly, the number of enforcement cases completed has been greater than the new cases created. In the third and fourth quarters of 2014 the performance on enquiries was particularly strong, with 133 and 120 enquiries completed. The number of enquiries investigated has dropped back to 71 in the latest quarter – this is partly explained by the drop in new enquiries received but is also a result of the vacancy in one of the Monitoring & Enforcement Officer posts – as referred to in the section below on team resources. The vacancy has also had an impact on the completion of enforcement cases which has reduced from 45 to 24 since the last quarter. The previous quarter's figure was the highest since September 2013.

### Chart 3 – Outstanding Enquiries

This chart shows the number of enquiries outstanding at the end of each quarter over the last two years. The number outstanding reached a peak of 120 in the second quarter of 2012 but had reduced to less than half that figure by the end of 2012 and has been maintained at around 50 over the last two years. In the last quarter the number outstanding stood at just 35. This has increased to 56 in the latest quarter.

### Chart 4 – Outstanding Enforcement Cases

In the fourth quarter of 2012 the number of outstanding enforcement cases was just under 440 but in the first quarter of 2013 there was a significant decrease to just over 400 and the number has fluctuated between 385 and 410 since then. In the latest quarter the number of cases has dropped back to 396, from 400 in the previous quarter.

## **The Quarterly Enforcement Report**

The quarterly enforcement report summarising activity on individual cases over the last three months is attached as an appendix to this report. It covers the period between 1 January and 31 March 2015.

### **Team Resources**

The Monitoring & Enforcement Team permanent full-time establishment comprises a Team Manager, who also deals with casework, one Senior Monitoring & Enforcement Officer and two Monitoring & Enforcement Officers. Since 2010, additional funding has been used to create a temporary contract for an extra part-time Senior Officer post (0.6 FTE) and this has recently been extended for another year until 31 March 2016.

On 5 January 2015, Denise Hunt (one of the two Monitoring & Enforcement Officers) began a secondment to the North Area Planning Team, providing maternity cover for Laura Buckley. The resulting temporary vacancy in the Monitoring & Enforcement Team remained unfilled for nearly two months until Christian Anslow-Johnson joined the Team on 2 March 2015. This period of vacancy has inevitably had an impact on performance – as detailed above.

### **Summary of High Priority Cases**

The cases listed below have been assessed as high priority, normally due to the significant landscape impact and/or level of public concern raised. In each case, a summary of the current position and the intended next step is given. In some cases only limited information is given because of the potential for legal or other action being taken. A map showing the location of the high priority cases is included at the end of this report.

#### **1. New Mixon Hay Farm, Onecote – use of the site for storage of building materials etc.**

Formal enforcement action has been authorised but this action has been held in abeyance since March 2013 following an agreement with the landowner that he would clear stored materials from significant parts of the land. Since then, officers have made a number of site inspections and a considerable area of land alongside the access track has now been cleared of stored materials.

Officers attended a site meeting in September 2014 when the owners indicated that they were continuing to reorganise the site, so as to bring materials closer towards the main storage buildings adjacent to the farmhouse.

The chief views from the ‘public zone’ are from the road on top of the Morridge ridge at a distance of over 500 metres and the public rights of way near the site appear to be relatively lightly used. Given this, and the indication from the owners that they wish to continue making improvements to reorganise and tidy the site, it is intended to defer formal action at present and to continue to encourage the owners to improve the appearance of the site.

#### **2. Tor Farmhouse, Middleton-by-Youlgreave –vehicle storage, alterations to the listed farmhouse and untidy land**

With regard to vehicle storage, there is now only a single Trabant on the site and this and another five cars/vans and two touring caravans for the occupier’s own use are situated in the front yard/driveway to Tor farmhouse. A large military truck remains on this part of the site but the occupier has indicated that he intends selling this as soon as practicable. There are two further small vans parked alongside the farmhouse itself, but these are not visible from the public zone.

With regard to the unauthorised UPVC window and door, it has been agreed that these can remain in situ until ownership of the property changes, at which time satisfactory alterations will be required to be carried out.



Given the very considerable improvements to the appearance of the property, as referred to in recent quarterly reports, the only significant issue remaining to be resolved concerns the storage of scrap material on the front yard/driveway. The occupier has confirmed that he is still actively seeking to sell further vehicles (including the military truck and the haulage trailer which is parked on the roadside). Officers will continue to encourage the occupier to finish tidying the site so that hopefully the case can be finally closed.

### **3. Midfield, Kettlethulme – siting and storage of residential caravan and storage of vehicles, vehicle parts, building materials and equipment**

Following the death of the owner in January 2013, his son took over responsibility for the site and is in the process of clearing scrap vehicles, building materials and other items from the land in accordance with the enforcement notice. Officers have been making accompanied site visits approximately every three months to check on the clearance works. Significant progress has been made as mentioned in previous quarterly reports.

Officers had intended to hold a site meeting in March 2015 to check on progress but the owner has stated that no further progress has been made since the last visit in December 2014. This is not surprising given the weather and ground conditions over the last three months. Officers have now written to the owner, as agreed with him, to identify specific areas where it is expected items will be cleared over the next three months. It is also intended to visit the site in early May to check on progress with this. Although the lack of progress since December is disappointing, this should be viewed in the context of the significant improvements that have been made over the past two years. For this reason, it is not currently proposed to take any formal action, but to carry on with regular accompanied site visits, at least every three months, to ensure that appropriate progress continues to be made.

### **4. Middle Street Farm, Monyash – use of site as an agricultural/general contractor's base.**

This case was initially added to the high priority list in February 2006 due to the significant landscape impact caused by the open storage of vehicles, equipment and materials associated with the unauthorised business use – resulting in a number of concerns being raised with the Authority. Between 2006 and 2010 the open storage was greatly reduced and was concentrated in the yard area close to the buildings which is largely screened from public viewpoints. The landscape harm has thus been mainly addressed and this is evidenced by the lack of public concern over the last four years.

In 2010, the owner submitted a planning application for continuation of the contracting use in the yard area incorporating use of one of the former agricultural buildings for workshop and storage purposes. Since then officers have been negotiating with the owner's agent regarding the terms of a possible legal agreement that could allow the application to be approved. Due to lack of progress by the owner/agent, despite several reminders, the application was treated as 'finally disposed of' on 6 October 2014.

Officers inspected the site, with the owner, in December 2014. The contracting activities, and associated storage, are still largely concentrated in the well-screened yard to the north of the farmhouse so the visual impact from public viewpoints is relatively limited. The owner indicated that he was proposing to submit a further planning application for the contracting business. Officers remain of the view that a conditional planning permission, with a legal agreement, would provide proper control over the contracting activities so do not currently consider that it would be appropriate to take any formal enforcement action.

Since the quarterly report in January, officers have prepared a draft legal agreement and this is currently being considered by the owner.

### **5. Home Farm, Sheldon – storage of caravans, use of part of guest house as tea room and excavations and erection of building**

Excavations and underground accommodation;

In April 2013 an enforcement notice was issued with regard to an underground extension and

excavations at the rear of the guest house. However, in November 2013 an appeal was allowed and planning permission granted for the development subject to conditions (which have since been discharged) requiring a scheme of mitigating measures to be agreed and implemented. During work to complete the underground extension, part of the barn frame at the rear of the guest house was demolished and a further large hole excavated during May 2014.

When it became apparent that the owner intended to continue further building operations within the newly excavated hole, a Temporary Stop Notice (TSN) was issued in July 2014. No further building work has been carried out since the TSN expired in August 2014, except that required to complete the existing underground room as approved on appeal.

A further planning application for 'ancillary leisure accommodation, owners flat and greenhouse' at the rear of the guest house, linked to the existing underground room and also partly below ground, was refused in November 2014. No appeal has yet been submitted against the refusal; the deadline for appeal submission is 14 May 2015.

#### Tearoom/Café use:

In August 2013, two enforcement notices were issued seeking to address the use of part of the property as a tea room/café, temporary planning permission for which expired in April 2013. A planning application to continue the tea room use was refused in May 2014. The tearoom/café continued to operate during 2014 (albeit at a low level) pending the outcome of an appeal against the refusal. That appeal was dismissed in November 2014, and since that date, the signs at the front of the property advertising the tearoom/café use have been removed and the tearoom/café appears not to have been open for business.

Officers have indicated to the owner in writing (January 2015), that the Authority is still willing to negotiate with him, so as to secure a satisfactory resolution of all the outstanding matters at Home Farm. The owner has responded by letter (February 2015), stating that he is still considering what action to take next. At the time of preparing this report, Home Farm, both in terms of the tearoom use and any further building work, has remained inactive.

### **6. Fernhill Cottage, Hollow Meadows – engineering operations and partial erection of building**

At a court hearing in 2012, the owner pleaded guilty to non-compliance with an enforcement notice, which requires restoration of the land and removal of walls, but he was conditionally discharged. The enforcement notice, and a stop notice, were issued in 2009 and the enforcement notice was upheld on appeal in 2010

In February 2014 the Planning Committee considered a report, on the non-public part of the agenda, which set out the options for further action. It was resolved that authority be given in principle for direct action to secure compliance with the enforcement notice but that such action be deferred for a period of six months to allow for negotiations with the owners over a suitable scheme and the submission and determination of a planning application. It was also resolved that, before taking any direct action, officers carry out an equality duty assessment.

Since February 2014 officers have continued to seek a meeting with the owners and have been in correspondence with the owners' solicitor. However, the owners have not agreed to a meeting date and have not entered into any meaningful negotiations with the Authority's officers. No proposals for an alternative scheme have been submitted.

Officers have been making preparations for taking direct action to secure compliance with some of the requirements of the enforcement notice. These preparations are almost complete so work could start in the next three months. The owner has recently instructed new solicitors who have requested a meeting with officers to see if a solution can be reached that is both achievable for their client and mutually agreeable for all parties. Officers are currently seeking to arrange such a meeting.

## **7. Land and Buildings East of Lane End Farm, Abney – residential caravan, erection of access ramp and occupation of building in breach of holiday occupancy condition and highways conditions.**

Two enforcement notices were issued in February 2012. Following appeals, which were heard at a public inquiry in August 2012, the residential caravan was due to be removed by 6 March 2013. In October 2013 officers met the owner's agent on site and it was apparent that the one remaining caravan (which is placed inside a building) was not in use for residential purposes. The owner's agent stated that it was being used as a shelter/messroom in connection with authorised activities on the site. A further meeting was held with the agent in December 2013 at which the agent agreed actions to deal with other outstanding matters including the erection of a disabled access ramp and non-compliance with a number of conditions attached to the 2003 planning permission for conversion of barns to holiday accommodation

At the Planning Committee in December 2013, it was resolved to approve a planning application for conversion and change of use of the first floor of one of the traditional buildings to an open market dwelling, subject to a section 106 legal agreement. The legal agreement was eventually signed in December 2014 and the planning permission was issued on 27 February 2015. Officers now intend to meet with the owner's agent to seek resolution of the remaining matters referred to in the previous paragraph.

## **8. Shop Farm, Brandside, near Buxton – siting and storage of caravans, vehicles etc.**

The Authority took direct action in September/October 2010 to remove a very significant quantity of derelict vehicles, scrap and general refuse to secure compliance with a previous enforcement notice. The enforcement case was then closed. The owner, who had been living elsewhere, subsequently moved back to the site and brought a number of items such as caravans, vehicles, old furniture and waste building materials onto the land. The landowner has also constructed a number of makeshift shelters, apparently for her sheep, from fabric, string and wood.

In terms of formal action, it appears that further direct action is the only realistic option open to the Authority. However, in view of the fact that the land owner is elderly and appears to be of limited means, officers do not consider that such action is appropriate at this stage.

Site inspections were carried out in September 2014 and January 2015. The appearance of the site had not significantly deteriorated any further over the past two years and the overall impact upon the visual amenity of the area was certainly much less than it was before direct action was taken in 2010. Officers therefore propose to continue to maintain a 'watching brief' to ensure the condition of the site does not deteriorate further.

## **9. Five Acres Farm, Wardlow – use of site for parking and maintenance of HGVs and trailers.**

In March 2013, an enforcement notice was issued with regard to the parking and maintenance of heavy goods vehicles and trailers. The notice came into effect on 23 December 2013 following an unsuccessful appeal. A concurrent appeal against the refusal of planning permission for "*use of yard for parking 2 lorries for commercial use, recreational vintage lorry and recreational competition tractor hauling unit, all in addition to existing use of yard for agricultural purposes*" was also dismissed. The four-month period for compliance with the enforcement notice expired on 23 April 2014. On 15 April 2014, an application for a lawful development certificate in respect of the parking of HGV lorries with trailers was refused by the Authority.

The owner's agent informed officers at the beginning of May 2014 that no haulage lorries were being parked on the site, as required by the enforcement notice. Since then officers made a number of site inspections to check whether this was the case and in September/October 2014 six unannounced visits were made. These inspections and visits suggested that the notice was generally being complied with although on a couple of occasions one or two haulage vehicles were parked on the site.

On 23 January 2015 a planning application for 'use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes' was refused. Officers are continuing to monitor the site and have also written to the traffic commissioners pointing out that planning permission does not exist for a haulage base. It is understood that two vehicle operator's licences are in place which authorise up to 16 vehicles and 22 trailers.

## Quarterly Enforcement Report

The following is a summary of planning enforcement activity in the three month period from 1 January 2015 to 31 March 2015. It is not a complete list of all current cases. If Members require further information on the cases listed or any other current case this can be supplied at or after Committee.

<b>Authority For Enforcement Action Obtained</b>		
<b>Enforcement Reference</b>	<b>Unauthorised Development</b>	<b>Site Address</b>
14/0177	Alterations to building including raised roofline, installation of solar panels, and internal alterations, possible change of use to dwelling	The Craft Barn Flash Bar Stores Quarnford SK17 0TF
<b>Enforcement Notice or Other Formal Notice Served</b>		
<b>Enforcement Reference</b>	<b>Unauthorised Development</b>	<b>Site Address</b>
14/0177	Alterations to building including raised roofline, installation of solar panels, and internal alterations, possible change of use to dwelling	The Craft Barn Flash Bar Stores Quarnford SK17 0TF
12/0040	Erection of unauthorised building	Wigtwizzle Barn Bolsterstone Sheffield S36 4ZA
10/0177	Erection of two-storey and single-storey extensions	Hurstnook Farm Cottage Derbyshire Level Glossop
<b>Enforcement Cases That Have Been Completed</b>		
<b>Enforcement Reference</b>	<b>Unauthorised Development</b>	<b>Site Address</b>
09/0101	LISTED BUILDING Breach of conditions on NP/DDD/0109/0003 Demolition of interior wall & removal of window to create a breakfast bar Erection of satellite dish SATELLITE DISH GRANTED LISTED BUILDING CONSENT CONDITIONS FORMALLY DISCHARGED BREAKFAST BAR APPROVED ON APPEAL	The Nook Little Hill King St Bakewell
08/0004	Non-compliance with approved plans for conversion of barn to two dwellings and one holiday let (NP/K/0405/0454), engineering operations to form garden extension and parking/storage area and installation of oil tanks LANDSCAPING SCHEME AGREED AND SATISFACTORILY COMPLETED	Meal Hill Farm Meal Hill Road Holme

12/0048	Fence erected adjacent to the highway NOT EXPEDIENT TO PURSUE ENFORCEMENT ACTION	37 Moorland Road Hathersage
05/0021	Alterations to agricultural building. PLANNING PERMISSION GRANTED	Land to rear of Chesterfield House Bank Top Winster Derbyshire
14/0467	Breach of conditions 2, 5, 6, & 7 on planning permission for extension to dwelling NP/DDD/1011/1057 NOT EXPEDIENT TO PURSUE ENFORCEMENT ACTION	Woodthorpe Station Road Hathersage
14/0602	Erection of stable IMMUNE FROM ENFORCEMENT ACTION	Woodstock, Litton
12/0062	Breach of condition 2 (occupancy restricted to ancillary to Stanton House) on NP/WED/0295/077. LAWFUL USE CERTIFICATE GRANTED	Stanton House - the annex, Birchover road, Stanton in Peak
14/0474	Use of agricultural building for equestrian use, and construction of a menage NOT EXPEDIENT TO PURSUE ENFORCEMENT ACTION	Maglow Farm Chapel--En-Le-Frith High Peak SK23 0QS
12/0122	Breach of condition 3 (painting of timber boarding) & 5 (landscaping) on NP/DDD/0408/0313. CONDITION SATISFACTORILY COMPLIED WITH	Fernydale Farm Earl Sterndale Buxton SK170BS
14/0475	Flue exceeds height shown on approved plans for NP/DDD/0212/0193 NMA SUBMITTED AND APPROVED	Wesleyan Chapel Bradshaw Lane Foolow
10/0014	Unauthorised use of lambing shed for storage IMMUNE FROM ENFORCEMENT ACTION	Station House Hazlehead Crow Edge Sheffield S36 4HJ
14/0541	Erection of portal frame agricultural building. PLANNING PERMISSION GRANTED.	Sycamore Farm The Croft Ible Grange Mill Matlock, DE4 4HS
14/0031	Unauthorised replacement window and door in rear elevation LISTED BUILDING CONSENT GRANTED	Lane House Farm Wetton Road Butterton Leek ST137ST
08/0017	Non-compliance with approved plans and conditions for erection of dwelling (NP/DDD/0805/0820) ENFORCEMENT NOTICE PARTIALLY COMPLIED WITH AND PLANNING PERMISSION GRANTED FOR ALTERNATIVE SCHEME TO ADDRESS REMAINING BREACHES	Former Commercial Garage Flagg Road Taddington
13/0072	Unauthorised change of use from agriculture to livery business USE CEASED	Lower Kempshill Farm Peak Forest Buxton SK178ED

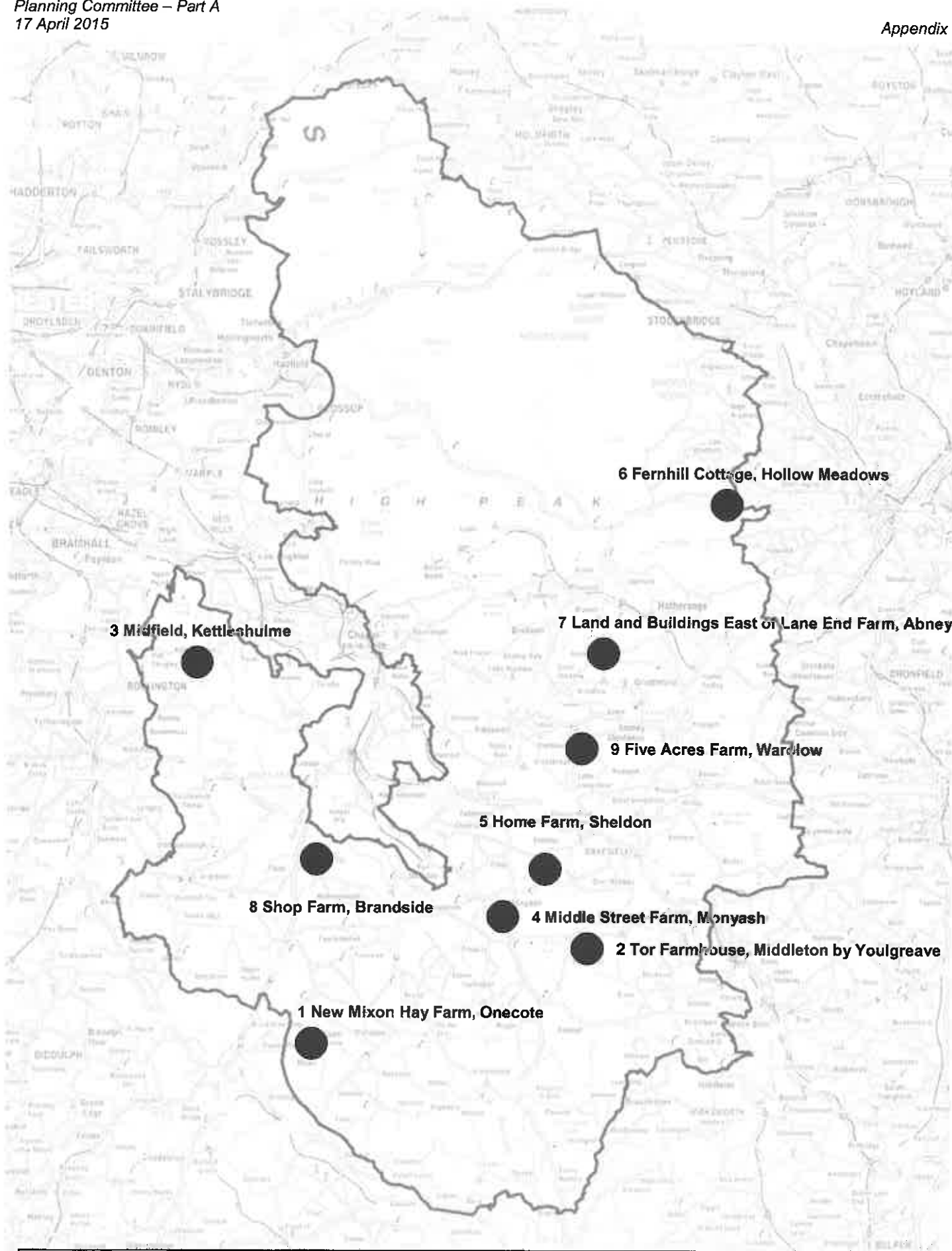
08/0128	Storage of caravans on agricultural land. Also breach of conditions 4 & 5 on NP/DDD/0904/0953. CARAVANS REMOVED AND CONDITIONS COMPLIED WITH	Bank Top Hartington
11/0029	Erection of timber building IMMUNE FROM ENFORCEMENT ACTION	Field off Lydgate Lane (Barnford side of river) near Yorkshire Bridge
11/0039	Siting of two caravans for staff accommodation AVAILABLE EVIDENCE SUGGESTS CARAVANS ARE LAWFUL	Car Park Rear of The Bulls Head Public House Castleton
14/0598	Breach of conditions on NP/SM/1012/1004. CONDITIONS DISCHARGED AND COMPLIED WITH	Field House Farm Onecote
14/0115	Installation of rooflight, French doors and external steps NOT EXPEDIENT TO TAKE ENFORCEMENT ACTION	Peveril Stores How Lane Castleton
12/0012	Erection of advertising sign. ADVERTISEMENT CONSENT GRANTED	Close to the ramp access to the Monsal Trail at Great Longstone Station.
15/0018	Unauthorised advertisement. SIGN REMOVED	On the A6 opposite the entrance to Agricultural Way.
06/0164	Material change of use of land and buildings from agriculture to a mixed use comprising agriculture, use for storage of caravans and use as a camping and caravan site. ACTIVELY COMPLYING WITH THE REQUIREMENTS OF ENFORCEMENT NOTICE	Sheldon House Farm Parsons Lane Grindon Moor Staffordshire ST13 7RH
15/0022	Breach of conditions relating to landscaping for agricultural building NP/HPK/1011/1059 PLANTING COMPLETED	Eldon Lane Farm Peak Forest

## Enforcement Cases Where Appeals Have Been Logged

Enforcement Reference	Unauthorised Development	Site Address
12/0040	Erection of unauthorised building	Wigtwizzle Barn Bolsterstone Sheffield S36 4ZA
11/0222	Erection of building and use of building and land for storage of building materials.	Land off Stanedge Road Bakewell

This page is intentionally left blank





**Location of High Priority Enforcement Cases**

This page is intentionally left blank

## **16. BRADWELL NEIGHBOURHOOD PLAN EXAMINATION**

### **Purpose of the report**

1. For members to agree to the actions necessary to undertake Bradwell Neighbourhood Plan examination, including to support the preferred choice of independent examiner.

### **Key Issue**

2. In order to progress Bradwell Neighbourhood Plan through independent examination, as prescribed by Schedule 4B (para 7) of the Town and Country Planning Act 1990, and Regulation 17 of the Neighbourhood Planning (General) Regulations 2012, members must agree to the appointment of an independent examiner and to the making of any arrangements that are necessary for the holding of the examination.

### **Recommendation**

#### **That:**

3.
  1. **Members support the officer recommendation at paragraph 9 that the preferred choice of Inspector to conduct the examination into Bradwell Neighbourhood Plan is Nigel McGurk;**
  2. **Delegated authority is granted to the Director of Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any changes to this decision if necessary.**
  3. **Delegated authority is granted to the Director of Planning to undertake arrangements appropriate to the holding of the examination.**

### **How does this contribute to our policies and legal obligations?**

4. This is a legal obligation under the Localism Act 2011.

It contributes to the following Corporate Objectives:

4. Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.
5. Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.

### **Background**

5. On 16 January 2015, members of the Planning Committee agreed:
  - (i) that the draft (31 December 2014) Bradwell Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan; and
  - (ii) that following confirmation of these criteria that the Authority undertakes statutory notification, public consultation and examination of Bradwell Neighbourhood Plan; and

- (iii) alongside these processes consultation may be undertaken with Natural England, English Heritage and the Environment Agency with regard to the 'Habitats Regulations Assessment screening statement' and the 'Strategic Environmental Assessment screening statement';
6. In agreeing the above recommendations, Para 7(1) (a) and (b) of Schedule 4B of the 1990 Town and County Planning Act applies and the Authority must now:
- submit for independent examination the draft neighbourhood development order, and other prescribed documents
  - make such arrangements as it considers appropriate in connection with the holding of the examination.
  - appoint a person to carry out the examination, but only if the qualifying body consents to the appointment.
7. Para 7(6)(a)(b)(c) of Schedule 4B of the Town and County Planning Act 1990 states that the person appointed must be someone who, in the opinion of the person making the appointment:
- is independent of the qualifying body and the authority
  - does not have an interest in any land that may be affected by the draft order
  - has appropriate qualifications and experience

### **Proposal**

8. The Authority, and Bradwell Parish Council have collaborated in the process of selecting an examiner, by jointly:
- Agreeing to use the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) <http://www.rics.org/us/join/member-accreditations-list/dispute-resolution-service/neighbourhood-planning-independent-examiner-referral-service-npiers/>. The service is managed by the Royal Institute of Chartered Surveyors and provides quick and easy access to impartial and highly qualified examiners on an 'as needed' basis.
  - Agreeing the selection criteria. (These are: RTPI membership and knowledge, skills and experience of neighbourhood planning examinations, policy making and development, affordable housing and economy, issues facing rural communities and policy making in the context of a national park.)
  - Agreeing the system for scoring and selecting the preferred candidate.
9. Four candidates registered with NPIERS applied to undertake the Bradwell Neighbourhood Plan examination. Bradwell Parish Council and the Village and Communities Officer independently scored each candidate against the agreed criteria, and then met to discuss findings. The outcome is that the agreed preferred candidate is Nigel McGurk. Mr. McGurk meets the criteria prescribed by Para 7(6)(a)(b)(c) of Schedule 4B of the Town and County Planning Act 1990, is one of the most experienced neighbourhood planning examiners in the country, and has confirmed that he is available to undertake the examination at the end of May/beginning of June to accord with the Parish Council's and the Authority's preferred timetable.

---

**Are there any corporate implications members should be concerned about?**

**Financial**

10. It is the responsibility of the Authority to pay for the examination. All examiners recruited using NPIERS charge £750/day + VAT + expenses. It is estimated that the examination will take between 2-6 days. As a general rule examination is by written representations. However, oral representations must be heard, in public, if the examiner considers they are needed to ensure adequate examination of an issue or for a person to have a fair chance to put a case.
11. The plan will be submitted for examination after the end of the statutory consultation on 30 April. At this point, the Authority can claim £20,000 'extra burdens' funding from the Department of Communities and Local Government.

**Risk Management**

12. None

**Sustainability**

13. None

**Consultees**

14. Director of Planning

**Background papers (not previously published)**

15. None

**Report Author, Job Title and Publication Date**

Adele Metcalfe, Village & Communities Officer, 9 April 2015

This page is intentionally left blank

**17. PLANNING APPEALS (A.1536/AMC)**

**1. APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/1114/1130 3005019	Use of land to accommodate up to 25 tents during the months of June, July and August each year at Barn Farm, Birchover, DE4 2BL	Written Representations	Delegated
ENF 12/0040 3006175	Erection of building without Planning Permission on land next to Wigtwizzle Cottages, Lee Lane, Bolsterstone, Sheffield, S36 4ZA	Written Representations	Delegated
NP/SM/1214/1254 3004912	Stone single storey rear extension to 23 Portland Place, Waterhouses, ST10 3HU	Householder	Delegated
NP/HPK/0514/0542 3006599	Rebuilding of field enclosure wall to incorporate memorial plaques on land north west of Lockerbrook Farm, Hope, S33 0AQ	Certificate of Lawful Use of Development (Written Representations)	Delegated

**2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

**3. APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0214/0218 2222518	Single storey extension to the rear and a porch to the front elevation at 4 Ibbotsons Croft, Hathersage, S32 1DW	Householder	Allowed with conditions	Delegated

The Inspector allowed this Appeal as he took into account the revised changes to the plans from the original proposal and felt that the additions to the property would not be harmful to the significance of the Conservation Area nor would detract from the character of the terrace row.

**4. RECOMMENDATION:**

**That the report be received.**

This page is intentionally left blank