

10. FULL APPLICATION – CONSTRUCTION OF MANEGE AT MIDDLETON HALL, RAKE LANE, MIDDLETON BY YOULGREAVE (NP/DDD/0618/0523, P1462, 419462/363/034, 26/06/2-18/ALN)

APPLICANT: Mr Alex Bell

Site and Surroundings

Middleton Hall is located on the southern edge of the village of Middleton by Youlgreave. It is a grade II listed building and the house and its associated gardens and parkland are within the Middleton by Youlgreave Conservation Area. The parkland extends to approximately 0.5 hectares in area and is located to the south, west and east of the Hall

Approximately 40m to the north of the Hall is a two storey former stable and coach house. The application site lies directly to the north of this building within a former orchard. The orchard is enclosed by high stone walls on the western and northern sides, a low stone wall on the east side (facing the main access driveway) and by the coach house on the southern side. The stable and coach house building and the boundary walls to the orchard are considered to be curtilage listed.

Rakes Lane, the main road through the village, runs along the northern boundary of the site.

Proposals

Planning permission is sought for the construction of a horse exercise manege within the walled former orchard. The submitted plans show that the manege would measure 40m by 25m wide. It would be roughly rectangular in footprint with each corner 'rounded off'. The levelling of the site would be achieved by 'cut and fill' earthworks to a maximum of 0.75m in depth. The arena would be surfaced in dark coloured sand. The design and access statement states that no lighting, fencing or other boundary treatments are proposed and that the manege would be for the private use of the occupants of the Hall.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The development would cause harm to the significance of the Middleton by Youlgreave Conservation Area, and the setting of the grade II listed buildings, with no secure and enduring public benefit, contrary to Core Strategy policies GSP3 and L3, Saved Local Plan policies LC4, LC5, LC6, LC16 and LR7, and paragraphs 193-196 of the National Planning Policy Framework.**

Key Issues

1. Impact on the significance of designated heritage assets.
2. Impact on Archaeological Interest.

History

December 2017 – planning permission refused for the construction of a manege within the parkland to the west of the Hall on the grounds of harm to the significance of the Conservation Area and the setting of the listed building and due to insufficient information to assess the impact of groundworks on archaeological interest. (NP/DDD/0917/0952).

April 2018 – pre-application advice sought for alternative site for construction of manege. The current application site was identified as the least harmful site on the land in ownership but officers and Conservation Officer advised that the proposals would nevertheless cause harm to the setting of the listed building and the Conservation Area.

Consultations

Highway Authority – no objections subject to use remaining private and ancillary to Middleton Hall.

District Council – no response

Parish Council - supports this application in its new location noting that its only concerns of possible light pollution and commercial use are clearly stated in the application as not applicable so is happy to fully support it.

Authority's Conservation Officer – The proposals would lead to harm to the character of the former orchard as part of the conservation area, and to the setting of the Grade II listed Hall and/or stables and boundary walls as listed buildings. The proposals do not represent the optimum viable use and although public benefits are for others to weigh, suggests that the letter of support submitted with the application does not represent a secure or enduring public benefit.

Authority's Archaeologist – The site is of archaeological interest and has the potential for Roman and Medieval remains. However the act of creating and planting the orchard, as well as the root action from the trees will have damaged or disturbed surviving archaeological remains. The proposed levelling of the site has the potential to impact on any surviving below ground remains. Recommends the submission and agreement of Written Scheme of Investigation.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L3.

Relevant Local Plan policies: LR7, LC4, LC5, LC15, LC16.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published on 24 July 2018. The Government's intention is that the document should be considered as 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. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

Development Plan Policies

Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits).

Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest. Core Strategy policy L1 seeks to conserve and enhance valued landscape character.

Saved Local Plan policy LR7 states that facilities for keeping and riding horse will be permitted provided that the development does not detract for the landscape or valued character of the area; is located adjacent to existing buildings to groups of building; is not likely to cause road safety problems; and does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact. Policy LC5 seeks to protect the character and appearance of Conservation Areas; and LC6, amongst other things, seeks to conserve the setting of listed buildings.

Assessment

Issue 1: Impact on the significance of designated heritage assets.

Following refusal of planning permission by the Planning Committee for a manege to the west of the Hall in December 2017 the applicant sought pre-application advice from officers with regard to an alternative site. Two sites were identified by the agent – a site on the western edge of the Parkland between Whitefield Lane and a mature belt of trees, and the current application site within the former orchard.

The land off Whitefield Lane is quite significantly sloping and would require a fairly substantial engineering operation to make the ground flat and suitable for a horse riding arena. It is not located within the Conservation Area but it is a prominent site at the entrance to the village. Officers advised that a manege in this location would be open to landscape objections as the engineering work required and the constrained location of the site mean that a manege would appear as a prominent and artificial intrusion into this pastoral landscape when viewed from the highway at the approach to the Conservation Area. The site is also close to mature trees within the shelter belt which could be affected by encroachment beneath their canopies.

The current application site differs from the site off Whitefield Lane in that it is screened from the road by the high walls that surround the former orchard. As a result it does not have such significant impact on the open landscape as than the other site. However, the current application site is within close proximity of the listed and curtilage listed building and is located within the Middleton by Youlgreave Conservation Area and therefore raises issues with regard to impact on these heritage assets.

The orchard is an attractive space, on sloping ground, enclosed by to the north and west by 3m high stone walls, with a lower wall to the east and the Grade II listed stable and coach house block to the south. The Adopted Conservation Area appraisal notes the view of the listed stables across the orchard. Only a few orchard trees remain, but the enclosure is still laid to grass and clearly legible as a garden space that enhances the amenities of the Hall in general, aesthetically as well as practically. The orchard walls are of individual interest in their own right, with recessed bee boles (recesses that were made to house coiled straw 'sleps'). The keeping of bees was complementary to the use of the orchard. The orchard appears to have changed little since the early 19th century. The proposal would involve levelling the space and resurfacing it for use as a manege and it is considered that this would damage the significance of the orchard in relation to both the listed building and the conservation area. The existing walls and structures respect, and work with, the natural contours of the space within, which would be disrupted by the introduction of an engineered manege. The loss of the grass would break up the unity of the space and would also change the character of the space from being a garden space with an aesthetic role to being more in the nature of a service yard. The aesthetic significance of the site would therefore be impaired, including a view specifically noted in the Conservation Area Appraisal. It is accepted that the manege would not be visible from outside of the grounds of the Hall itself but nevertheless the harm to the integrity of the setting of the listed buildings from views within the site must be given considerable weight.

In conclusion, the proposed manege would cause harm to the character of the former orchard as part of the Conservation Area, and to the setting of the Grade II listed Hall and/or stables and boundary walls as listed buildings. The NPPF sets out that developments that would result in substantial harm to heritage assets should be refused unless wholly exceptional circumstances exist. In this case, it is acknowledged that the degree of harm would be below the 'substantial' threshold, but any harm still requires clear and convincing justification.

Paragraph 196 of the NPPF states that *'Where a development proposal 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 proposals and where appropriate securing it optimum viable use.'* With regard to optimum viable use, the agent has stated that the site is no longer viable as an orchard to justify the upkeep of the boundary walls; due to the distance from the house it is no use as a garden; and it has no agricultural value. The Authority's Conservation Officer has responded by stating that it is artificial to take this part of the grounds in isolation and claim that a viable use is necessary. The productivity of country house grounds was often secondary to their function of providing settings for the buildings within them (including areas not directly visible from the house), and providing a setting may still be the optimum viable use of a piece of land as part of a complete viable property.

With regard to public benefits, the Design and Access Statement states that an arrangement would be made with a company called Elmcare Ltd, (who are based in Chesterfield and provide specialist learning disability care), where residents would be given access to the manege for half a day each week. A letter from the company in question has been submitted stating that they would be interested in such an offer. It is acknowledged that this offer may provide some limited public benefit to a group of people based outside of the National Park but little detail has been provided in these respects and officers do not consider that the benefits are substantial or secure enough to outweigh the identified harm in this case.

At the pre-application stage officers did identify a portal framed building currently located to the west of the Hall, which is used for storage in association with horses and which causes significant harm because of its intrusion into the historic parkland surrounding the Hall. Officers advised that if the applicant were to offer the removal of this building and re-instatement of the land to parkland then these direct public benefits to the Conservation Area, and the setting of Middleton Hall itself might outweigh the less than substantial harm caused by the proposed manege. However the applicant has not taken up this suggestion.

In conclusion the proposals would cause harm to the significance of designated heritage assets and the offered public benefit does not offset and outweigh the identified harm. The proposals are therefore contrary to policies L3, LR7, LC4, LC5, LC6 and the NPPF.

Issue 2: Impact on Archaeological Interest

The Authority's Archaeologist advises that the current application site is less archaeologically sensitive than the previous site to the west of the Hall that was refused in December 2017. However, it is still of archaeological interest, and has archaeological potential for both Roman and Medieval remains (finds have been recorded from within the orchard). The historic use of the site as an orchard will have a bearing on the likely condition and state of preservation of any earlier archaeological remains surviving at the site. The act of creating and planting the orchard, as well as the root action from the trees will have damaged or disturbed surviving archaeological remains, so that it is not anticipated that remains would be of more than regional significance. The application is supported by a poor level of heritage and archaeological information. The supporting statements on heritage and archaeology in the Design and Access statement do not represent proper assessments of these considerations with respect to the heritage significance and value of the site and do not meet the requirements of para.189 of NPPF.

The orchard site is currently sloped, and the groundworks required to create a level site have the potential to encounter, damage and destroy archaeological remains. This would result in permanent harm to the archaeological interest and significance of the site. Contrary to the assertions of the Design and Access statement, the maximum depth of excavation required at the site of 750mm is more than sufficiently deep to extend beyond the topsoil, through the subsoil and into the area where archaeological remains would be expected.

However, the Authority's archaeologist advises that if the application is acceptable in all other respects the archaeological impacts above could be addressed through a conditioned scheme of archaeological work. This would need to initially take the form of a small scale archaeological field evaluation (trial trenching) to ensure that the nature and significance of archaeological remains will be sufficiently characterised, so that if required an appropriate strategy for preservation in situ or further investigation and recording can be formulated and implemented to minimise and mitigate the harm to the archaeological interest of the site. This is in accordance with NPPF, and saved policies from the Local Plan LC15 and LC16. A condition requiring the submission, agreement and implementation of a Written Scheme of Investigation would therefore be necessary and reasonable.

Other Issues

Impact on Residential Amenity

The nearest residential property is 'Rock Farm', which lies immediately to the west of the former orchard. The farmhouse is positioned approximately 5m away from the western boundary wall of the site. However, due to the height of the wall (3m) it would not be possible to see into the application site from Rock Farm and it is considered that the wall would provide an adequate buffer for any noise that might emanate from the private use of the manège. Consequently it is not considered that the proposals would cause unacceptable harm to the residential amenity of the occupiers of Rock Farm.

The coach house and stable block is itself in residential use as a holiday let but is within the control of the owners of Middleton Hall and therefore it is not considered that there would be unacceptable impact upon the amenity of this property. The proposals therefore accord with policies GSP3 and LC4 in these respects.

Conclusion

The proposed manege would cause harm to the character of the former orchard as part of the Conservation Area, and to the setting of the Grade II listed Hall and stables and boundary walls as listed buildings. Whilst this would be “less than substantial harm”, there would be insufficient public benefit to offset and outweigh the harm identified contrary to adopted Development Plan policies and the NPPF. The application is therefore recommended for refusal.

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

Report Author and Job Title

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