

## **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

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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.