

14. LISTED BUILDING CONSENT – CHANGE OF USE FROM A GUEST HOUSE (USE CLASS C1), ADJOINING RESIDENTIAL FLAT AND ADJOINING GUEST ANNEXE TO 3 NO. HOLIDAY LETS (USE CLASS C3), AND DEMOLITION OF GARAGE AND FOR ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS (NP/DDD/1225/1309) PM

APPLICANT: LIZZIE DUFFIELD

Summary

1. The application seeks listed building consent for works to change the use of a guest house (use class C1) to 3 No. holiday lets (use class C3) at Bank House, Hartington. There is an associated application for planning permission.
2. The report concludes that the proposed scheme would overall conserve the character and significance of the heritage asset.
3. Whilst the proposal would result in some harm to the character and significance of the heritage asset, this is considered to be outweighed by the public benefit of ensuring that the listed building remains in active use.
4. The proposal is considered to be in accordance with the policies of the development plan and the NPPF and is recommended for approval subject to conditions.

Proposal

5. The application relates to the change of use of a guest house (use class C1) to 3 No. holiday lets (use class C3).
6. The property would be divided as follows:
 - The ground floor and first floor of the property would comprise a 5 No. bedroomed property.
 - The second floor would comprise a 3 No. bedroomed property.
 - The existing annexe would form a 1 No. bedroomed property.
7. It is also proposed to demolish two 20th century outbuildings (a workshop and a garage) at the rear of the site. A modern outbuilding near to the rear elevation of the property would also be demolished to facilitate pedestrian access to a raised patio area. This patio area would be enclosed with black metal railings.
8. An electric vehicle (EV) charger is proposed to be installed on the western side elevation of the listed building. Other external alterations proposed comprise an air vent grill on the eastern side gable of the building, and a free standing lock box to the front of the property. It is also proposed to repaint the windows and doors in Cream (RAL 9001). A security light is proposed to be inserted onto the rear elevation of the listed building and lighting is proposed to be installed internally within the stairwell providing access to the upper storey holiday let.
9. The following internal alterations to the listed building are proposed to facilitate the proposed use as 3 No. holiday lets:
 - Insertion of door and partition wall to provide separation between first and second floors.
 - Insertion of kitchen area on second floor with associated external ventilation.
10. As originally submitted the application proposed the creation of a parking space to the rear of the site in the location of the existing garage. Vehicular access would have been taken from Hyde Lane using a right of access across the grounds of Hartington Village

Hall. Amended plans have seen this element of the proposal removed from the scheme with the footprint of the demolished garage instead to be used as an extended garden area .

Site and Surroundings

11. Bank House is a Grade II listed building located in the centre of the village of Hartington.
12. The property is a 3 storey dwelling dating from 1828 faced with coursed square limestone with gritstone dressing and chamfered quoins, with a stone slate roof. The property is located within the Hartington conservation area.
13. The property was until recently in use as a guest house (use class C1) with guest accommodation on the ground and first floor and the owner's accommodation on the second floor (referred to as a residential flat in the application description). A side annexe provides a further bedroom.
14. The nearest neighbouring property is Clematis Cottage, a residential dwelling, attached to the east of Bank House. The surrounding area comprising the village centre of Hartington is characterised by a mix of residential, commercial and community uses.

RECOMMENDATION:

That the application be APPROVED subject to conditions:

1. **Statutory time limit.**
2. **Accordance with approved plans.**
3. **Submission of details of colour / finish of timber to be used in staircase partition.**
4. **Submission of details of precise fixing method for fixing base timber into stair stringer.**
5. **Submission of section drawing showing how the external air vent grill would be installed and affixed within the stonework.**
5. **Submission of precise details including means of attachment for proposed internal and external lighting to be affixed to the listed building.**

Key Issues

15. The impact upon the character and significance of the listed building and conservation area,

History

16. None relevant.

Consultations

17. **Hartington Town Quarter Parish Council:** Objection as follows:

This is a material Planning matter with a change of use of a Heritage Asset, a Grade 2 listed building, from class C1 to C3 use. Previously a Guest House owned and managed by the current residents, who have throughout lived on the premises, comprising at one time a

family of four, with 5 of the 10 bedrooms let as bed and breakfast accommodation.

The new application from potential purchasers of the property is for its conversion to three flats for holiday lets with the potential to let the whole property to a group if required. It's likely use is as an Airbnb with remote owners.

Firstly, there is no risk to the Heritage asset if the application is not successful. It remains a large family house in good repair. There are no apparent architectural deficits or benefits from the proposed application. However, the proposed development doesn't make a positive contribution to local character and distinctiveness.

In external visual terms we accept there will be minimal change from the existing elevations. Internally however the Guest House historically offered five guest bedrooms from a total of ten existing bedrooms. The others were used by the residential family.

The proposed plans now propose to offer nine bedrooms across three separate flats. We were also informed at the meeting by the current resident that the internal design allows for a single group letting with all nine bedrooms involved.

Policy Constraints require the planners to assess if the development harms the building's historic fabric and ensures proper parking, access, and minimal noise disruption. It is the latter three which give us concern.

Firstly, the number of bedrooms available for visitors almost doubles from five to nine. This is likely to increase vehicular use and put further pressure on highway parking in Hartington. With the proposed new parking space to the rear and two alongside Fiveways Stores, there are only three off road spaces for guests. Certain groups can bring a almost a car per person as we have seen an events at Hartington YHA.

While historically guests would have been limited in number and behaviour by the Guest House's resident owners, this scheme will see up to twenty people, unsupervised, renting the property as short term lets. This gives the potential for groups such as hen and stag parties which are already prevalent in other locations within the National Park. This potential social disruption is something this Council would not welcome in the very heart of our village.

This is a very different proposition to the conversion of the listed Minton House into three residential flats, which has brought additional welcomed residents to our community.

We also have some concerns about rear access to the proposed parking space and charging point.

The current owner made a detailed presentation about the ownership and rights of way to the rear of the property and challenged the assertions made by Trustees of the Village Hall, in their letter to the Authority.

The Parish Council felt this was entirely a legal matter between interested parties, accept the land in question has a right of way and are therefore, simply concentrating on the space required for the area allocated to form a suitable parking space with good access to and from Hyde Lane.

We made a site visit to examine this in some detail.

Firstly, the actual entrance onto Hyde Lane is only 3 metres wide and the view impeded by a garage to the south. Hyde Lane is narrow, often used by cars parked at the Village Hall and whilst we accept there has been recent occasional vehicular access, it is not ideal and we welcome Highways' view on its suitability for regular use. The access right of way to the proposed parking place reduces to only 2.6 metres wide alongside the Village Hall.

The parking area itself comprises the footprint of an existing dated garage, which is only 2.9 metres wide, although there is some additional limited space within the garden area to the north.

We are assured the current owners have reversed easily to turn vehicles in the area behind the Village Hall, but in space terms it seems rather restricted for turning, especially for some larger modern vehicles, driven by holidaymakers parking for the first time. We certainly would not support vehicles reversing onto Hyde Lane.

We therefore have reservations and welcome Highways view on the suitability.

We see no specific benefit from the proposed development of this heritage asset which is not at risk and have concerns about rear access and the increase of visitor lets which could easily lead to social disruption and additional parking requirements on the highway. As such we cannot support this application for three short term flats to let.

In the debate about the social impact of the ever-increasing holiday accommodation within the village, a member of the Council commented that the Hartington Neighbourhood Plan policy was for new builds to be restricted to primary residence.

Clearly this did not apply to Bank House, but was an indication of the community's desire to see primary ownership wherever possible.

A letter was subsequently received from a member of the public stating that such a comment was illegal because, despite being accepted at Referendum, the Neighbourhood Plan is being forced to repeat the Section 16 process as a result of administrative errors by the Local Authority.

In our view this complaint is without foundation as Government advice is clear, that a neighbourhood plan awaiting referendum still holds significant weight as a material consideration in planning decisions, provided it has passed independent examination, as in the case of Hartington's Plan.

Officer comments on Parish Council representation:

18. The Parish Council state that the proposal represents an increase from five guest bedrooms in the guesthouse (plus owners family bedrooms) to nine guest bedrooms between the 3 No. holiday lets. However, to clarify, the existing accommodation comprises six guest bedrooms including the existing annexe and the proposal would be nine guest bedrooms (including the existing annexe which would form one of the holiday let units) of which eight would be double bedrooms and one would be a single bedroom.
19. Only limited weight can be given to the Hartington Neighbourhood Plan considering that it has not completed its legal process and remains to be formally "made". In addition the policy cited above relating to restriction of dwellings to primary residence is specifically for new builds rather than conversions / changes of use.
20. Comments relating to vehicular access from Hyde Lane are no longer relevant as this element has been removed from the proposal.
21. **PDNPA Conservation Officer:** No objection subject to conditions.
22. **Derbyshire County Council Highways:** No objection

Representations

23. Two objection letters have been received.
24. The first is from a neighbouring occupier and raises the following summarised concerns:
 - Lack of parking provision for the additional cars that are going to require parking spaces if all three holiday lets are occupied.
 - Amenity impacts in terms of noise and disturbance from unsupervised guests (compared with guest house where there is an on site staff presence) and from general comings and goings from the property including arrivals / departures, parking of cars etc.
 - Appropriateness of a listed building being subdivided
25. The second objection letter has been received from the trustees of Hartington Village Hall. This relates to concern regarding the use of the vehicular access from Hyde Lane to the rear of the site. This element of the proposal has now been removed from the scheme following receipt of amended plans.
26. In addition a letter of support has been received from the current owners of the application property (this is not the applicant).

Main Policies

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, RT2
28. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8, DMC14, DMR3

National Planning Policy Framework (NPPF)

29. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for National Parks in England: to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. When they carry out these purposes, they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
30. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
31. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.

Assessment

Impact upon character and significance of listed building and conservation area

32. It is proposed to insert a timber partition on the staircase between first and second floor level. The partition would contain a doorway to assist with cleaning and maintenance but the door would ordinarily be locked to provide separation between two of the proposed holiday lets. The authority's conservation officer concurs with the findings of the heritage statement that the stairs have been altered in the past, with clear evidence by the landing

area at second floor level where the steps are widened from their original position. The proposed timber partition would restrict views of and an appreciation of the staircase. However, as the partition would be between first and second floor level, the partition would not impose on an appreciation of the staircase from the entrance hall at ground floor level. The work would be reversible and in the most part freestanding (not attached to historic fabric). The use of conditions will allow for the authority to secure the use of timber to blend with or complement the existing timber staircase in terms of colour and finish and also to ensure that where the partition would come into contact with existing fabric, for instance the stair verge on the floor above, that the partition is affixed in such a way that would not harm the existing timber.

33. It is proposed to install a kitchen in a current second floor bedroom to serve the upper holiday let. The kitchen would be located in a position in the room which would minimise impact being away from the window area and the existing exposed ceiling truss would be left as it currently is. The need for additional piping is minimised with the drainage and incoming water pipes running vertically down to the bedroom below, where there is currently a sink with connections. An external air vent is proposed on the eastern side elevation gable to provide ventilation to the kitchen area. This will require the loss of some stonework and the conservation officer has requested a condition requiring submission of a section drawing showing how the air vent would be installed and affixed within the stonework.
34. It is proposed to demolish two mid 20th century outbuildings to the rear of the site. From a conservation perspective their removal would provide an enhancement. The outbuildings themselves are of little or no architectural or historic merit and their removal would enhance and recover the views of the rear of Bank House from Hyde Lane and views of the listed St Giles Church from the rear of Bank House. In addition, no objection is raised to demolition of the modern outbuilding much nearer to the rear of Bank House and the formation of steps up to the raised patio area. The use of black metal railings to enclose the patio area is considered appropriate. A condition will require details of hard and soft landscaping in the locations of the demolished outbuildings to be submitted to the authority for approval.
35. The proposed EV charger would be located in a discreet location to the side of the property and hidden from views from the main road to the front of Bank House. The EV charger would be installed below a window, this window having been converted from a doorway as evidenced by the change in stonework. As such, no historic fabric would be impacted by its installation and the impact upon the setting of the listed building is minimised by its discreet position on the property.
36. The authority's conservation officer has raised no objection to the proposed security lights to be affixed to the listed building subject to a condition to secure precise details of lights and means of attachment. No objection is raised to the proposed free standing lock box to the front of the property which would be black cast metal. Additionally, the painting of the windows and doors from the current white to an off white / cream is supported and will provide some minor enhancement.
37. Overall, notwithstanding some enhancement provided by the demolition of modern outbuildings and the repainting of windows and doors, the proposed external and internal works associated with the change of use of the property to 3 No. holiday lets would result in less than substantial harm (at the minor end of the scale) to the significance of the listed building. In particular the authority's conservation officer has highlighted the minor harm caused by the installation of the partition in the staircase and by the loss of stonework caused by the insertion of an external air vent.
38. It is necessary to balance this identified harm against the scheme's public benefits. While the need to preserve the building's heritage significance is a key consideration, the public

benefit derived from ensuring the long-term maintenance of the designated heritage asset, through securing the optimum viable use is a key consideration in the planning balance. The proposed alterations are required to deliver the individual holiday let units and the proposed use would enable the building to remain in active use and would ensure the long term maintenance of the designated heritage asset. This public benefit is considered to outweigh the identified minor less than substantial harm to the significance of the heritage asset.

39. Overall, the proposal accords with local plan policies L3, DMC5, DMC7 and DMC8. The proposal would largely conserve the character, appearance and significance of the listed building within the designated conservation area.

Conclusion

40. Notwithstanding some enhancement provided by the demolition of modern outbuildings and the repainting of windows and doors, the proposed external and internal works associated with the change of use of the property to 3 No. holiday lets would result in less than substantial harm (at the minor end of the scale) to the significance of the listed building. However the public benefit that the proposal provides of securing a long term future use for the listed building which can be achieved with minimal alteration to the listed building is considered to outweigh the identified minor harm. The proposal accords with local plan policies L3, DMC5, DMC7 and DMC8.

41. This application is therefore 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

Report Author and Job Title

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