
14. FULL APPLICATION – PROPOSED USE AS A SINGLE DWELLING, NORTH LEES HALL, HATHERSAGE (NP/DDD/1115/1111, P.6193, 423536 / 383448, 24/12/2015/AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

North Lees Hall is a Grade II* listed building located in open countryside approximately 2km north of Hathersage. The building is significant as a late 16th century tower house with a lower level 'farmhouse' wing to the north east. The tower house retains its historic plan form and original decorative plasterwork, which is particularly notable on the first floor. The tower house was modestly extended and refashioned in the 19th century and comprehensively restored in 1965 when it was in a very poor state.

The property is owned by the National Park Authority and until recently the tower house was let to the Vivat Trust and occupied as holiday accommodation. The farmhouse wing is let separately as a private dwelling to the tenants of the surrounding farmland and the remaining nearby buildings are part of that operational farm.

The Hall is accessed by a long private driveway off Birley Lane. The nearest neighbouring property is the adjacent farmhouse wing. The next nearest property is Cattiside Cottage, some 310m to the south.

Proposal

This application seeks planning permission for the change of use of the tower house to create a single open market dwelling.

The submitted application says that the Hall has returned to the Authority's management in October 2015 and that whilst a decision is made about the future of the Hall the Authority is planning to let the property on the open market for a twelve month period with the aim of mitigating the maintenance costs.

No external or internal works are proposed as part of this application other than repair and maintenance required for health and safety reasons.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with submitted plans.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon North Lees Hall, its setting and that of neighbouring properties.

Relevant Planning History

1988: WED/0488/197: Planning permission granted conditionally for alterations to listed building to form shepherds accommodation.

1988: WED/0688/332: Planning permission granted conditionally for formation of two holiday flats.

1992: WED/0192001: Planning permission granted conditionally for change of use of former pigsties to agricultural use with domestic storage ancillary to the farmhouse.

1997: DDD/1296/514: Planning permission granted conditionally for conversion of agricultural buildings to bunk house and teaching area for educational use.

2014: NP/DDD/0314/0230: Planning permission granted conditionally for provision of teas and light refreshments at farmhouse including siting of five picnic benches.

2015: NP/DDD/0715/0685: Planning permission granted conditionally for alterations to existing general purpose agricultural building.

Consultations

Please note that this report was written before the end of the public consultation period. Any further consultation responses or letters of representation that are received will be updated verbally at the meeting.

Highway Authority – No objection.

District Council – No response to date.

Parish Council – No response to date.

Historic England – Raises no objection and makes the following comment:

North Lees Hall is listed Grade II* in light of its national more than special architectural and historic interest and character. The building is significant as a late 16th century tower house, which retains its historic plan form and original decorative plasterwork, which is particularly notable on the first floor. The tower house was modestly extended and refashioned in the 19th century and comprehensively restored in 1965, when it was in a very poor state. The Hall is attributed to Robert Smythson, Master Mason and architect who is responsible for highly notable East Midlands great houses, including Hardwick Hall. No firm evidence survives linking Smythson with North Lees but the attribution is made on stylistic grounds. North Lees is also linked to Jane Eyre and, along with Haddon Hall, forms a contender for being the inspiration behind Mr Rochester's Thornhill Hall.

The Hall is owned by your Authority and has been managed successfully by the Vivat Trust as a holiday let over the last 20 years. With the Vivat no longer able to continue operating the Hall as a holiday let your Authority is now considering what may be a suitable long-term use for the building. In the meantime the current application proposes that the Hall is let for residential use for a period of 12 months. This is proposed to generate income to off-set against maintenance costs.

As the application affects a listed building the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest applies (s.66 1990 Act) when determining this application. Government guidance in the NPPF identifies the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (para 131).

We would wish to support your Authority in identifying a long term viable use for the Hall which is consistent with its conservation. As the Hall has been in use for holiday lets it is currently capable of residential use and we note that the submitted design and access form states that “The proposal does not involve any change to the exterior or interior of the building”. If this is the case then we would have no concerns with a temporary residential permission for 12 months in light of the benefits associated with generating income to secure the maintenance of the building.

However we also note that reference is made to the need for 'significant works to ensure the property is fit for purpose mainly relating to health and safety' in an accompanying paper entitled North Lees Hall. We are unclear what such significant works would be and would be concerned if planning permission for residential use was granted without an accompanying listed building consent or on the basis of a need for consent for such works which might not necessarily be forthcoming. It is essential that your authority seeks clarity on this issue before determining this application.

We also note reference is made to a comprehensive options appraisal for the Hall. We would be pleased to offer advice on this appraisal in light of our role as statutory consultee on any application that would be forthcoming.

PDNPA Cultural Heritage – Raise no objection and makes the following comment:

I am concerned about the phrase: “There will also be significant works to ensure the property is fit for purpose mainly relating to health and safety.” The applicant has assured us that no actual ‘works’ are to take place. However, the applicant should note that we should be consulted on any repositioning or addition of elements such as fire alarms (to assess whether the action will affect historic fabric, or impact on the historic character and appearance of the building).

Representations

One representation has been received to date which states ‘no objections’ to the proposed development.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3 and HC1

Relevant Local Plan policies: LC3, LC4, LC6, LH1, LH2, LT11 and LT18

Statutory Framework and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Authority to have special regard to the desirability of preserving the listed building when determining this application.

HC1, LH1 and LH2 set out the Authority’s approach to new housing in the National Park; 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; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

L3 and LC6 together seek to ensure that all development conserves and where possible enhances the significance of the National Park's listed buildings and their setting and say that other than in exceptional circumstances development which would have a harmful impact will not be permitted. L1 says that all development must conserve the landscape character of the National Park as identified in the Authority's landscape character assessment.

LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Of particular note is the fact that at paragraph 55 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, which are essentially the same criteria that are set out in HC1 (C) I.

The Framework also maintains within paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks. Paragraph 131 says that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Further advice on the use of heritage assets is given in National Planning Policy guidance (NPPG Paragraph: 015 Reference ID: 18a-015-20140306), as follows:

"It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause 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 may not necessarily be 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. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner".

Assessment

Principle

For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). In common with the Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need for a rural worker (HC2 and LC12). It is therefore considered that the proposed house is intended to meet general demand rather than to house a worker to meet the essential functional need of a rural enterprise.

Therefore, the special circumstances in which planning permission could be granted are set out in policy HC1(C) I. HC1 (C) II does not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) I says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

North Lees Hall is a grade II* listed building which means that it is nationally significant. This application relates to the tower house which was granted planning permission to be used as two holiday flats in 1988 and has subsequently been occupied as holiday accommodation by the former tenants the Vivat Trust.

The tower house is now vacant and the Authority, as applicant, is seeking permission to use the building as a single market dwelling which is intended to be let whilst the Authority takes a decision about the future of the building. An unrestricted permission would also allow longer rental periods to tenants rather than solely holiday use.

The tower house was originally designed as a single private dwelling and therefore returning the use of the building to a single dwelling would represent returning the building to the optimum use of the building in conservation terms as compared to its existing use as holiday accommodation. The applicant has confirmed that no external or internal works are proposed as part of the proposals other than maintenance required for health and safety reasons such as electrical testing and installation of fire alarms.

It is therefore considered that the proposed development would secure the long term conservation of the Hall by returning it to its optimum use and would not result in any impact upon the significance of the Hall or its setting within the wider landscape. Therefore the principle of the proposed development is considered to be in accordance with policies within the development plan and the Framework. It is important to note that this proposal differs from applications to remove holiday occupancy conditions from buildings that have been converted from agricultural barns in that in those cases the conversion was permitted to achieve conservation of a building through a different use; the Authority has been supported on a number of appeals where applicants have sought to remove such conditions. In the case of North Lees Hall, the original use was as a dwelling, so its use as a dwelling is consistent with policy and with national guidance. The condition imposed in 1988 was considered to be necessary at that time because it was being converted into two units rather than one.

Other Issues

The proposed use as a single dwelling would not result in an additional impact upon the amenity of the occupants of the adjacent farmhouse compared to the existing holiday accommodation use. Similarly the proposed development would not result in any obvious demand for additional parking spaces or additional traffic which could be harmful in terms of either highway safety or the amenity of the local area.

The proposal does not involve any works and therefore it is considered that the development would not result in any impact upon protected species or their habitats or upon any archaeological significance related to the Hall.

Conclusion

It is therefore concluded that the proposed development would be in accordance with the development plan and the Framework because the proposed use of the tower house as a single dwelling would represent the optimal use of the Hall in conservation terms. The proposed development would not have any harmful impact upon the privacy, security or amenity of the property or neighbouring properties or harm any other valued characteristic of the National Park.

In the absence of any further material considerations the proposal is therefore recommended for approval subject to the statutory time limit for implementation and to secure the submitted plans.

Historic England has requested a planning condition be imposed to make the permission a temporary for one year. However having had regard to the planning practice guidance for conditions it is considered unnecessary to restrict the permission for a temporary period because the development is considered to be acceptable and in accordance with the development plan. There is no need for a trial run to assess the impact of the development. It is not necessary to remove permitted development rights because the Hall is a grade II* listed building and therefore any alterations, extensions or outbuildings would require listed building consent and / or planning permission.

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