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/JK)**

**APPLICANT: MRS SARAH MARSH**

**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 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 whole of the site and adjoining properties lie within the Castleton Conservation Area.

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 2011/12, 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 decision to relocate 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 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 (four 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 would be provided alongside a proposed double garage backing up 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.
The physical alterations to facilitate the conversion include:

1) 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
2) Remodelling of the infill at the rear between the Hall and the outbuildings to form a sun room
3) Remodelling of the rear lean-to and part of the link corridor to form the utility room for the Hall dwelling
4) Stonework repairs to repair and restore the principal Baroque façade, and other fabric repairs externally
5) Stonework repairs to the east boundary wall and replacement railings and gate to an 18th century design
6) 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,
7) Re-rendering of the rear façade in lime render.
8) Reinstatement of sash windows
9) Reinstatement of cast iron rainwater goods.
10) Replacement of paved area to the rear with gravel driveways, paved courtyards and lawns
11) Removal of most of the first floor infill above entrance lobby to create double height entrance hall, including repair of main staircase.
12) Removal of modern stud partitions and former hostel bathrooms
13) Insertion of new stud partitions to suit requirements for the internal layout for two dwellings.
14) Reinstatement of internal panelled doors,
15) Addition of two additional window openings and one door together with conversion of former openings/window openings into doors.
16) 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 suggestion 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 upon the Authority’s web site.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. Harm to the significance of Castleton Hall as a result of its subdivision into two separate dwellings, and to its setting from the new walling subdividing the rear curtilage and from the impact of the provision of the separate parking areas covering a substantial part of the rear walled garden. The proposal therefore fails to conserve and enhance the special interest and setting of Castleton Hall contrary to Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 paras 131, 132, 134, 140 of the NPPF and PDNPA adopted policies GSP1, GSP2, GSP3, L1, L3, LC6 and LC8.
2. Harm to Castleton Conservation Area and to a lesser extent the setting of the Old Coach House from the subdivision of the walled garden and the provision of parking spaces extending out in to the walled garden. The proposal therefore contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 131 and 132 of the NPPF and policy LC5 of the Local Plan.

3. A ‘Conservation Deficit' in the approved scheme for the optimum use of the Hall as a single dwelling has not been proven. Consequently the subdivision to two dwellings is not justified as enabling development, which in any case would be harmful to the listed building and its setting, and there are no other exceptional circumstances or clear and convincing public benefits to justify a different decision.

4. Insufficient and inadequate information to support application and justify subdivision along with a lack of clarity and detail about the precise nature of the proposed alterations in the submitted and amended plans and supporting information.

Key Issues

1. What is the optimum use for the building consistent with its significance and value as a listed heritage asset?

2. The principle of the proposed conversion into two dwellings

3. Is there a conservation deficit in the single dwelling scheme?.

4. The impact of the proposed subdivision and physical works upon the significance of the Hall and its setting.

5. The impacts of the proposal upon the Conservation Area.

6. The impacts of the development upon the neighbouring property’s amenity, with particular regard to noise and disturbance.

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.
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 consents 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 – 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. The consent order from the court required both applications to be re-determined by the Authority. The applications were scheduled to be included on this agenda for re-determination by the committee but were finally withdrawn by applicant on 22 December in view of the revised applications.

Consultation Responses

These are summarised below, with the originals available to view in full on the Authority’s website.

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 (First response)
(NB: these are reported in full, given the significance of the EH responses)

Recommendation:
On the basis of the submitted information, English Heritage is not convinced there is sufficient and adequate information to justify this proposal, as required by paras 128, 132 and 134 of the NPPF. We believe the level of harm equates to less than substantial, however the NPPF advises that any level of harm requires clear and convincing justification (para 132). As such your authority would need to be convinced that the public benefit of the proposal outweighs the degree of harm. If minded to approve we strongly recommend the proposed separation of the house into two properties are tied to a formal agreement to enable the property ownership to revert back to a single dwelling house in the future.

English Heritage offered the following advice on the submitted plans which has been summarised by officers, a full copy of the response is available on the Authority web-site:

Summary:
English Heritage is supportive of securing a sustainable use for this building and support the principle of residential use. We consider there is a degree of harm to significance associated with the current scheme, which is judged as less than substantial. This harm arises from both physical alterations and in the principle of separation, which may affect the long term sustainability of the listed building. Your authority would need to be convinced the degree of harm is necessary to secure the optimum viable use of this designated heritage asset in support of its long term conservation. In its present form, we are not convinced there is sufficient information to fully justify the proposals under paragraph 132 of the NPPF.
Adequacy of Detail:
The justification for subdividing the property into two dwelling is lacking within the application.

Significance and Impact of the proposals on significance:
It is conceivable that Castleton Hall before its Baroque facade may have been more than one dwelling and it can be argued that the evolution of Castleton Hall through the centuries adds to the significance of the building.

The proposed works have a degree of harm to significance which is judged as less than substantial, and arises from both physical alterations and in the principle of separation, which may affect the long term sustainability and viability of the listed building.

It is suggested within the information, that the potential end value of the proposed separate Tithe Barn is affected due to a smaller garden. It is questionable whether clear and convincing justification has been put forward for this principle.

In terms of heritage significance, we do not agree with the contention, (paragraph 5.34 of the design and access statement) that the conversion into two dwellings would allow a more accurate interpretation of the built form and a greater understanding of the significance of these heritage assets through the articulation of the building in this particular way. This argument is not based on a clear justification.

The financial information submitted does not prove there is a conservation deficit on the property and this is not considered an enabling development argument. It is not accepted that full restoration is required in order to secure the optimum viable use for the building and a lesser scheme may be as acceptable focusing on essential repairs rather than desirable. There is no evidence submitted which considers the long term viability of the large proportion of house remaining if subdivision occurs and whether the subdivision could create a scenario whereby an overly large semi-detached house would be even less attractive to the market than the current single dwelling. The submitted projected future valuations do not provide convincing evidence that the subdivision of the property into two is essential in order to secure a sustainable use for the listed building. We refer you to relevant paragraphs within the NPPF, namely 132 - the test being whether clear and convincing justification has been demonstrated to outweigh the degree of harm.

Harm to the historic environment can be justified under the NPPF but Government policy is clear in paragraph 132 &134, that the public benefits delivered by the proposed development would have to be 'clear and convincing'. If your authority is minded to approve we recommend a legal agreement is sought to ensure the freehold of the whole building remains in single ownership to allow for the return of the building to a single dwelling house, should future conditions allow. This could take the form of restricting ownership to a leasehold agreement with the freehold remaining on the whole building. Planning restrictions could be put in place in addition to prevent future subdivision of the grounds and curtilage.

Detailed design and physical works:
Internally, we see there is an opportunity to enhance and reveal significance through the removal of the latter 20th century inappropriate alterations including numerous en-suites, subdivision, later staircase and the 1970s extension and bungalow. We do not object to the sensitive removal of floor at first floor level within the entrance hall, and recommend careful detailing is conditioned. Subject to careful detailing, we consider the internal works constitute minimal harm to significance. We also recognise the intentions of the owners to reinstate historic detailing both internally and externally including sash windows and stonework repairs.

Externally, we support the removal of the 1970s bungalow and contemporary dining room extension. We have some concern over the removal and justification of the Victorian games room, which we understand was consented under a previous scheme and the proposal includes a new curtilage wall. The issue arising with this part of the proposal focuses on the long term viability of the property as two dwellings and ensuring sufficient external space to the north wing is provided to
compliment the size of the property. We have some concern over the rather elaborate detailing of the proposed entrance gates and railings, though would defer to your in-house conservation officer advice for further negotiation on this element.

Policy: We refer your authority to the 1990 Act in paying special regard to the desirability of preserving the building, its setting and any features of special interest - sections 16 and 72, the latter for conservation areas. Your authority should also aim to achieve the objective of sustainable development which in this context means guiding the development towards finding a sustainable new use of the buildings compatible with its special interest (NPPF paragraphs 8 and 17). As stated above, our assessment is that the proposed separation and alterations require clear and convincing justification (paragraphs 128 and 132) and that there is a degree of harm to significance resulting from the proposed works. This harm may be justified but clearly the NPPF states that the onus is on your authority to rigorously test the necessity of the works and weigh up the public benefit against the harm. If the justification is absent or weak, we do not believe the proposal can be called sustainable development under the NPPF.

English Heritage (Second response to re-consultation on amended site layouts – Note response failed to pick up and comment on additional supporting information submitted by the applicant and EH was therefore asked to reconsider its response)

English Heritage refer PDNPA to the substantive advice already provided which they consider remains relevant to this proposal and has not changed. The detailed comments are:

“In terms of amended design we support the proposed design of the front elevation railings and gates, which appears based on the historical arrangement, evident from earlier documentation. We consider this an enhancement to the conservation area and the significance of the Grade II listed Castleton Hall. In respect of the amended parking layout, we refer to our previous advice letter and concerns over the principle of subdivision (in terms of justification of the proposed division of the Hall into two properties with separate curtilage, to outweigh the degree of harm) and the resultant physical works. We do however recognise in design terms, the revised scheme has been simplified, which has some benefit”

English Heritage Recommendation:

“On the basis of the submitted information, including the amended plans, English Heritage is not convinced there is sufficient and adequate information to justify this proposal, as required by paras 128, 132 and 134 of the NPPF. We believe the level of harm equates to less than substantial, however the NPPF advises that any level of harm requires clear and convincing justification (para 132). As such your authority would need to be convinced that the public benefit of the proposal outweighs the degree of harm. If minded to approve we strongly recommend the proposed separation of the house into two properties are tied to a formal agreement to enable the property ownership to revert back to a single dwelling house in the future.”

English Heritage (third response)

We repeat our advice that the principle of subdivision of a single dwelling and resultant alterations is harmful to the significance of the listed building and conservation area. We believe this harm is less than substantial and refer you to relevant paragraphs within the NPPF, namely 131, 132 and 134. We recognise proposed mitigation measures in terms of the design to the front of the property, a more simplified design to the rear, and a leasehold arrangement which may provide some comfort of retaining the building in single ownership.

We note the valuations by local Estate Agents provided as justification for the proposal to subdivide. The proposed financial justification/valuations conclude that financially the property is more viable if subdivided, taking into account the cost of full restoration and conversion - though if all works are undertaken, a deficit is still identified. However this does not represent evidence that subdivision into two separate dwellings is the only option which will secure the sustainable long-
The term future of this heritage asset - i.e. the optimum viable use as highlighted in the NPPF para 131. It does not appear proven that a true conservation deficit does exists - that the end value of the property is outweighed by the cost associated with essential repairs, taking into account the purchase price paid. The price paid should reflect the buildings condition and any repairs required - in this case we understand that a price of c£250k was paid for the property. Whilst a comprehensive scheme of repairs and enhancements are proposed only essential repairs should be taken into account when establishing if a conservation deficit exists. Therefore, it is not proven that the house is unviable as a single dwelling house in its current state.

The justification for the proposed subdivision also highlights the benefit which could be associated with full restoration of the property and the argument that this will better reveal and enhance the significance of the listed building and the conservation area. Government guidance in the NPPF does remind us 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 uses consistent with their conservation (para 131), whilst revealing and enhancing the significance of a heritage asset can be considered a public benefit. Thus in coming to a judgement, your authority should balance the merits of this element of the proposal against the degree of harm.

It therefore remains for your authority to weigh up all the issues and determine this application in line with your local policies and the NPPF.

Recommendation:
On the basis of the submitted information, including the amended plans, English Heritage is not convinced that it can be demonstrated that a conservation deficit exists which would support the argument that subdivision into two dwellings is the optimum viable use for Castleton Hall, a consideration identified in paras 131 &134 of the NPPF. We believe the level of harm equates to less than substantial, however the NPPF advises that any level of harm requires clear and convincing justification (para132). As such your authority would need to be convinced that the public benefit of the proposal, which in this case is defined as the enhancement of the heritage assets, outweighs the degree of harm. If minded to approve we recommend the proposed separation of the house into two properties is tied to a formal agreement to enable the property ownership to revert back to a single dwelling house in the future”.

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

Taking each point in turn:

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.

- Finds the small paned, glazed doors 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. In this connection, the existing drawings are not accurate and confusing - further details/clarification/minor changes or schedule are needed.

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 Ecologist

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

Detailed comments/justification:

1. 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.

2. The information provided in the May 2013 report states that these features were checked using an appropriate methodology and temporarily sealed prior to permanent re-pointing works. 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.

3. 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 survey 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.

4. The September 2012 and May 2013 surveys also recommend that the remaining works take a precautionary approach.

5. Vegetation clearance should be completed outside of the main breeding bird season.

Recommend mitigation/conditions/footnotes.

Representations

Please note that full copies of all representations along with all the documents relating to the application are available on the Authority’s web site.
Letters of Objections

There have been three letters of objection, including one substantial objection from the owner of the adjacent property, The Old Vicarage. 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 is available in full on the Authority’s website. The following are the main points in the objection, summarised by officers (the letter is from the objector’s solicitor and references below are to the objector’s consultants and advisors):

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 vs. 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.

14. It will be noted that 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 has 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 (something with which our heritage consultant, our Development Viability assessor and local estate agent agree) and EH want (understandably) to preserve the opportunity for it to revert to its optimum use as a single dwelling.

21. However, EH has failed to think this suggestion through. 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 will not ensure this. 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 were:

The applicant has failed to justify a case for conservation deficit.
The application does not 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 our 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, whilst at the same time produce a reinstated building which will be sympathetic and thoroughly in harmony with this part of Castleton. Surely it is better that two families get to live in this beautiful building than it be allowed to decay. 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.

- In my opinion 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. It would make a lovely home or homes. The village needs more family homes within it to keep the economy viable all year round and not just in holiday seasons. I myself come from a small village community and know how important it is to retain local communities and not just be a visitor centre. It will fit better with the aesthetic of the area and accommodate families in Castleton, contributing to the community and providing much-needed extra-large family housing within the village.

- Family homes will enhance the community and whilst I anticipate they will not be the least expensive dwellings they will be in reach of many 'ordinary' people as opposed to one development of a huge dwelling for a privileged minority.

- By dividing the 11 original bedroom house into two dwellings it makes it affordable for hard working professional families such as Mr and Mrs Marsh.

- 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. They will also look very smart.
• 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. It is 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.

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.

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.

Development Plan Policy

The Authority’s Local Development Framework Core Strategy Development Plan Document adopted in 2011 provides, along with saved polices in the 2001 Local Plan the policy starting point for considering the development.

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 sating 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.

LC6 and LC5 also seek to preserve and enhance the National Park’s historic built environment and respectively address development that would affect the special qualities of a designated Conservation Area and its setting. Local Plan policy 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.
LC5 says 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.

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.

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.

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. 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 National Planning Framework and resolved that they are consistent. This application does not raise matters that suggest otherwise.

As a material consideration in planning decisions, the NPPF 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 NPPF 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.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

Prior to the NPPF, Planning Policy Statement 5: Planning for the Historic Environment set out government policy on conservation of the historic environment. Whilst the PPS has been cancelled in favour of guidance in the NPPF, the accompanying PP5 Practice Guide has been retained and still sets out useful guidance on the assessment of the significance of a heritage asset. It advises that the significance of a heritage asset is over and above the functional utility of the asset and amounts to the sum of its ‘architectural, historic, artistic and archaeological interest’.
In paragraph 78 of the Practice Guide, it 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 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 89 of the advice in PPS5 Practice Guidance states in respect of ‘Optimum viable use’ that: “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… 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.”

English Heritage has published advice and guidance on Enabling Development and the Conservation of Significant Places. This document sets out the principles behind enabling development and provides a basis on which applicants can prepare applications and on which planning authorities can assess them. It provides clear guidance on conservation deficits and optimum uses for historic buildings, even though it does pre-date the NPPF. The applicant has referred to this guidance in her supporting documents and has used this as the basis for her viability appraisal:

“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.”

The guidance sets out the following policy in respect of heritage assets:

“THE POLICY:

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

a) it will not materially harm the heritage values of the place or its setting
b) it avoids detrimental fragmentation of management of the place
c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
e) sufficient subsidy is not available from any other source
f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies”.

One of the core planning principles outlined in paragraph 17 of the NPPF 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 NPPF 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 of the NPPF 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 of the NPPF 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”.

Paragraph 140 of the NPPF 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”.

PDNPA Conservation Area Appraisal

The Conservation Area Appraisal for Castleton notes that generally buildings in the Conservation Area are fairly small scale cottages which present a frontage to the street, although there are some former agricultural and industrial properties that present a blank rear or side elevation to the street. The northern wing of Castleton Hall is one such building and historic evidence indicates that this was formerly a Tithe Barn. This fact is also referenced in the Conservation Area Appraisal as the former barn provides an end stop and restricts views to the north along Castle Street.

The appraisal notes that characteristic of the settlement are the distinctive areas of landscaping and green space. To the frontage of Castleton Hall is a large mature Copper Beech tree and in the summer the appraisal considers that this has a greater impact on the character of the Conservation Area than Castleton Hall itself.
Officer Assessment

Key Issue 1 - What is the optimal use of the building to secure its conservation?

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, largely through the current applications, demonstrates that the Hall as seen today was created and has been in use for the vast 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 private house. This is consistent with the advice, quoted above, in the English Heritage document: Enabling Development and the Conservation of Significant Places.

Key issue 2 - The principle of the proposed conversion of the Hall into two dwellings

The development strategy set out within the Core Strategy policy DS1 allows, in a named settlement like Castleton, for the principle of conversion or change of use of traditional buildings for housing. The key policy in the housing chapter is HC1. This makes it clear that provision will not be made for housing solely to meet open market demand but housing can, exceptionally, be allowed where it is required to meet eligible local needs for affordable housing (HC1A), key worker accommodation in agriculture or forestry (HC1B) or where 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 possible 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 (Securing national park purposes and sustainable development) and GSP2 (Enhancing the National Park) the conversion is “required in order to
achieve conservation and/or enhancement of valued vernacular or listed buildings" - policy HC1(C)(I), or "conservation or enhancement in settlements listed in core policy DS1" - policy HC1(C)(II). The applicants’ 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 protection and 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 to 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 housing, i.e. both dwellings, is ‘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 was clearly ‘required’ to achieve conservation and enhancement of the listed building by returning the building to its optimum viable 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.

In contrast, the current application scheme now proposes the subdivision of the Hall into two dwellings, with the applicant arguing that subdivision is now necessary to address a conservation deficit in their development viability assessment and thus achieve the conservation and enhancement of the building as approved in the 2011 consents. As discussed above, this is not the optimum use for the conservation of the listed building and would bring with it the harm identified by English Heritage and elsewhere in this report. The key question is therefore whether there are any exceptional circumstances that would require further 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 case, after purchasing it with the intention of converting it to two dwellings and in the knowledge that the approval was for one dwelling, is 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. 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. Furthermore, despite the reduced value, they consider it would be difficult to sell in the current market as a result of these limiting 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. Given the importance of this advice, which is central to the applicant’s whole case in terms of establishing development viability, there is a lack of detailed evidence which officers would normally expect to see which would properly underpin and justify the valuation figure reached by each agent.

In terms of viability, the applicant has submitted a financial development viability assessment which 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 close but would still have a sizeable deficit. Nevertheless, the applicant considers that this still demonstrates that conversion to two dwellings is viable (and certainly more viable than a single dwelling scheme) and therefore required for viability and saleability terms in order 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.

Officers consider that, given the 2011 permissions for the single dwelling scheme were intended to achieve the conservation and enhancement of the listed building and retain it in optimum viable use as a single dwelling, there would need to be exceptional circumstances, which were not apparent in 2011, to warrant accepting a use so soon afterwards that would harm the Hall’s significance as a listed building, even though English Heritage describe this harm as “less than substantial”.

The main question of whether the proposed change of use to two market dwellings is required to achieve conservation and enhancement of the listed building necessitates consideration of the submitted scheme’s viability in comparison with the single dwelling scheme, in order to establish if it is ‘required’, along with a comparative assessment of the design merits of the submitted scheme to determine whether or not it actually achieves conservation and/or enhancement of 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 unless there were special circumstances to justify making an exception e.g. enabling 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). Enabling 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.

Key Issue 3 - The viability of the proposed scheme vs. the single dwelling scheme – Is there a conservation deficit in the single dwelling scheme

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 exceptional
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.

The key question in determining whether the subdivision is ‘required’ to achieve conservation and enhancement of the listed building is whether it is necessary to address a ‘Conservation Deficit’ in the development viability appraisal. This is a stringent test which is at the heart of this decision. English Heritage advice about the methodology of such an appraisal shows 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 have returned 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.

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. Furthermore the applicant states that she has been advised that the resulting sales valuation may be unattainable or at best would be very difficult to achieve due to the particular site constraints and location.

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 enabling development, being close to the optimum use, and is essential because two smaller, but nonetheless large, five bedroom houses would be more saleable and the best way to secure a sustainable long term viable and beneficial use for the building. These views are supported in the application by valuations and commentary from five separate sources (estate agents) commissioned by the applicant, who has also provided a schedule of costs for the various works to the building, derived from quotations for the work from various specialist firms. The application is further supported by a structural report and conservation management plan produced for the previous owner as well as from their own heritage experts’ advice.

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, its optimum use. There is evidence of strong interest by another party, the principal objector and neighbour, who lost out in a ‘contract race’ with the applicant when they bought the Hall. This interest continues, with the objector’s recent public written offer to purchase the Hall from the applicant. Officers consider that both matters are material planning considerations in this case.

In purchasing any property, the price paid is a judgement based on many factors and is solely attributable to the person making the offer and not normally a planning matter. When a large listed building like Castleton Hall is sold with obvious restrictive planning constraints and a requirement for significant investment in the form of repair and conversion costs from its former hostel use, one should reasonably expect prospective purchasers to have carried out due diligence in deciding what price to offer for the property. In theory, the price offered would be simply based on the sum left after subtracting the development costs from the most accurately available valuation of the final completed project. This would be expected to take full account of the condition of the building and the cost of the repair works necessary to achieve the value of
the known end use of a single dwelling in this case (or alternatively as a hostel as the use remains valid). In simple terms, this is how a development appraisal works.

The value of the Hall at purchase, now, or on completion as a single or two dwelling conversion depends on many factors and, for instance, final value could vary greatly from a scheme of essential repairs and refurbishment to create a comfortable modest home, to a scheme involving meticulous conversion with full restoration of all missing and damaged features to create a fine quality historically accurate and highly desirable residence. In contrast with commercial purchases, price paid for domestic property does not always follow true value as domestic purchasers are known to pay more to achieve personal preferences/desires for a variety of reasons, especially with regard to distinctive houses in prestigious and sought after locations, such as Castleton Hall. That may be the case here given the significant mismatch between costs and value in the applicant’s own figures. Alternatively, the difference can be explained by the fact that price paid included a proportion of ‘hope value’ as the applicant has stated in the application that they bought the Hall with the express intention of converting it to two dwellings. It is also known that the applicant was in a contract race with another party to acquire the property which may have been another factor elevating the price.

The applicant’s financial viability assessment shows a development deficit of over £370,000 for a single dwelling conversion or 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). One view (that 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 now documented intention from the outset to split the Hall, something for which there was no permission, and not a genuine conservation deficit as the policy and advice allows. 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 – 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.

The large number of variable factors make viability appraisals for a single dwelling scheme difficult to produce and interpret. Subjectivity increases when attempting to establish what costs to include within the appraisal to determine whether there is a conservation deficit in a scheme and what value to put down for the future completed scheme. English Heritage published advice ‘Enabling Development and the Conservation of Significant Places’ gives detailed advice on the subject and defines a conservation deficit being when the existing value, often taken as zero, plus the development costs exceed the value after development. One of the seven criteria EH set out in the above publication for its policy on enabling development is that it should be unacceptable unless it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.

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 cost in converting the Hall from its former hostel use, which should have been accounted for in the purchase price.

The advice from English Heritage is that a local planning authority should only look at enabling development if a conservation deficit is found based on essential repair and conservation works that are the minimum necessary to secure the future optimum use and to compare that with the future valuation in optimum use, including making it fit for purpose and marketable. It recognises that it can include reversing changes that are so harmful to character and value that they are essential to achieve those ends. In this case, therefore, 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, could all fall within this definition and are needed to achieve essential conservation of the Hall and achieve the value of its optimum use. These demolitions, the essential repairs and other works were however, all known at the time of sale and in addition were 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.

In the applicant’s submitted financial information, even in its amended and amplified form, your officers have found it difficult to strip out the necessary information and the supporting figures to establish what exactly are essential repairs and conversion costs from what are restoration costs which are not necessary now and could potentially be deferred to a later date or reflect the personal preferences of the owner. 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. Whilst this is the view of the applicant and may be supported by officers, they cannot be confirmed by the figures submitted as they do not show the different scenarios i.e. sensitivity testing the valuations against differing degrees of repair/conversion works. They simply set out 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 one valuation) that the value of a single dwelling is significantly greater than the applicant’s valuation figures.

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. However, by the applicant’s own figures the costs would have to be reduced in the application scheme to address the £78,168 deficit or the applicant would have to accept this deficit, as noted above.

Your officers place particular weight on the fact that English Heritage advice is that they do not agree that all repairs are essential and thus should not be included in the calculations. Consequently, English Heritage do not consider that a conservation deficit has been proven and that there is therefore no proven case to supporting enabling development in the form of a two dwelling conversion. Since that response the applicant has submitted further supporting information and English Heritage has responded further on two occasions essentially reiterating their original objections.

A major problem for officers in assessing these figures is that the applicant’s purchase price, and indeed the objector’s offer (he is clearly motivated by a strong personal desire to acquire the Hall), may not reflect the true market value of the property when it was for sale by the YHA or now in its stripped out state.

However, without stripping out any alleged non-essential works, and using the applicant’s own figures, revised costings for a single dwelling conversion demonstrate to officers that such a scheme would be viable, especially if the applicant’s caveated upper value of £900,000 were achievable on completion. Considering the EH advice that not all of the works are essential repairs, it is probable that these figures could be reduced further. A further consideration is the fact that the applicant may have to defer some of the works to address the £78,168 deficit in the application scheme (presumably accepted by the applicant for the two dwelling scheme to break even). By the same token, if these works were deferred in the single dwelling scheme, it would further erode the applicant’s case and suggested deficit. This also assumes that valuations of the completed project are correct, a fact disputed by the objector whose own independently commissioned valuation suggest a much higher figure than the applicant’s own experts which, if achievable, clearly wipes out any conservation deficit, reinforcing the viability of the optimum single dwelling use.
Taking into account the above figures from the applicant’s appraisal, and considering how sensitive the final figures are likely to be depending upon possible adjustments made to account for EH advice about essential works only being included, it appears that the applicant paid in excess of the true market value for the property. It is for either this reason or the desire to reduce development costs which appears to be the prime driver of the two dwelling proposal, not the inherent needs of Castleton Hall itself which does not appear, conclusively at least, on the evidence submitted by the applicant, to be at risk or suffer from a conservation deficit in the optimum use. As noted below, the applicant disagrees with this conclusion, but given the very clear response from English Heritage, officers consider that this is an appropriate position to take on this matter.

Conclusion:

The application has failed to demonstrate that there is a conservation deficit in the optimum scheme for a single dwelling conversion so there is no case to support the subdivision of the Hall as enabling development, which would, in any case, be harmful and without evidence to support that the harm has been fully mitigated to its minimum possible level or that it would be offset by any clearly defined public benefit.

In recent correspondence the applicant questions whether the English Heritage officer has followed EH advice, particularly as set out in the document *Enabling Development and the Conservation of Significant Places*. She considers that her viability appraisal closely follows the advice given in that document and that it clearly shows a conservation deficit. She notes that the EH officer states that the proposal may not be the only option which will secure the sustainable long-term future but does not provide any supporting information or details to explain this point or explain what optimal use she considers viable. In particular she notes that EH concede that “the proposed financial justification/valuations conclude that financially the property is more viable if subdivided and that a deficit is still identified”, but that it goes onto contradict this view by saying that “this does not represent evidence that subdivision into two separate dwellings is the only option which will secure the sustainable long-term future of this heritage asset”. The applicant is concerned that EH officer makes no attempt to explain what they consider an alternative viable use to be or why if there is a financial deficit identified they do not see this proposal (for two dwellings) as a viable option for the long term.

The applicant also challenges the EH advice on the basis that it states that “it does not appear proven that a true conservation deficit does exist” and that “only essential repairs should be taken into account when establishing if a conservation deficit exists”. The applicant considers this is in clear contravention to the policy set out in “Enabling Development and the Conservation of Significant Places”, which states that assessment of conservation deficit should include reasonable works and costs including costs of conversion. The applicant considers that costs are presented using the Policy’s guidance on which costs should and should not be included and is set out to fully illustrate the conservation deficit to the EH format, distinguishing between essential repairs, basic conversion, habitability costs, sub-division costs. Furthermore, she considers that the information and evidence provided is extensive and complies with “The Policy” constraints in the introduction to the guidance (set out above) and with Appendix 1 “Checklist for applications for planning permission for enabling development”.

The applicant therefore challenges the position taken by the English Heritage officer on this proposal. She formally requests that the Authority request that English Heritage clarify that their points are correct and in compliance with the English Heritage Policy on Enabling Development and provide more detail on what leads the EH officer to these conclusions. Officers have sought an English Heritage response to these points and will provide any up-date at the Committee meeting.
Key Issue 4 - The impact of the proposed detailed works upon the significance and fabric of the Grade II listed Castleton Hall and the listed Grade II Coach house to the rear.

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. It must be remembered, however, that all the enhancements were achievable, and indeed were conditioned, by the 2011 single dwelling conversion so there is nothing new in this scheme in terms of further enhancement to justify the second dwelling.

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 division separating the former tithe barn from the main Hall, which would remain behind the baroque façade, there are no precise details about whether these openings are original or not or of 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 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. However subdivision of Castleton Hall to a use other than its optimum use as single dwelling, in itself, involves a degree of harm to the listed building’s significance and special interest that would require special justification as defined in the NPPF and is considered further in this report.

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. Some of the applicant’s plans show this all removed to completely open up the space whereas the floor plans show it mostly removed, with part retained to give a balconied corridor across the space to gain access to a first floor window. The applicant has confirmed the partial removal is the proposal for determination which, along with the restoration of the staircase, is considered to be acceptable as it will enhance the listed building. It should be noted, however, that the approved single dwelling scheme removed all of the first floor infill.

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 and intrusive 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 where overall 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
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 18th 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.

The trees would remain with some crown lifting. 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 will be conserved and enhanced by the proposals set out in the application, especially when considering the significant repairs/restoration to the baroque façade and the more appropriate railings and gate. On balance, it is considered that the enhancement of the new railings will 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 remembered, however, that the restoration of the baroque façade was a condition of the previous single dwelling scheme and so the only change between the two schemes is the new railings of a more appropriate 18th century design.

One concern with the two dwelling scheme is that over time the differing maintenance regimes by the separate owners could 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 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.

External Works to Rear:
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 by subdividing the garden to create a separate residential curtilage for the Tithe Barn. This is achieved by retaining some walling from the previous layout 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, 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 approval is, 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 NE 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 currently 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.

A suitable access to adequate off-street parking is a prerequisite for new dwellings. At present the applicant has not demonstrated that this can be achieved and the owner of the remaining section of bungalow, who is also the principal objector, has confirmed that they do 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 this development would normally be unacceptable as it would further detract from the Conservation Area, although on strict highway safety grounds there would be no support from the Highway Authority for refusal. Had the application been acceptable in all other respects, a condition that no other development take place until the access is provided in accordance with the amended plans could have been a way forward. This would ensure that the proposed dwellings are not left without any off-street parking facilities if the separate legal matter over demolition of the remaining section of bungalow is not resolved.

Notwithstanding the harm identified by severing the Hall garden to create a separate curtilage for the Tithe Barn, the amended layout of the Tithe Barn dwelling’s garden and parking facilities represent some improvement over the submitted layout in that they now omit 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.

Tithe Barn Parking:
The amended layout shows 3 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 inappropriate and unnecessary wide opening in the garden wall which the Historic Building Architect 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. Bin spaces for both dwellings would also be provided in this area.

Hall Dwelling Parking:
A separate parking area for 4 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 is to 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 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 applicants wish to retain the better of the two, a Yew, which would fall within the proposed Tithe Barn’s parking court. The western one appears to be a self-set Ash and 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 have the least 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 significantly over 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 reminder of the formal walled garden. This would normally be inappropriate in terms of their intrusion upon the setting of the garden and, had there been no objections to the principle of the siting and size, then 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 new garden walling and parking areas would be significant and intrusive features within the garden and upon the setting of the Hall that would 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. 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, on balance, more harmful to the setting of the listed building and in the absence of a clear and demonstrable conservation deficit, there is no exceptional basis upon which to consider accepting such change which, in any case, would have no wider public benefit.

In summary, apart from the re-sited garage, the proposed garden subdivision and parking facilities would extend development over a significantly larger portion of the walled garden. These facilities, either as submitted, or as amended, would detract significantly from the garden and cause harm to the setting of the Hall, the Conservation Area and to a lesser extent the Coach House. Your officers consider that apart from the relocated garage and a potential improved layout for the Hall parking, no other benefits to the conservation and enhancement of the listed buildings or the Conservation Area would arise from the amended parking and curtilage layout.

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 exposed internal wall from the demolitions is to be provided with full-length glazing divided into small panes to match the window pattern on the Hall. 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 which utilises the existing accommodation and openings.
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 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.

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 be sandwiched 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 on balance, to be acceptable.

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 is of an appropriately modest scale and of suitable design and use of materials such 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. The setting of the Coach House has already been compromised to some extent by the new boundary. However in this amended scheme the walled garden would be subdivided and having a larger parking and turning space encroaching further out over the garden towards the Coach House. This would further reduce the present open aspect of the walled garden and whilst the greatest impact would be upon the Hall, these alterations would also further impact adversely upon the setting of the Coach House, albeit to a lesser degree.

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. This comprises a French door positioned centrally within the wall and detailed to match the small-paned replacement window frames. The proposed door opening is considered to need reducing in width and have a design to match other rear doors. The applicant has confirmed her acceptance of these detailed fenestration changes requested by the Authority’s Historic Building Architect and has stated that she would be happy to submit amended plans covering these and any other details necessary once the principle of the development has been agreed with officers.

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 appropriate 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 are 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 is therefore recommended by the Authority’s Historic Buildings Architect 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 considered to be reasonable as the bedroom is also lit by a round gable window and one of the existing roof lights on the north roofslope and 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.

Conclusion

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 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.

Internally, most of the YHA installed internal stud partitions have already been removed to reveal the original features and proportions of the various rooms. As with the previously approved single dwelling scheme, the detailed scheme for the Hall building itself, apart from the specific alterations for conversion into two dwellings, proposes considerable enhancement to Castleton Hall. 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 as well as 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. It must be remembered, however, that all the enhancements were achievable, and indeed were conditioned, by the 2011 single dwelling conversion so there is nothing in this scheme, other than the improved front railing design, that would constitute sufficient further enhancement or clear and convincing public benefit to offset the harm from subdivision and to justify the second dwelling.

Whilst this amended scheme is acceptable 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 NPPF, it is considered that the rear curtilage subdivision and parking works which would harm the setting of the Hall, its garden, the Conservation Area and to a lesser extent, the setting of The Coach House. This approach is consistent with that taken by English Heritage.

Key Issue 5 – The Impact upon Castleton Conservation Area

The single dwelling scheme brought 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) and the repair of the baroque facade at the front. The current application also proposes the same repairs at the front, but with the addition of a new gateway in the boundary wall to serve the second dwelling. As concluded above, this new gateway would slightly detract from the boundary containment and the setting of the Hall but overall, taking into account the enhancement in the current scheme for the new railings and gate detail, it is considered that the current proposals at the front 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 are acknowledged, the current proposals would also subdivide the rear garden with additional tall walling, hedges and gates to create the separate gardens and parking areas. In comparison with the approved single dwelling scheme, these works would bring about a reduction in the openness of the rear garden which would be harmful to and detract from the Conservation Area.

Key issue 6 - Impact on neighbouring amenity

The potential impacts on neighbouring amenity are considered to principally relate to the relationship between the proposed dwellings and two adjacent dwellings, The Old Vicarage and the Coach House. The relocation of the parking spaces in the rear garden closer to the Coach House will also bring any associated noise and disturbance closer to that dwelling. Although the Coach House is separated from the Hall garden by high walling that masks lower views and which would cut out some noise, its first floor windows overlook the garden area.
The amended parking and garaging layout to serve the two houses would double the parking and associated activity in the rear garden. Although it would be encroach closer toward the Coach House than would be necessary for a single dwelling scheme, taking into consideration the tall boundary walling between the two properties and the degree of separation, it is considered, on balance, that the relocated garaging and parking would not harm the amenity of the Coach House (provided any lighting schemes were carefully controlled).

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 with it all the associated vehicle movements from the cramped former layout originally proposed for the Tithe Barn garden is a benefit. 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. 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 would be noticeable, but subject to being restricted to private residential use only e.g. no further B & B use in the Tithe Barn, it would be expected to be 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, which would allow for some B & B use, 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 an
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on-going legal dispute between the applicant and the owner of the drive and the remaining section of the bungalow.

In conclusion, 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 in discussions with officers that provided the use is restricted to private residential use, a refusal on highway safety grounds could not be supported.

**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 and temporarily sealed prior to permanent re-pointing works. 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 be attached to any consent covering submission and written agreement of a detailed mitigation and monitoring strategy with works carried out in accordance with the approved strategy.

Natural England further point out that it is for the Authority to consider “whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England’s guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and
maintenance of favourable conservation status) when considering licence applications. If works are proposed above the roof line, then Natural England recommends 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. For residential conversions and changes of use it requires the applicant to complete an environmental management sustainability checklist before submission showing use of the energy hierarchy and give consideration to the Code for Sustainable Homes criteria in their scheme. In this case no details have been submitted to demonstrate compliance with the Policy and accompanying SPD and, in view of the objections to matters of principle, the relevant checklist and supporting information has not been formally requested from the applicant. In the event members wish to approve the application, this issue could be resolved by a condition requiring submission of the relevant information.

Conclusion

In comparison with the previously approved 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 English Heritage advice. This objection in 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 result in harm the Conservation Area and to the setting and amenity of the adjacent listed Coach House, albeit to a lesser extent.

The view 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. However, Members need to be aware that this approach does not include enhancements and restoration to features of the listed building which are otherwise desirable. If Members are minded to approve the latest applications, they should do so only on the basis of the advice in paragraph 140 of the National Planning Policy Framework, which states 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.

In this case it is the view of English Heritage and your officers, that the applicant’s submitted case does not prove a conservation deficit in the scheme for the building’s optimum use a single dwelling. Consequently, in the absence of a deficit or any other exceptional circumstances, there is no need to accept the harm to Castleton Hall from its subdivision to two dwellings as enabling
development necessary to provide for its conservation and enhancement. This is especially so as, in addition to failing to prove a conservation deficit, the application fails to demonstrate any clear and convincing public benefit in the proposal to outweigh the harm or indeed demonstrate that the harm has been fully mitigated to the lowest possible level.

In these circumstances the officer recommendation is of refusal for the reasons set out above.

**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