

The Keys,
Caverswall Castle,
Blythe Bridge Road,
Caverswall,
Staffs Moorlands,
ST11 9EA.

08.07.17

Mr Ben Haywood.
Operations Manager-Development Services
Staffordshire Moorlands District Council
Leek

Dear Sir

Re: Application No. SMD/2017/0252 & 0253.
Applicants Name. Mr R MacDonald.

Reply to consultation as an owner/ occupier

This applicant, is a property developer, a business man, who purchased part of Caverswall Castle in 2006. He had the sole aim to convert Caverswall Castle into a venue for weddings and events of all kinds.

Mr MacDonald, did not inherit Caverswall Castle as a burden. Therefore all responsibility for this purchase is his. On purchasing, he was fully aware of the existing residential properties and lands, and he has subsequently purchased one of them, The Moat House, the other half of the Castle building.

Caverswall Castle was purchased as a private residential property. Much of the work initially completed by the applicant appeared to support his use as a wedding and events venue, without the benefit of change of use or planning permission, even though it is documented that he was repeatedly made aware by SMDC that this was required.

The effect of these wedding and events on the surrounding pre-existing residential properties had such a devastating detrimental impact, that SMDC raised an enforcement notice in 2008, on Caverswall Castle and its own land.

The reasons were breach of planning control, the parking of vehicles impacting on the Green belt, and the seriously harmful effect on the residential amenity of the occupiers of the neighbouring dwellings stating that the usage had contravened "saved" Policies B13 & H19 of the Staffordshire Moorlands Local Plan.

This was held in abeyance by the submission of planning applications, until the Government Inspector upheld the refusal by SMDC planning committee, in 2010, for permission for weddings and events, using importantly among other reasons, the right to amenity of the existing close surrounding properties.

In March 2011, the Company, Caverswall Castle Ltd, owned solely by Mr Robin MacDonald, and used to manage events at the Castle, went into liquidation, leaving unsecured creditors owed - £940,690.53.

Amongst these were Customer Payments :- This was the total sum of deposits and payments from couples and families, many local, spending their savings to pay in advance for weddings and events that now would never materialise, a sum of **£501,093.00** that as unsecured creditors would be unlikely to be repaid to them.

(source - Companies House records for Caverswall Castle Ltd - liquidators statement of company affairs as at March 2011)

After the appeal that upheld the refusal of permission for weddings and events, The Castle continued to be used, without the benefit of planning permission and change of use as holiday accommodation, as a whole or separated into parts, for events, conference venue, film location and any use that brought in money until SMDC successfully prosecuted the owner for this illegal usage. The owner pleaded guilty of holding some of the events in this conviction, and in mitigation of his guilty plea, stated that he was giving £10,000 to Caverswall Parish Council for the distress he had caused the villagers by holding these events. Subsequently he was fined for each of the events that he pleaded guilty to. Sadly, no record of the payment to the Parish Council has ever been seen.

In 2014, an application was made for a mixed use of 6 months residential dwelling and 6 months use of Caverswall Castle as a well-being retreat centre with guest accommodation. The applicant wished to retain the use of 1 bedroom at all times. This application was refused, mainly due to the lack of any plans to protect the amenity of the very close, existing residential properties and land, from the serious effect on their amenity.

In 2015, a new, but very similar application was made, now recognising the close existing neighbours, and including a management plan to help protect their amenities from being affected by this proposal. The proposal, was described as "benign monastic and tranquil".

To support this application, the applicant made full use of social media, declaring he was not prepared to spend any money on Caverswall Castle, and without business use it would be boarded up and left to decline. What support he gathered !

These few dribbles, causing multiple ill informed comments of support to be made to SMDC.

This time the applicant not only achieved full permission of all he requested, but business use was extended to 48 weeks of the year from the 26 he requested, and permission for a car park for 17 vehicles was also agreed. As with most permissions granted, conditions were attached, to protect the green belt, the amenity of the neighbouring properties, the setting of the building and environmental issues.

A management plan regarding the protection of the existing neighbouring properties, to protect them from any noise, disturbance, guest and vehicle movement that might affect their amenity, was made an implicit part of the section 106 legal agreement agreed by the applicant and both of his mortgage lenders.

It seems that this was not enough for the owner/applicant. Since the permission for change of use was granted he has complained about everything, the conditions, the enforcements, to everyone who will listen and pretends that these issues prevent the permissions granted going ahead.

No work to meet these conditions appear to have been started. There seems to be no evidence that SMDC has prevented the work commencing, as the onus is on the applicant to fulfil these conditions.

Now, yet again in 2017, we are bombarded by social media as the applicant states that he refuses to spend any money on Caverswall Castle and it has to maintain itself, as he has stated in the last two applications that have been submitted. It is stated that Caverswall Castle needs work urgently, and there has been no work of any sort on the Castle and grounds since 2011.

This new application has again sent social media into a frenzy, blaming everyone but the owner, who after totally neglecting his property is held up as a hero, and caring !!

Yet again the threat has been raised of boarding up the Castle and leaving it to ruin !

The applicant has commented ,(source Leek Post and Times June 7 2017) in support of these new proposals, that Weston Hall near Stafford has full permission for weddings and commercial activities, and that it is a similar building to Caverswall Castle.

In fact, Weston Hall building may be similar but it is a large building which is entered by a long driveway, surrounded by beautiful well laid out gardens, and with large car parking areas. It is sited on its own, surrounded by agricultural fields, and more importantly, there are no close buildings or neighbours.

Caverswall Castle is most certainly not the same, squashed between pre-existing residential properties and their land, and in the centre of a small village. It will only have parking for 17 vehicles ! In this same article, he actually states that "weddings could be spread out through the year"

What weddings ??????

Is this the unrestricted use of Caverswall Castle as a C3 Hotel/ Guest House that is being requested ?

At the Caverswall Parish meeting, in June 2017, Mr MacDonald admitted that he had not started any work on the previous accepted use as a dwelling and well-being retreat with guest accommodation. He now wishes for permission to start holiday lets, (the application is for groups that will total 44 guests with no control over their use, eg, parties, stag and hen nights, celebrations etc), lecture meeting venue on a small basis - (the application is for guests totalling up to 74) and used for filming as Caverswall Castle is the only listed building in the country not to allow filming or photography. Plus all the rest. Mr MacDonald seems to think that this new planning proposal will allow the immediate usage of his new proposals, ignoring all the conditions applied on the planning already agreed, that is for the mixed use of residential dwelling with a wellbeing centre / retreat with guest accommodation, with a tranquil, monastic, peaceful, relaxed yet structured programme.

These new proposals will all have a serious detrimental effect on the amenity of the existing close neighbours. They certainly will not reflect the permitted usage of the Castle, deemed to benign, monastic, tranquil, relaxed with no alcohol and the emphasis on peace and early nights .

All the close neighbours have experienced the effects of all of these new proposed uses, when Mr MacDonald used the Castle without the appropriate planning/change of use permission and not only will they now impact on the close existing residential properties and their lands, but upon the actual Castle and Caverswall village.

Social media continues to be fed crumbs to incite them into action, as you will have seen from their comments on this application including both abuse of SMDC, it's decisions and staff, then ourselves as pre-existing close neighbours.

Our property and its existence has been totally ignored in this application. We are a listed property, listed in 1953, as a curtilage building to Caverswall Castle. Our house is a large residential building, originally the stables and coach house for the Castle, hence its closeness. Our land including part of the driveway around the castle, extends down past the moat to a boundary that widens from the drive across to the Dams.

As a very close existing residential property with land bordering the Castle and moat, our house walls and bedrooms are within 30m of the rear castle walls, the kitchen, basement rooms, and all rear facing rooms. Any room with a window in the rear of the Castle building overlooks our existing residential property and land.

The applicant states in his application that the foul sewage and waste water from the Castle and Moat House are disposed of using the mains drainage system. This is untrue, it all drains through into a 130 year old shared septic tank, situated in our paddock.

The deeds of both the Castle and the Moat House state that payment for these services are commensurate with use. Until the present owner purchased the property, payments for their share were regularly made. The present occupier made 1 payment for his share in 2013. Due to the excess amounts of waste water and foul sewage created by events at the Castle, repairs were required and agreed by the owner, but he has continually refused to pay for any of his share of this completed work, or the regular maintenance required.

If you are wishing to grant any of these additional uses, we request seriously that the Castle and Moat House have their own adequate method for both the discharge of foul sewage, and surface water, in the Castle grounds, completely separate from the existing septic tank to support their waste needs. I understand that a hotel definitely has to have different plans for disposal of waste from domestic properties.

We purchased our properties over 30 years ago, when after numerous business planning applications had failed in the late 1970's, the Castle was split into two family homes, and the surrounding buildings and lands sold in separate packages, we then felt secure to purchase our home to enjoy, relax and watch our family develop in a peaceful small village.

In the late 1970's, as many people remember, Caverswall Castle was a pleasant building, surrounded by all its land and buildings, and used by the local catholic primary school and villagers for events.

Numerous applications were made at this time for various business uses, and all were refused. A property developer S.M.Walsh Developments Ltd acquired the complete land and buildings, and again was refused business uses for this complete property.

Following all the refusals, his solution was to split the complete property into smaller packages of building and land, and sell them separately. This action resulted in the Castle building being split into two separate family homes, both with small amounts of land and with the surrounding buildings, all accessed via the original castle drive, (the lodges, the stables, and other outbuildings), sold as separate units with land around them. This division of building and land was deemed to be the only way to use the whole of the property, Caverswall Castle at that time, and accepted by SMDC.

It was because of these split packages, all now pre-existing residential homes, all accessed using the same shared drive, that the residential Caverswall Castle residential estate developed.

It is impossible to access Caverswall Castle and The Moat house via the only entrance, the single bridge, without using the shared driveway, that serves all of the pre-existing residential properties. Whichever lodge entrance is used, causes noise and distress to both lodges, and to the very close neighbours. The new proposals cannot be acceptable in any way due to the way that this property was split in the late 1970s.

The impression given in this application is that it is for the original Caverswall Castle and grounds, which no longer exists.

These proposals are for exactly the uses that were refused before, and cannot be controlled to prevent severe loss of amenity to the neighbouring close properties.

It is in fact similar to the usage refused by first the planning committee, then on appeal, by a government inspector for the Secretary of State, for a wedding and events venue citing the damage to the amenities of the pre-existing residential properties.

We therefore feel that this new application to permit additional uses, will have a very severe impact on our amenity and therefore request, that firstly, the enforcement in place is retained, using the original reason of protecting the amenity of existing neighbours that was one of the important reasons for its issue. We believe that the applicant has requested this being lifted several times to SMDC but has been unsuccessful. The enforcement was put in place to protect the existing close properties, and does not prevent the Castle being used for a well-being centre/retreat.

We consider that these new application for additional uses, conflicts with Policy DC1 of the Core Strategy and national policy in the NPPF, which requires that planning always seeks to secure a good standard of amenity for all existing and future occupants of land and building.

Therefore we request that this planning application is refused in full.

M.Booth