STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Astill Planning Consultants Ltd
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Leicester
LE1 7RA

Mr MacDonald
Caverswall Castle
Caverswall
Staffordshire
ST11 9EA

Application no: SMD/2017/0252

Determined on: 2nd November 2020

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:
Caverswall Castle Blythe Bridge Road Caverswall Staffordshire ST11 9EA

Description of Development:
Change of Use of Grade 1 listed castle to permit: C1 hotel use and meeting/lecture venue; demolition of swimming pool building; creation of a car park and alteration and extension of the existing outbuilding to provide covered parking and an estate workshop with stores in connection with the proposed use

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref:
789 02
789 03A
789 04A
789 05A
789 06A
789 07
789 09 C Parking Layout
789 0A Landscaping
A1318-05 Parking Layout
for the reason(s) specified below:-

1. Caverswall Castle is a Grade 1 Listed building which is situated within the Green Belt. The Framework confirms at paragraph 146 that the re use of buildings can be appropriate development provided that the buildings are of permanent and substantial construction. That is the case here, there is no objection in principle to this aspect of the application. However an integral part of the proposal is the provision of a car park to serve the new uses. The formation of a car park for this commercial use represents

inappropriate development as undoubtedly it would have some impact both on the openness of the Green Belt and on the purposes of including land in the Green Belt (para 146). The onus is on the applicant therefore to demonstrate that very special circumstances exist to justify inappropriate development.

One of the key functions of the proposal as set out in the application is to secure a sustainable use for the Castle in order to generate an income stream for the applicant, part of which would contribute towards the repair of this Grade 1 Listed Building. Whilst this could amount to very special circumstances, sufficient to outweigh the harm to the Green Belt, no mechanism is in place to secure this funding link and thus there is no guarantee of repairs being carried out to sustain this important Grade I Listed building. Very special circumstances do not therefore exist.

The Framework confirms that LPA's should give 'substantial weight 'to any harm to the Green Belt and that the government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. In this particular case, in addition to harm by reason of inappropriateness, there is also harm to openness arising from the proposed new car park and the parking of vehicles. The proposal also conflicts with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. In the absence of very special circumstances, the harm to the Green Belt attracts substantial weight and is overriding. As such there is conflict with Policy SS10 of the Staffordshire Moorlands Local Plan and National policy in the NPPF, including but not restricted to Chapter 13.

2. Policy DC2 states that the Council will safeguard and where possible enhance the historic environment by resisting development which would harm or be detrimental to Listed buildings and promoting development which sustains such historic assets. The creation of a large area of hardstanding on which vehicles will be parked, for weeks at a time, would impinge into the principle aspect of the Castle, both in views from and towards the castle from the south and would, conflict with Policy DC2 since the proposal could not be said to be enhancing the historic environment nor safeguarding it and the case for sustaining this Listed building is not made. In terms of the Framework it is accepted that the degree of harm is less than substantial and in such circumstances the Framework requires that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As discussed above, there is no mechanism in place to ensure that the public benefits of the scheme, in terms of contribution towards the repair of this important Grade 1 Listed building would be secured. As such there is conflict with Policy DC2 of the Staffordshire Moorlands Local Plan and the NPPF in particular Chapter 16.

3. Given the close relationship between the application site and existing residential

properties and particularly East Lodge it is considered that there is potential for harm (from noise and disturbance and loss of privacy) from vehicles and the movement of guests associated with the use. Whilst the specific nature of the use as detailed in the application i.e. boutique hotel and meeting venue could be acceptable, in the absence of any mechanism to strictly control the nature and scale of the use in order to protect residential amenity, there is conflict with Policy DC1 of the adopted Staffordshire Moorlands Local Plan and national policy in the NPPF which requires planning to always to seek a good standard of amenity for all existing occupants of land and buildings.

Informatives

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The LPA has previously resolved to approve the application subject to a Section 106 Agreement. The applicant has declined to sign the agreement and therefore in the absence of an agreement to mitigate the harms arising from the scheme the proposal is deemed to be unacceptable.

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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