
Appeal Decision

Site visit made on 26 February 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 14 May 2019

Appeal Ref: APP/F4410/W/18/3212016

Castle Cottage, Lindrick, Tickhill, Doncaster, DN11 9QY

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Duchy of Lancaster (C/o Savills) against the decision of Doncaster Council.
 - The application, ref. 17/02756/FUL, dated 7 November 2017, was refused by notice dated 28 June 2018.
 - The development proposed is the redevelopment of Castle Cottage and the conversion of the stables with a single storey extension to form a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of Castle Cottage and the conversion of the stables with a single storey extension to form a new dwelling at Castle Cottage, Lindrick, Tickhill, Doncaster, DN11 9QY, in accordance with the terms of the application, Ref 17/02756/FUL, dated 7 November 2017 subject to the conditions attached as an appendix to this decision.

Procedural Matters

2. Since the submission of the appeal, the National Planning Policy Framework 2012 (The Framework) has been superseded by the 2019 version. I have considered the appeal on this basis and refer only to the updated 2019 Framework within my decision.
3. It is noted that the original description of development as presented in the Application Form has changed as a result of the acceptance by the Council of an amended plan¹ to omit the proposed garage during the application process. The description of the development in this Appeal has therefore been modified to reflect this amendment.

Main issue

4. The main issue is the effect of the development upon the setting of the surrounding listed buildings.

¹ Schematic Site Plan, Drawing No.16/056/07C, Dated October 2016, Drawn by JDM of John Hill Associates

Reasons

5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting.
6. The Appeal property consists of a two storey brick farmhouse and attached ancillary stable block which appear to date from the 19th Century. Whilst neither building is listed, they are part of a historic group of buildings that have a positive influence on the character and appearance of the area which consists of historic farmhouses and agricultural barns surrounded by open fields at the foot of the remnants of Tickhill Castle.
7. The listed buildings that would be most affected by the appeal proposal are Tickhill Castle House (Grade II*), Mill Farmhouse (Grade II), Tickhill Mill (Grade II), Castle Farm Cottage (Grade II), and Barn in castle farmyard to south east of Castle Farm Cottage (Grade II).
8. With regards to Tickhill Mill, Castle Farm Cottage, Mill Farmhouse and the Barn in the castle farmyard, these buildings date from the 18th and 19th Centuries and are situated along Lindrick and the commencement of the gravel private access which leads to Tickhill Castle and Castle House. The setting of these buildings is quite similar in that they form part of the wider agricultural landscape at the foot of the Castle which comprises of a mill pond and agricultural fields and has a tranquil and rural experience.
9. With regards to Tickhill Castle House, this is a three storey hall constructed within the Castle courtyard and most likely dates from the 17th Century but some elements may be earlier due to it being constructed with remains of the castle when it was razed. There are views present to the appeal property from the castle ramparts on the approach to Castle House. The setting of this building is much wider due to its elevated position on top of the earthwork as part of the castle. A gravel access road runs from Lindrick past the Appeal property into the castle earthwork and Castle House, which is also part of the setting of this historic building.
10. The proposed scheme would introduce some development in the form of a small extension to the stable block, and whilst diverting from the linear nature of the existing building, the proposed scheme would be reflective of the existing building in terms of proportionate design, and maintaining minimal interference to the existing design, with no new openings created.
11. Whilst I appreciate that the refurbishment of the stable block building for an alternative to a residential use could also be appropriate, such as the keeping of animals or an agricultural use, I am unconvinced that the use would be markedly different. Although it may be cheaper to refurbish the building for agricultural use, there would be no guarantee that the intensity of an agricultural/ animal keeping use would be low and this use could also have similar implications identified as occurring as a result of the proposed residential use. A new agricultural use could also result in a number of vehicle movements during the day, visitors, the widening and loss of openings to the existing stable building to facilitate the occupant's requirements, or having a use which may be more intensive or contain noise or odours which may also be detrimental to the

setting of the listed buildings and character and appearance of the surrounding area.

12. Whilst I appreciate concerns expressed with regards to the widening of the opening in the boundary wall to facilitate access, and the potential for an 'engineered, hard landscaped area with parking,' conditions can ensure appropriate soft and landscaped treatments which can resolve any concerns or impacts to the setting of the listed buildings, as well as views to and from the appeal site from the surrounding listed buildings.
13. I consider the harm caused to the listed buildings via their setting to be minor and related to the physical changes which would occur as a result of the new residential use which would alter the existing form and function of the agricultural building and surrounding land. Whilst minor, the development would result in 'less than substantial' harm within the meaning of the term in paragraph 196 of the National Planning Policy Framework (the Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The benefits of the scheme include the use and refurbishment of a historic building with an optimal viable and long term use, as well as the supply of additional housing which are both important policy objectives. These benefits are sufficient to outweigh this minor harm caused to the designated heritage assets via their setting.
15. On the basis of the above I conclude that whilst the development would result in minor impacts to the setting of surrounding listed buildings the public benefits of the proposal would outweigh this. The proposal would comply with Saved Policy ENV34 of the Doncaster *Local Plan* (which seeks to control development which affects the setting of listed buildings) and Policy CS15 of the Doncaster *Core Strategy* which seeks to preserve and enhance the significance of heritage assets). Although not mentioned in the Council's Decision Notice, the scheme would also be compliant with Policy HE1 of the Tickhill *Neighbourhood Plan* (NP) (which seeks to support proposals to maintain, conserve and improve Tickhill's heritage assets).

Other Matters

16. I note concerns from third party respondents to the application with regards to the development being within land designated as Green Belt where development is restricted. The Council have not raised the effect on the Green Belt as a concern. I have applied paragraphs 145 and 146 of the Framework and as the appeal proposal would involve the re-use of buildings that are of permanent and substantial construction; and that the extension or alteration of the building would not result in disproportionate additions over and above the size of the original building, I find that the proposed development would not be inappropriate development within the Green Belt.
17. I also note comments from third party respondents to the impact and setting of remnants of Tickhill Castle, a Scheduled Monument (SM), and its archaeological remains. The majority of the appeal site falls outside of the land designated as a SM with only the northern extent of the stable block being within land

designated as the SM. The SM's significance relates to the physical construction of the motte and bailey castle and associated physical remains and construction techniques, as well as the more intangible value in the SM's contribution to our understanding of historic defences and events such as sieges and battles which have occurred. The impacts on the setting of the SM are similar to that of the listed buildings, that whilst there is minor harm, this is not considered to be detrimental. Conditions seeking an appropriate recording and archaeological evaluation and investigation before commencement of the works is considered to be beneficial to our understanding of the significance as well as to avoid any damage to the SM.

18. Comments have also been submitted by 3rd party respondents with regards to potential protected species such as bats and Great Crested Newts being present on site. Whilst the Ecological Survey did not report Great Crested Newts, an ecological enhancement scheme can be required by condition in order to mitigate the effect of the development on any known species currently utilising the site.

Conditions

19. I refer to the conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). I note comments within the Appellant's Appeal Statement that there is an acceptance to all of the pre-commencement conditions specified by the Council in their Appeal Statement.
20. Conditions regarding a three year time period and reference to approved plans are necessary for the avoidance of doubt and in the interests of proper planning. I note that references given to plans are incorrect and omit plans such as the elevation plans of the barn and cottage. There is also no need to approve the location plan.
21. Given the existing agricultural use, no evidence was submitted during the application process with regards to potential contamination and any risks involved in changing the use of land to residential. As such it is necessary to place conditions on the permission in order to enact further discussions if contamination is found during the works and for any materials such as soil introduced into the site. The wording in the suggested condition is somewhat unclear however, and I have amended it accordingly.
22. As the site is within a sensitive location, an appropriate landscaping scheme will be required which details both hard and soft landscaping. It is noted that proposed Condition 18 - Unbuilt Areas is repetitious of proposed Condition 05 Landscaping and proposed Condition 17 - Boundary can be also incorporated into a new simplified pre-commencement condition. As the details of the re-building of the wall is approved on plan 16/056/07C, there is no need to repeat this in the condition, however the requirement of a sample panel is appropriate.
23. Given the sensitive location of the building within the setting of a number of designated heritage assets, the proposed development would be only acceptable on the basis of a sensitively designed scheme which is sympathetic to the surrounding environment. It is therefore deemed necessary to restrict the ability for extensions and alterations as suggested in Condition 08 - Permitted Dev; 09 - Permitted Dev; and Condition 07 - Permitted Dev to the existing building in

- order to ensure future works proposed would be sensitive to the surrounding historic context.
24. Proposed Condition 10 – Permitted seeks to remove permitted development to install solar equipment. Given the sensitive nature of the site, solar equipment does have the ability to cause detriment to the historic environment and therefore the removal of this permitted development is considered necessary.
 25. Proposed Condition No.06 concerns the ability to approve details of the proposed drainage of the new building which is essential and important given the archaeological sensitivity of the site and any associated groundworks.
 26. As the building is historic and likely to contain protected species such as bats, an ecological enhancement scheme is necessary in order to facilitate the protection and enhancement of protected species on site. There is a contradiction in the proposed conditions with Proposed Condition 11 – Ecology requesting approval of a landscape scheme within 3 months of the commencement of the works and Proposed Condition 05 – Landscape requiring a landscaping scheme prior to the commencement of works. There is also repetition between the conditions, as such proposed Condition 11 – Ecology is deleted and incorporated into proposed Condition 05 – Landscaping.
 27. Given the sensitive location of the proposed development amongst a number of heritage assets, it is necessary to ensure that the development is undertaken utilising appropriate materials and that approval of materials, including brickwork, windows, roof slates, pointing, rainwater goods, flues vents and pipes etc, are suitable. However proposed Condition 12 – Conservation, 13 – Samples, 14 – Window Details, 15 – Rainwater, and 16 – Grilles could be simplified significantly and incorporated into a single condition.
 28. As the site is within and close to a SM, it is necessary that the impact of the works to any archaeology is properly understood. It is also necessary to fully document and record the existing building and undertake a Written Scheme of Investigation in order to accommodate any potential archaeology which may be present.
 29. Whilst it is considered necessary to incorporate a condition with regards to understanding the proposed foundation design and its implications to groundworks and archaeology, this condition is deleted and incorporated into proposed condition 06 - Drainage.

Conclusion

30. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

J Somers

INSPECTOR

Annex: Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

- 2) The development hereby permitted shall be carried out in complete accordance with the following plans which are drawn by JDM of John Hill Associates Ltd:
 - Schematic Plans & Elevations – Barn, Drawing No:16/056/05C, Dated October 2016;
 - Schematic Plans & Elevations – Cottage, Drawing No:16/056/04B, Dated October 2016
 - Schematic Site Plan, Drawing No. 16/056/07C, Dated October 2016.

- 3) Notwithstanding the approved plans and prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority (LPA). The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority:
 - i) A written scheme of repairs to the external fabric of the dwelling and the converted barn;
 - ii) Full details and samples of all proposed external materials;
 - iii) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including timber doors, jambs and proposed exterior finish. Details of timber windows should incorporate material, exterior finish, glazing bar arrangement, method of opening and thickness of glazing panel;
 - iv) Full details of the mortar mix, colour, brick bond, gauge of jointing and pointing type;
 - v) Full details and locations of rainwater goods, pipework, grilles, vents, and flues, their materials, colour and designs;
 - vi) A one metre square sample panel of stonework for the boundary wall to be erected on site, showing the type of stone to be used, pointing, gauge of joint, and coursing; and
 - vii) Details of the alteration and making good of the boundary wall, including proposed vehicular and pedestrian gates (where applicable).

Annex: Schedule of Conditions Continued

- 4) No development shall take place on the site until a detailed landscaping scheme has been submitted to and approved in writing by the LPA. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include:
- i) A planting plan and schedule of trees including replacement tree/s along the site frontage (behind the wall) which should include the reinstatement of 4No. fruit trees;
 - ii) Details of soft and hard landscaping;
 - iii) A landscape and establishment specification, noting the requirement to replace any trees which do not become established; and
 - iv) The location of 4No. bird boxes to be installed on the site.

The agreed scheme shall be implemented prior to the first occupation of the site or in an alternative timescale to be agreed in writing with the LPA.

- 5) No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation of the site including a permanent historic record of the cottage and barn to be converted and this has been approved in writing by the LPA. The WSI shall include:
- i) The programme and method of site investigation and recording;
 - ii) The recording specification for the historic buildings;
 - iii) The requirement to seek preservation in situ of identified features of importance;
 - iv) The programme for post-investigation assessment;
 - v) The provision to be made for analysis and reporting;
 - vi) The provision to be made for publication and dissemination of the results;
 - vii) The provision to be made for deposition of the archive including the historic building record created;
 - viii) Nomination of a competent person/persons or organisation to undertake the works; and
 - ix) The timetable for completion and submission of the historic building record and of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the LPA has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

- 6) Prior to the commencement of any work on site, a detailed scheme for the foundation design and all new ground works, including foul, surface water and land drainage systems and all related works necessary to drain the site shall have been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the approved details.

Annex: Schedule of Conditions Continued

- 7) Should any unexpected significant contamination be encountered during development, all associated works shall cease and the LPA be notified in writing immediately. In this circumstance where significant contamination is encountered, a Phase 3 remediation and Phase 4 verification is to be submitted to and approved by the LPA. The associated works shall not recommence until the reports have been approved by the LPA.
- 8) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the LPA.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additional windows shall be created or other alterations made to the dwelling and/or extension hereby permitted without the prior permission of the local planning authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 14 (or any subsequent order or statutory provision revoking or re-enacting that order) no solar equipment shall be installed without prior permission of the LPA.