

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**22 October 2020**

<b>Application No:</b>	SMD/2018/0578	
<b>Location</b>	Caverswall Castle, Caverswall	
<b>Proposal</b>	Use of Premises for Day Visitors and Commercial Filming	
<b>Applicant</b>	Mr Robin MacDonald	
<b>Agent</b>	Astill Planning Ltd	
<b>Parish/ward</b>	Caverswall	<b>Date registered</b> 10/10/2018
<b>If you have a question about this report please contact:</b> Chris Johnston tel: 01538 395400 ext 4123 or Christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

This application is referred to the Committee because previous applications at the site have been determined at the committee.

### **1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site comprises the Grade I Listed Building Caverswall Castle, which is an impressive, moated castle located towards the south-west of the village of Caverswall. It is the only non ecclesiastic Grade 1 Listed building in the District. The site is located just outside of the settlement boundary of Caverswall on land designated as Green Belt. The application site also lies within the Caverswall Conservation Area. Access to the site can currently be gained from both the west and east via existing entrances. Residential development borders the eastern boundary of the site, whilst to the north, west and south lie open fields.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This is a full planning application which seeks approval for the allowance of day visitors to the castle and also to allow the owners, guests and visitors to take photo's and to film for their own private use and also to allow commercial companies to film/take photo's for a period not exceeding 9 months in any 27 month period.

3.2 An Enforcement Notice was served in November 2008 requiring the owner to cease using the premises for a number of uses including "functions/events", "activity days" and as a "film location" as these were

regarded as a material change of use of the site and therefore unauthorised uses requiring planning permission.

3.3 The applicant's agent sets out that the Enforcement Notice therefore prevents a historical record of the castle being undertaken via the use of filming and photography.

3.4 The applicant also wants to allow clubs, societies and groups including school groups to visit the castle via appointment, between the hours of 0800 to 1800, for education purposes and to experience the Grade I listed castle and therefore considers it reasonable that the visitors should be allowed to take photographs for their own enjoyment/use.

3.5 There are no new developments or works proposed on any part of the site as a result of the proposal.

3.6 A Planning and Heritage Assessment report has been submitted with the application. It explains that vehicle movements would be limited due to the restricted size of the castle forecourt for the parking of visiting vehicles. It concludes by outlining the benefits of the proposal as follows:-

- It will contribute to the repair and maintenance of the castle;
- The allowance of filming and photography would lead to a permanent record made of the heritage asset;
- It would provide an educational opportunity for young people and the local community as well as providing visitor enjoyment;
- The allowance of day visitors will promote the area and in turn boost local businesses.

3.7 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=126216>

#### **4. RELEVANT PLANNING HISTORY**

15/00683/FUL: Change of use to residence, well-being retreat centre with guest accommodation and car park. Approved.

SMD/2017/0252 and 0253. Change of use to hotel, meeting venue and creation of car park. Approved at Committee subject to S106. Formal decision not yet made.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The development plan comprises the Local Plan (adopted September 2020).

Staffs Moorlands Local Plan (Adopted September 2020)

SS1 Development Principles  
SS10 Other Rural Areas Area Strategy  
DC1 Design Considerations  
DC2 The Historical Environment  
SD4 Pollution and Water Quality.

National Planning Policy Framework (NPPF)

Paragraphs 1 – 14  
Section 4 Decision making  
Section 13 Protecting Green Belt Land  
Section 15 Conserving and enhancing the natural environment  
Section 16 Conserving and enhancing the historic environment

## 6. CONSULTATIONS CARRIED OUT

<b>Neighbour letters</b>	Expiry date 27/11/2018
<b>Site Notice Posted</b>	Expiry date for comments: 27/11/2018
<b>Press Notice</b>	31/10/18

6.1 Six letters of objection have been received from nearby residents and the main concerns raised relate to the creation of noise and disturbance from visiting groups, film companies and associated traffic.

6.2 Forty letters of support have been received from residents of a wider area.

### **Caverswall Parish Council**

Day visitors - we have no objection however we would request that objectively assessed limit on numbers allowed per day in attached due to car parking availability and that only the access from School Lane adjacent to West Lodge is designated as the only access to the Castle.

Commercial filming - we have concerns about the size and number of vehicles needed for this purpose. Vehicles required to carry the necessary filming equipment we presume would be large vehicles and therefore the access roads into Caverswall are not suitable for large vehicles there is a 7.5ton restriction on the road due to the two bridges as you enter the village. Again parking of these vehicles would be an issue as stated above.

### **SCC Highways Authority**

No comments received.

## **Environmental Health**

Recommendation of refusal: There is insufficient information provided with this application in order for the Environmental Health Department to properly comment on this proposal. Enforcement action was taken previously against this premise which included filming to prevent impact to the amenity of the nearest noise sensitive properties, there is no advice contained in this application which adequately addresses these concerns. The applicant makes clear in a statement that low level filming does occur at the site without impacts to neighbouring properties but how could this use be conditioned to prevent large scale filming operations being conducted on site? The restricted use of the site for day visitors would be less problematic in terms of noise if appropriate controls were in place but as stated previously further clarification on noise impacts should be provided. A site specific noise assessment should be submitted detailing predicted noise impacts and specific mitigation proposals.

## **SCC Flood Team**

No objection.

## **Conservation Officer**

I don't propose to comment on this application as no physical changes are proposed. I note that for any filming project the applicant will appoint a project conservator to carry out a historic risk assessment and advise on measures to protect the historic fabric. This should be added as a condition to a permission. Details of parking will be required.

## **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 The National Planning Policy Framework (herein referred to as the Framework) sets out that at the heart of the Framework is the presumption in favour of sustainable development. Paragraph 11 identifies that for decision makers this means:

(1) Approving development proposals that accord with an up to date development plan; or

(2) Where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering: -

- I. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Staffordshire Moorlands Plan has recently been adopted, therefore the policies contain therein, carry full weight.

### Principle of Development

7.3 This proposal affects a Grade 1 Listed building situated within the Green Belt and the Caverswall Conservation Area. The first issue to consider is whether the proposed development is appropriate development in the Green Belt and therefore acceptable in principle.

7.4 Policy SS10 of the Local Plan, the strategy for the countryside, requires strict control over inappropriate development in the Green Belt. The NPPF seeks to protect the openness of the Green Belt and sets out the forms of development in the Green Belt which are not considered to be 'inappropriate' and these are listed in paragraphs 145 and 146.

7.5 Changes of use of land, providing this does not impact on openness, are not regarded as inappropriate. As the application is solely for a change of use of land without any operational development, it is considered the change of use would not amount to inappropriate development and would therefore not be harmful to the Green Belt.

### **Heritage considerations**

7.6 Policy DC2 'The Historic Environment' states that the Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment and that protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

7.7 As no works are proposed, there would also be no harm to the character and appearance of the listed castle or its setting.

## **Impact on Residential Amenity**

7.8 Policy DC1 'Design Considerations' requires development to, amongst other things, protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.9 The allowance of day visitors and groups to the castle and also commercial filming companies creates the potential for significant noise, disturbance and traffic. The site is adjacent to the village of Caverswall and a significant number of residential properties. The Environmental Health Section of the Council recommend refusal on the grounds of insufficient information about the proposal. They request that a site-specific noise assessment be submitted to predicted noise impacts and specific mitigation proposals. Large scale filming operations, in particular are, likely to lead to significant noise and disturbance.

7.10 Further information was requested from the applicant's agent to enable the Council to assess the impact of the proposal on residential amenity and also on traffic levels/highway safety, with a view to also finding solutions to any problems that arise. This included the following:

-A S106 Agreement to secure a "Prior Approval" process for each proposed individual filming operation/activity specifying the size of film crew/numbers of visitors connected to the filming, the dates/times of filming, duration of filming, whether not any of the crew are staying overnight in the castle, vehicle parking, types/sizes of vehicle arriving at the site, machinery/props/pyrotechnics or any other noisy activity, any temporary structures involved, any works needed at the site.

-A restriction on the number of day visitors to 36 at any one time, as part of the same S106, with a restriction in visitor hours between to 0800 and 1800.

7.11 The concern with the restriction on numbers is due to it being anticipated that whilst school groups may arrive via a drop off/pick up from a coach, people from groups or clubs on an organised visit e.g. historical societies could choose to arrive via individual cars causing issues relating to parking problems, noise and disturbance.

7.12 However, no further information has been received from the agent that can assist the Council in assessing the proposal and its impacts any further. There is the concern that if further car parking areas on site would be needed to support the increase in vehicle numbers then this would be likely to lead to inappropriate development in the Green Belt (and potential harm to the setting of the castle) and which could only be justified if very special circumstances are demonstrated that outweigh the harm to the openness of the Green Belt caused by new car parking areas. Such very special circumstances were required to be demonstrated for the previous approvals.

7.13 The application has been in abeyance for a considerable length of time without any significant further information being submitted despite the requests. However, the applicant has now recently requested a planning decision on the application.

## **8. CONCLUSION / PLANNING BALANCE**

8.1 The change of use could provide benefits in form of raising financial support in connection with any future restoration/repairs to the Grade I listed castle, although no specific evidence has been provided. However, the proposal raises concerns over the potential for significant noise and disturbance both from the actual proposed uses as a day visitor destination, uses by commercial filming companies and from the traffic generation associated with these uses. It is considered that in the absence of any supporting information, the environmental harm outweighs the heritage asset benefits. Such harms would be contrary to Policy DC1 and SD4 of the Local Plan and also Section 15 of the NPPF. Unfortunately the submitted information is insufficient to enable an adequate assessment to be made on this basis and therefore the application is recommended for refusal.

## **9. RECOMMENDATIONS**

**A. That the application be refused for the following reasons:**

- 1. The proposed uses of the site have potential for causing significant noise and disturbance affecting the residential amenities of residents of Caverswall village. The information submitted in order to assess the impacts on residential amenity is considered to be insufficient. Therefore the application is contrary to policies DC1 'Design Considerations' and SD4 'Pollution and Water Quality' of the Staffordshire Moorlands Local Plan (adopted September 2020) which aims to protect residents from all forms of pollution including noise pollution. The application therefore fails to comply with government planning guidance contained in the National Planning Policy Framework (NPPF) at Section 15 and paragraph 127.**
- 2. In the absence of any information identifying the car parking requirements for the development proposals, the Council is unable to establish if sufficient parking exists at the site, and the impact on the surrounding road network, the heritage asset and whether the development would amount to appropriate development in the green belt. Accordingly, in the absence of sufficient information, the development fails to comply with Policies SS10 and DC1 of the Staffordshire Moorlands Local Plan (adopted September 2020).**

## **Informative**

1.It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Such matters have been discussed with the applicant with a view to seeking solutions, although such solutions have not been possible as the applicant has declined to sufficiently amend the application.

**B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.**

