

20/00944/FUL

Applicant Mr Ian Kershaw

Location Tollerton Hall Tollerton Lane Tollerton Nottinghamshire NG12 4FW

Proposal Change of use of part of Tollerton Hall and grounds to sui generis with permanent retention of associated building

Ward Tollerton

THE SITE AND SURROUNDINGS

1. Tollerton Hall (Roclaveston Manor (St Hugh's College)) is a Grade II Listed Building whose grounds include a number of outbuildings and open spaces. This high-status dwelling was constructed as a manor house set in substantial grounds in the late 17th century although it has been described as being improved in the 18th century and 'largely rebuilt' in the 19th century. Today it appears as a Gothic style hall. The building has been through several institutional uses as a private members club with an emphasis on hunting, occupied by Forces units during WWII and used after as a Prisoner of War camp, a school (St Hugh's College) in the 1950s-60s during which a large extension was added to the rear, and most recently it was used in business use as offices.
2. The property is now in private ownership and is largely in use as a private dwelling. There are two accesses to Tollerton Hall, the northern access is onto the Hall as a residential dwelling and is not included within the red line of this planning application. The part of the Hall and its grounds to which the current application relates is accessed via the driveway to the west of the site that enters past 166 Tollerton Lane and proceeds past 162 Tollerton Lane and several office buildings and associated parking areas which are housed in buildings referred to as units within 'The Coach House'. The driveway then opens out onto a large area of hardstanding which it is understood was previously a playground area for the college.
3. Part of this area of hardstanding provides parking for the offices housed within the Coach House and part is enclosed by metal railings and gates and is used in connection with the business forming the subject of this application. On this area of hardstanding is a wood effect dark brown clad building with metal profile roof and attached timber lean-to.

DETAILS OF THE PROPOSAL

4. The current application is retrospective and seeks to regularise the change of use of part of Tollerton Hall and its grounds to sui generis (car showroom) with permanent retention of an associated building in the grounds.
5. The area of the hall to be changed is the ground floor southern section of the hall which is formed by a 1960s extension. The outbuilding is currently unauthorised and measures 15m x 15m, it is 2.6m to the eaves and 5.9m to

the ridge. The building is clad in a dark brown wood effect material with a metal profiled roof. There is a timber lean to one side.

6. The application is supported by a Heritage Statement, Design and Access Statement and a Landscape and Visual Impact Assessment.

SITE HISTORY

7. Tollerton Hall was originally constructed in the 17th century and is Grade II Listed. It was originally constructed for use as a residential dwelling, but has also been used as a hospital during the second world war and college. In 1985 planning permission was granted to change the use of the building from college to offices. It is now used primarily as a residential property, with some areas used commercially. This application seeks to regularise those areas of the site that are associated with the commercial car showroom use.
8. In the early 1990s several planning applications were approved for the conversion and extension of the stable blocks to the south of Tollerton Hall (and access via the western driveway) to be used as offices. These buildings remain in this use.
9. In 2017 the current applicant applied to change the use of the Hall back to C3 dwelling house and also applied for repairs and alterations. Planning permission and Listed Building Consent were granted under 17/02548/FUL and 17/02549/LBC.
10. In addition, applications 17/02059/FUL and 17/02060/LBC were granted to demolish part of the existing boundary wall, rebuild boundary wall in reclaimed bricks, new gate pillars, new iron gates, new post and rail timber fencing. This relates to the main entrance to the north of Tollerton Hall.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr. Mason) does not object to the application.

Town/Parish Council

12. Tollerton Parish Council does not object

Statutory and Other Consultees

13. The Borough Council's Environmental Health Officer has no comments or conditions to add.
14. The Borough Council's Conservation Officer does not object to the change of use of part of the Hall to a car showroom, as the area has previously been used as offices and the area is entirely modern and includes a substantial open-plan area that would require little adaptation. It is considered that the proposed change of use would serve to preserve the listed building, a goal considered to be desirable within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and this aspect of the proposal is therefore considered positively in relation to the duty under this section of The 1990 Act.

15. However, it is considered that the retention of the freestanding building constitutes less than substantial harm to the setting and significance of Tollerton Hall. The Officer states that *“In such circumstances as those considered above, and weighing the planning balance, it is considered that the proposal for the retention of building in association with this use would cause harm to the listed building, thus failing to preserve as is considered to be a ‘desirable’ objective within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This conflict gives rise to a statutory presumption against granting planning permission.”*
16. *The statutory duties under Section 66 of “The Planning (Listed Buildings and Conservation Areas) Act 1990” carry great weight and conflicts with their requirements to preserve or enhance the special interest of heritage assets give rise to a potential reason for refusal of this application. Such a conflict can be outweighed by material benefits, however these must be powerful enough to overcome the statutory presumption in favour of preservation.*
17. *I would also stress that the NPPF, at paragraph 194, requires a clear and convincing justification for any harm to be provided by an applicant. No such case has been made. In the absence of a justification for the harm it is arguable as to whether or not it is legitimate to apply the test under paragraph 196, as it would seem to be illogical to conclude that harm can be accepted owing to wider public benefits despite having no justification for why the harm need be endured at all.”*
18. The Borough Council’s Design and Landscape Officer states that *“The LVIA is in accordance with best practice. I don’t take issue with their findings and it makes a strong case that public views from outside the site are not affected by the new building and it is such small scale it doesn’t impact on wider landscape character.*
19. *Within the site the building can be seen within some views, but as it sits within a large pre-existing tarmacked area of parking and is partially screened by a conifer hedge to one site and a line of trees to the south I don’t object.*
20. *I also note that a hedge and some tree planting has taken place on the eastern edge of the parking area, Laurel hedging wouldn’t have been my first choice, but it does help soften the building on the approach.”*
21. The Nottinghamshire County Council as Highways Authority have no objection, they comment that *“...the car sales business employs five members of staff (two of which reside at Tollerton Hall). It is stated that the nature of the business does not generate ‘passing trade’ or ‘window shopping’ customers. The site is very infrequently visited by customers, with pre-arranged appointments only. The vast majority of business is conducted over the phone or via the internet [...] The existing access arrangement serving the car showroom use falls below the standards required for access in accordance with the Nottinghamshire Highway Design Guide. That said, it is acknowledged that the access already serves a number of commercial uses, and the proposed change of use will remove permitted office use, which itself could have generated vehicle movements. Furthermore, we are not aware of any issues with the current operation of the access.”*

Local Residents and the General Public

22. None

PLANNING POLICY

23. The application falls to be considered against the development plan for Rushcliffe (unless material considerations indicate otherwise) which now comprises of Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy) and Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework 2019 (NPPF).

Relevant National Planning Policies and Guidance

24. Relevant sections of the NPPF are:

Chapter 2 - Achieving sustainable development;
Chapter 13 - Protecting Green Belt Land; and
Chapter 16 - Conserving and enhancing the historic environment”

25. Also of relevance is Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Local Planning Policies and Guidance

26. Relevant policies of the Rushcliffe Local Plan Part 1: Core Strategy:

Policy 1 - Presumption in Favour of Sustainable Development;
Policy 4 - Nottingham-Derby Green Belt; and
Policy 11 - Historic Environment.

27. Relevant policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies:

Policy 1 - Development Requirements;
Policy 21 - Green Belt; and
Policy 28 - Conserving and Enhancing Heritage Assets.

APPRAISAL

28. The key considerations are the principle of development in terms of Green Belt Policy, Heritage Conservation in terms of impact on the Listed Building and its setting, and also any associated highways or amenity issues associated with the proposed change of use.

Green Belt

29. The NPPF makes clear at paragraph 145 that the construction of new buildings in the Green Belt is inappropriate development, with some exceptions. paragraph 146 states certain other forms of development that are not inappropriate. The proposed change of use of part of the existing building would fall under paragraph 146 and as such is not inappropriate and is acceptable in terms of Green Belt policy.

30. It therefore first falls to consider whether the proposed retention of the currently unauthorised building in connection with the car showroom use would fall to be considered as an exception under paragraph 145 or 146.
31. Paragraph 145 part g) states that one of these exceptions is the; *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*
- *Not have a greater impact on the openness of the Green Belt than the existing development*
 - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*
32. The Landscape and Visual Impact Assessment submitted with the application states that; *“The footprint of the building has been incorporated into the wider Hall’s uses for many decades, including as part of the site’s historical uses for military purposes and educational uses. Historically the area of the overall site in which the building is currently located has been used as a playground but has also previously housed a sizeable refectory, pre-fabricated classroom building and agricultural-style barn which was still present until shortly prior to the purchase of the Hall by the Applicant. The hardstanding on which the storage building sits has been established for decades.”*
33. The proposal would not constitute limited infilling, and as the previous building was demolished some time ago (before the applicant bought the Hall), the storage building that currently forms the subject of this application cannot be considered a replacement. Previously developed land is defined within the NPPF and specifically excludes *“land that was previously developed but where the remains of the permanent structure or fixed structure have blended into the landscape.”*
34. The building is therefore considered to be inappropriate development in the Green Belt. The submitted Design and Access Statement sets out that the proposal contributes to the Hall’s ongoing vitality, it would maintain employment for a small number of staff and would also ensure the ongoing care, maintenance and active use of an otherwise under-used area of a designated heritage asset. The statement also states that; *“The Applicant’s collection of vehicles are of such significance that they could appropriately be housed and generate interest if kept in a museum.”*
35. These benefits have been carefully considered and they do carry some weight as Very Special Circumstances.
36. The Design and Access Statement also sets out as a Very Special Circumstance that the building does not impact on the openness of the immediate or wider area when compared to the established built development, and also that the area is enclosed by significant vegetation and fencing.
37. The application has been supported by a Landscape and Visual Impact Assessment which assesses the impact of the building on the openness of the

Green Belt. It concludes that the impact on public views from outside the site are not affected and that the building is small scale, *“the built elements are small and insignificant when set within and against the backdrop of Tollerton Hall and its surrounding built and vegetated context”*. Whilst the conclusions of this report are accepted, nonetheless the building is inappropriate development and, by definition, harmful to the Green Belt.

38. On balance, the Very Special Circumstances put forward by the applicant do not outweigh the harm to the Green Belt.

Heritage

39. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, it will be necessary to 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. Furthermore, the NPPF requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the degree of harm.
40. In terms of the heritage impacts on the Listed Building and its setting arising from the current proposals, the proposed change of use is considered acceptable. The proposed retention of the building is, however, found to cause harm, albeit less than substantial harm. In these circumstances, the NPPF advises at paragraph 196 that such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
41. As set out above, the Design and Access Statement states that the proposal contributes to the Hall's ongoing vitality and ensures on-going care and maintenance of the Hall and grounds. However, what is not clear is why this particular building and its location have been chosen. Arguably there are more suitable designs, styles and sizes of buildings that could be constructed that would either, potentially, not harm the setting of the Listed Building or that would provide greater benefits to outweigh the harm.

Amenity/Highways

42. The proposed change of use of part of the building would be unlikely to have a significant impact on the occupiers of the Hall. The applicant is the owner and the application states that two employees live at the Hall, the scale and nature of the business is considered unlikely to impact on their amenity or that of occupiers of neighbouring properties. The Highways Officer concludes that the overall number of visitors would be likely to be less than the previous office use and overall has no objections to make.
43. The proposal is presented for planning permission on a retrospective basis, the need for planning permission has been highlighted to the applicant and that the work would be unlikely to be considered favourably. The application submitted has not proposed ways of mitigating the concerns relating to the works already undertaken and there is a fundamental objection to their retention. The applicant has been made aware of the situation in writing and in

order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal and a decision has been issued in a timely fashion.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The currently unauthorised building which the application seeks to retain would constitute an inappropriate form of development in the Green Belt for which the Very Special Circumstances do not outweigh the resultant harm. Refusing planning permission would, therefore, be in accordance with the NPPF paragraphs 143 to 145 and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The currently unauthorised building which the application seeks to retain would harm the setting of the Listed Building, and the benefits that have been proposed do not outweigh the harm. Therefore, the proposal fails to preserve the setting of the Listed Building, an objective described as desirable in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal does not therefore accord with the guidance contained in paragraph 194 and 196 of the National Planning Policy Framework and are contrary to Policy 28 (Historic Environment) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states that;

“Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals”