
CHESTERFIELD & DISTRICT CIVIC SOCIETY

NEWSLETTER

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Campaigning to make Chesterfield a better place to live



The main front of Dunston Hall. The entrance porch is dated 1826, which is presumably when the present facade was built, but the three-story section to the right appears to be the remains of a typical north Derbyshire 'high house' built by the Milnes family c.1600.

DUNSTON HALL: FROM BAD TO WORSE

In the last newsletter we explained why the Civic Society had written to the Borough Council opposing a listed building application to make changes to Dunston Hall, a grade II listed building. There have been developments over the last month on which members may like to be updated. Some of these have already been reported (briefly but accurately) in the *Derbyshire Times*.

First, neither the owner's original listed building application for work on the Hall itself (which the Civic Society has opposed), nor a later application to convert an unlisted outbuilding into a wedding venue, has

been determined by the local planning authority. Despite this, we understand from a neighbour that building work is in progress.

The Civic Society will also oppose the second of these applications, partly on the ground that no work should be done to either the Hall or any outbuildings until a full architectural assessment has been made of the property, which has not yet been done. This will enable the structural history of the Hall to be properly worked out, and the importance of the outbuildings and grounds as part of the setting of the listed building fully considered. The heritage statement submitted with the second application is merely a reworking of the document submitted with the listed building consent application in respect of the Hall, which we consider wholly

inadequate.

The other reason for opposing the conversion of the outbuilding (and indeed the works to the Hall itself) is that the owner of the property has not yet obtained either planning permission for the use of Dunston Hall to be changed from a private residence to wedding venue, or a licence from the county council for the use of the outbuilding in question as a venue for civil marriages and civil partnerships.

On 7 June an application was submitted to the Borough Council for a change of use from a private residence to 'Sui Generis use permitting the building to be operated as a Holiday Let and wedding venue, including conversion of existing garages to create an internal space suitable for conducting wedding ceremonies, and conversion of outbuilding to create a Function Room'.

This application was validated by the local authority on the day it was submitted but was not displayed on the council's planning website until 14 June. The application is unusual in that there is no application form on the file and no plans or other documents have been submitted. This makes it impossible properly to consider the application.

Although none of these three applications has yet been determined, the owner has created a website which states that Dunston Hall is available for 'weddings and bespoke events', that there are ten luxury bedrooms available for wedding guests, as well as holiday lets, and that shepherds' huts which will be available on the estate. Neither the wedding venue, the luxury bedrooms, the holiday lets nor the shepherds' huts exist at the pres-

ent time, and none of these developments currently has planning permission or listed building consent (or, in the case of the wedding venue, a licence from the county council).

The website also states that the 'Hall's Grand Dining room will seat up to 80 people comfortably'. The largest ground floor room at Dunston Hall, which was described as a dining room in the agent's particulars when the property was put on the market in 2018, measures approximately 15 ft by 24 ft. The present owner does not have listed building consent to combine two or more rooms into one larger space.

On 9 June, before the application to change the use of the property from a private residence to a wedding venue was displayed on the local authority's website, the Civic Society wrote to the trading standards department of Derbyshire County Council drawing their attention to certain statements made on the Dunston Hall website and asking whether those statements constituted a breach of statutory trading standards.

A trading standards officer replied on 18 June stating that his department had contacted the proprietor of the premises in question, who had advised him that planning applications had been submitted and that discussions with the local authority were continuing. The officer understood that, once those discussions were complete, civil marriage and civil partnership licence applications might follow in due course. In the meantime, it had been agreed (between the county council and the owner of Dunston Hall) that wording would be added to the webpage to inform the public of the current status of those licence applications.

As at 26 June no change had been made to the text which was subject of this exchange of letters.

Anyone seeking planning permission (or listed building consent) is welcome to discuss their application with officers of the local authority (indeed, is encouraged to do so) but 'discussions' are not the same as the determination of an application. Only after the local authority has granted the permission sought can the applicant legally proceed with whatever he has applied to do. The process may be extended if the application is rejected

and the applicant appeals to the Secretary of State.

The owner of a house adjoining Dunston Hall has complained to the local authority on several occasions about work being carried out at the property, which has led to visits by officers of the borough planning department. In particular, he has complained about the cutting down of trees in the grounds of the Hall, apparently to create a car-park. The owner of the Hall appears not to have permission to cut down the trees.

In the course of correspondence with the neighbour, an officer of the Borough Council advised him that 'A caution has already been issued concerning suspected offences and I can assure you that I will be looking very closely at the works undertaken so far and with regard to their intentions for the site'. He added that he was arranging a meeting with the owner and his professional advisers 'to get to the bottom of their plans'.

At the time of writing this business remains in a very unsatisfactory state. Essentially the problems described here have arisen because the owner of Dunston Hall appears to have begun work to convert the property from a private residence into a wedding venue without permission from the local planning authority. Such permission has now been sought but has not yet been obtained.

It is perfectly possible to argue that Dunston Hall would make an excellent venue for weddings. It is also possible to argue that it is unsuitable for such a purpose. It is for this reason that Parliament has decided that before the use of a building can be changed, the person wishing to make the change must obtain permission from the local planning authority. This allows those opposed to the change to put forward their case alongside that made by the applicant. Democratically elected councillors, as representatives of the public, advised by professionally qualified officers, then make a decision on the application, taking into account the points made by both sides.

This is a tried and trusted system, which has generally worked well since 1947. The actions in recent months of the owner of Dunston Hall suggest that he believes that he alone can decide whether the property

should be converted into a wedding venue and that he is entitled to act accordingly. That is not what the law says, and it is ultimately for that reason that the Civic Society objects to what he has done and the way he has done it. Or as Lord Denning put it, echoing the words of Thomas Fuller, 'Be you never so high, the law is above you'.



The sadly familiar view of the back of Hurst House, now looking very neglected after being left empty by the county council for seven years. W.T. Parker are no longer acting in the sale of the property.

HURST HOUSE: YET MORE DELAY

We also devoted a considerable amount of space in the last newsletter to Hurst House, which remains a matter of great concern to the Civic Society committee. Again, there have been developments which members (and the wider public) should be aware of.

The society was recently contacted by someone interested in buying Hurst House to restore it as a private residence, as it was until 1928. A few years ago another prospective purchaser, who did not in the end proceed, obtained permission to convert the property back to a private house.

When the Civic Society asked the county council, as sole trustee of the charity which owns Hurst House, to arrange a viewing for the person in question, it refused to do so. The reason for its refusal was that the transfer of Hurst House from the county council to the Derbyshire Community Foundation, which is to replace the county council as sole trustee of the charity, was still in progress and that it would be inappropriate for any steps to be taken in the sale of the property until the

transfer was completed.

This decision is almost certainly a breach of the trust on which the county council holds Hurst House, since the law requires the trustee of a charity always to act in the best interests of the charity.

No reasonable person would argue that it is not in the best interests of the charity for Hurst House to be sold and the proceeds invested for the benefit of the charity. The property has produced no income for the charity since 2014, during which time there has been expenditure on keeping it secure. It is therefore a liability to the charity, not an asset, and its disposal can only be in the best interests of the charity.

The Civic Society sent a copy of its request to the county council to the Charity Commission, asking the Commission to support its attempt to find a buyer for Hurst House. The Commission has not replied to our letter. For this reason, it is probably pointless to bring this alleged breach of trust to its attention and to ask it to take action as the sector regulator. As others have observed, the reform of the Charity Commission into a body capable of regulating charities is long overdue.

Nor is anything likely to be achieved by taking the other course of action common in these circumstances, i.e. writing to the divisional Member of Parliament asking him to pursue the matter with the Minister who answers for the Charity Commission in the House of Commons. When the Civic Society last wrote to Toby Perkins (concerning the proposed cycle super-highway) we did not receive a reply.

It appears that all the Civic Society can do at present is to wait until the conveyance of Hurst House to the new trustee of the Chesterfield Schools Foundation is completed, and then to press the Foundation as hard as possible to sell the property. This we will undoubtedly do.

We understand that the Foundation has itself already received one approach from an individual interested in buying Hurst House. A sale by informal tender may therefore be in the best interests of the charity. It would certainly not be in its best interests for the Derbyshire Community Foundation to retain Hurst

House, a view which we will press very strongly on the Foundation (and on the Charity Commission) when the time comes.

ALL QUIET ON THE WESTERN FRONT (AND IN THE EAST)

There is still no news about the county council's deeply unpopular proposal to build a two-way high speed cycle track along Chatsworth Road in Brookside and, as part of the same scheme, to make permanent the closure of Crow Lane. It is now several weeks since the county council elections and yet 'election purdah' still seems to have settled over this matter.

Following the election the controlling Conservative Group on the county council made some changes to its Cabinet, as a result of which the new Cabinet member responsible for highways is County Councillor Kewal Singh Athwal.



County Councillor Kewal Singh Athwal, the new Cabinet member responsible for highways, including the Chesterfield cycle track scheme.

Since Coun. Athwal sits for the Sawley division in the south-east of the county and lives in Long Eaton, he is unlikely to be closely familiar with the Chesterfield cycle track scheme. Accordingly, the Civic Society wrote to him at some length briefing him on the situation and asking whether the county council had decided to proceed with or abandon this

project or, if it had not made a decision, when an announcement might be expected.

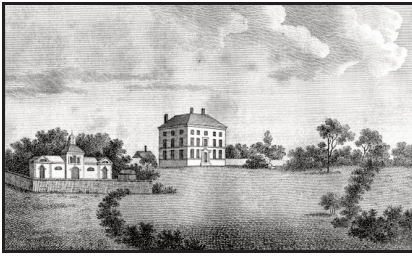
Unfortunately the new Cabinet member seems reluctant to reply to emails from taxpayers. Having received no acknowledgement or reply after a week, we wrote again, observing that, according to a short biography on the county council website, before seeking public office, Coun. Athwal had a successful business career, rising to director level. We suggested that he would not have achieved this success if he had ignored customers' emails for a week or more, and that it would be helpful if he adopted a more businesslike approach to correspondence on county council business. We have still not heard from him.

WHAT FUTURE FOR TAPTON HOUSE?

Another matter of concern to many local people is the future of Tipton House, one of a handful of buildings in the borough listed Grade II*, mainly because of its fine interiors.

The history of the property will be familiar to Civic Society members. The mansion was built c.1790 by Isaac Wilkinson, a merchant and banker, and between 1838 and his death in 1848 was leased to the railway engineer, George Stephenson, who tends to be the occupier with which Tipton is most often associated. Afterwards the house was a girls' school for some years before it was purchased by Charles Markham, the managing director of the Staveley Coal & Iron Company in 1872, who moved there with his family.

In 1925, the year before he died, Charles Markham's son and heir, C.P. Markham, who had no close relative to inherit, offered the estate to Chesterfield Corporation. He wished the mansion to become a museum or 'institute' for the benefit of the people of Chesterfield and the park to remain a public open space. He reserved from the gift the land on which Paxton Road was developed. As well as the mansion and park there were four let properties on the estate: a home farm, Sidlings Farm, Murray House (then



A little known engraving by J.P. Malcolm of Tapton House as first built, before it was extended to its present size (Courtesy *Birmingham and Tapton Local History Group*).

occupied by Staveley's managing director) and Cote House.

In the event, in 1931 Tapton House became a senior school, which after 1944 was Chesterfield's only mixed academic secondary school. The northern part of the grounds became a public park and the southern part a pay-and-play golf course, opened in 1934. Most of the land let with Sidlings farm was taken into the course when it was extended from nine holes to eighteen in 1935-6 and the farm buildings were later demolished. Also in 1936 Murray House became the club-house for the golf course. Cote House remains a private residence.

After the school closed in 1991 Chesterfield College used the buildings for some years but since they vacated the house has remained empty. The large kitchen gardens adjoining the mansion are now occupied by the Tapton Innovation Centre. The park and the gardens at the back of the house are still open to the public, while the golf course, privately managed since 2009, remains very popular.

For the last couple of years the Borough Council has been trying, without success, to let Tapton House as offices. A major problem is that the building would have very high running costs, compared with modern offices with a similar floor area.

The council has recently changed tack and is now offering the mansion on a long lease (probably at least a hundred years and possibly 250), so that the lessee would for most purposes be in the position of a freeholder. A long leaseholder would have more freedom of action as to what they could do with the building, but would remain closely constrained by the Grade II* listing, which protects the interior as well as the exte-

rior, as well as any covenants imposed by the Borough Council as lessor.

The council's decision has, we understand, been the subject of ill-informed criticism on social media by those who believe that Tapton House should remain available 'for the people of Chesterfield', an ill-defined phrase which misunderstands the terms on which Markham conveyed the estate to the former Chesterfield Corporation.

Comments of this sort also fail to grasp the problems facing a local authority which finds itself the owner of a handsome but empty eighteenth-century mansion. The Borough Council wishes to find the best solution for Tapton House which reflects its statutory protection as a building of both architectural and historic interest, but also has a responsibility to its taxpayers.



Tapton House in its final form, viewed from the south-east. Could it once again become a private residence?

Most recently, a Friends of Tapton House group has been established, which is seeking a use for the mansion that would retain public access to the house as well as the grounds. The latter is not at present under any threat.

The problem with any 'community use' is that, while the Heritage Lottery Fund might contribute to the capital cost of restoring the mansion and adapting the school buildings to a new use, neither the HLF nor any other grant-giving body will normally help with the very considerable running costs of such a venture, which is unlikely to produce much income.

Any suggestion that Tapton House might become a museum, as Markham originally intended, is frankly fanciful, given the likely running costs and the lack of any income stream. It cannot be said that the present museum on St Mary's Gate has won overwhelming support from local residents or that visitor numbers

are all they might be.

Two other possibilities – conversion into flats or a hotel – can almost certainly be ruled out because of Tapton's status as a II* listed building. It is very unlikely that Historic England would allow the necessary alterations, especially those needed to create self-contained flats.

A better idea, radical though this may seem, might be for Tapton House to revert to a private residence. Although at first sight it might look far too large, and critics will point to the number of servants the Markhams had before the First World War (as Violent Markham recalls in her memoirs, *Return Passage*), houses of this size are still occupied privately, and some formerly in institutional use have been restored to become family homes again. With modern technology, there is no need (even if this was possible) to have a domestic staff on the scale of the Markhams' days.

Locally, Tapton House is about the same size at Walton Lodge, which has been a private residence throughout its life, and privately owned since the Staveley Company ceased to use it as a home for their managing director.

Former pupils of the school or Chesterfield College students may remember the buildings as very extensive, but the mansion itself is essentially a plain four-square Georgian block, with four principal rooms on the ground floor. On the first floor the number of bedrooms would be reduced with the installation of bathrooms to meet modern needs, and the top floor could become a flat for staff or semi-independent family members. All three floors are served by a passenger lift.

The school buildings may be a more intractable problem, but there is a possible solution. They are attached to the listed building, and so are pro-



The former school buildings at the rear of the Tapton House. Is it essential they be retained?

tected, but they are of no special architectural merit (in contrast, for example, to the Girls' High School building of 1911). They are connected to the mansion only at its north-eastern corner. This link could either be sealed, enabling the school rooms to be sold separately for office use, or severed by demolishing the portion forming the link at ground- and first-floor level. Indeed they could all be demolished if no use can be found for them. Alternatively, this part of the building might be given over to a 'community use', which would be a much simpler proposition than a scheme involving the mansion.

It might be argued that Historic England would not allow this, but there are examples of much bigger

houses being reduced to a manageable size by the demolition, typically, of Victorian additions for which there is no modern use (Sandringham being one of the best known cases; Boughton Hall in Northamptonshire is another).

There is no doubt that 'something must be done' about Tapton House. Unlike Hurst House, where the charity trustee's conduct since the property fell empty can only be described as a disgrace, especially for a county council, the Borough Council has done all it can to find a viable solution for Tapton House. We can only hope that the offer of a long lease encourages an individual, organisation or business to come forward with an offer that secures the future of one

of Chesterfield's most important historic buildings.

NOTHING FURTHER TO REPORT

There is little news on other matters we mentioned in the last newsletter, including both the conversion of Brampton Manor into flats and the building of a bungalow close to the surviving remains of Wingerworth Hall. In neither case has a pending planning application been decided and both have been dragging on for a very long time. For this reason this month's newsletter is a little shorter than the few last few issues.