
Appeal Decision

Site visit made on 26 April 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/J1915/W/19/3221917

**Tewin Water Farm, Churchfield Road, Tewin Water, Tewin, Welwyn
AL6 6BW**

- 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 Vaughan Williams of Tewin Bury Farm against the decision of East Hertfordshire District Council.
 - The application 3/18/1777/FUL dated 2 August 2018 was refused by notice dated 31 October 2018.
 - The development proposed is the construction of a new farmyard including 3 new agricultural buildings, associated yard area, cattle handling pens and silage storage area landscaping and drainage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form stated that the applicant was the Williams Brothers Partnership. The appeal form refers to Vaughan Williams of Tewin Bury Farm. However, as a letter in connection with the appeal confirms that Vaughan Williams is a Williams brother, I have referred to the appeal form details in the banner heading.
3. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issue

4. The main issue is whether the appeal proposal would adversely affect the significance of a designated heritage asset namely the Grade II Registered Park and Garden of Tewin Water (the Park).

Reasons

Effect on Designated Heritage Asset

5. One of the core principles of the Framework is to conserve heritage assets in a manner appropriate to its significance, so that they can be enjoyed by current and future generations. Paragraph 132 of the Framework states that when

considering the impact of a proposal, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

6. The appeal site is pasture land that was part of the Tewin Water estate. The listing description refers to "A late C18 landscape and pleasure grounds to designs by Humphry Repton, surrounding a late C18 country house". The historical importance of the Park is included in its detailed listing description starting with the history of the manor of Tewin in 1714 up to the 1940s when the park was sold off to various owners. The Gardens Trust as the main consultee for Grade II registered landscapes considers that the Park is the most well preserved of the Repton landscapes in Hertfordshire.
7. The appeal site is to the north east corner of the Park and is accessed off Churchfield Road and has Home Wood to the west. The listing description refers to the north east corner of the Park as being largely laid to open arable and that is still the case. The nearest buildings are Tewin Lodge which is to the south along Churchfield Road and Tewin Water House which is beyond Home Wood. The Park is characterised by openness and its undeveloped nature with large expanses of mature trees.
8. The appeal proposal would include three new buildings namely a cow shed to house a herd of 60 longhorn cattle, and two buildings for straw and machinery storage, hardstanding and a silage area. The buildings would be of a simple, functional style and would be recognisable as farm buildings. The cow shed would be the largest building at around 9 metres in height, 42 metres long and 24 metres wide. The appeal site is around 2.9 hectares and would involve the loss of an area of natural grassland to be replaced by the hardstanding of the farmyard enclosed by stock proof fencing and new planting. Significant earthworks would be required, and excavation would lower parts of the site and raise other parts so that the nature of the landscape would be permanently changed.
9. The appellant's Landscape Assessment shows that the appeal proposal would not be visible in more distant views. However, the nature and size of the proposal buildings in a largely undeveloped rural landscape would result in a significant adverse visual impact. Although mitigation in the form of new planting is suggested, illustrations show that it will take 15 years for planting to having matured to such a degree to provide the level of screening shown. There would be views of the appeal proposal particularly from Bridleway Tewin 07 which runs along the northern boundary of the Park.
10. Whilst the Park has changed over time, it remains a designated heritage asset. Although the appeal proposal would affect a small proportion of the Park, it would represent a significant change from the current overriding open character of the appeal site.
11. Nevertheless, the resultant harm would be less than substantial in terms of Paragraph 196 of the Framework. Legal precedent determines that I must give considerable importance to such harm. Where harm is assessed to be less than substantial, Paragraph 196 advises that the harm that would be caused should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Heritage Balance

12. In assessing public benefits, the Planning Policy Guidance states that they should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just a private benefit. However, they do not always have to be visible or accessible to the public in order to be genuine public benefits.
13. The appellant has commissioned a long term management plan by Maydencroft which includes a number of recommendations to enhance the landscape and biodiversity and part of that plan was to reintroduce English longhorn cattle to graze in the parkland. The appellant refers to the Maydencroft report recommendations in identifying benefits that would arise.
14. There are plans to buy more land at Tewin Water with other residents, to work with the Gardens Trust to restore areas of the Park. The appellant has also referred to examples of collaborative work with other bodies such as Affinity Water on river restoration. There are also plans to create public rights of way as there are none currently. However, the public access could be achieved outside of the appeal proposal.
15. The appeal proposal would enable the appellants to diversify into livestock away from crops. The beef produced would be sold in the appellant's restaurant at Tewin Bury Farm Hotel. Reference is made to the creation of local jobs and securing the economic viability of the existing family farm and the restaurant. However, I have limited financial details and without a link between the economic and environmental benefits, the economic benefits appear to largely private rather than public benefits.
16. The appeal proposal boundary is limited to only the proposed farm buildings land and an area to the north of the buildings. Whilst the appellant's plan for wider improvements is no doubt genuine, for the purpose of this appeal, there is no direct link between allowing the appeal proposal and the wider potential public benefits. The appellant acknowledges that formal agreements would need to be put in place to secure these objectives, but such agreements are not before me.
17. Overall, there is limited information to show that the public benefits would arise directly from the appeal proposal. The harm that I have found is not, therefore, outweighed by the public benefits that the scheme may bring.

Other Matters

18. The parties disagree as to whether there are suitable alternative sites for the appeal proposal outside the Park. Whilst there is no specific requirement for alternative sites to be assessed, there is limited substantive information before me that in order for cattle to return to the Park, the associated farm has to be in the same location.
19. The appeal site is within the Green Belt. The Council has stated that the buildings are for agriculture and are not therefore inappropriate in the Green Belt and that there is no requirement to look at other Green Belt considerations such as openness. I see no significant reason to conclude otherwise on this point. Nevertheless, even if I were to conclude differently and find that the proposal would be inappropriate development in the Green Belt, my findings in relation to the main issue would be unaltered.

Conclusion

20. Taking all matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the harm that would be caused to the Park. The proposal would therefore be contrary to the Framework as well as failing the statutory tests and would adversely affect the significance of the Park. It would therefore not comply with Policy HA1 of the East Herts District Plan October 2018 (the District Plan) which firstly refers to development proposals preserving and where appropriate enhancing the historic environment. Secondly, it refers to less than substantial harm being weighed against the public benefits of the proposal. It would also not comply with Policy HA8 of the District Plan which, amongst other things, refers to the protection of the special historic character, appearance or setting of Registered Parks and Gardens.

21. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR