



Appeal Decision

Site visit made on 1 October 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/P1940/W/19/3232159

Hunton Park, Essex Lane, Abbots Langley, WD4 8PN

- 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 Tesla Motors against the decision of Three Rivers District Council.
 - The application Ref 19/0540/RSP, dated 20 March 2019, was refused by notice dated 3 June 2019.
 - The development proposed is described as 'Provision of 16 electric car charging spaces with associated works (retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks retrospective planning permission for the retention of a new parking area with the provision of 16 bays with electric charging and associated works, specifically for use by Tesla Motors. During my site visit I observed that part of the work had already been undertaken and the appeal is determined on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - The setting of a Listed Building (LB); and,
 - Whether the development would be inappropriate development for the purposes of the National Planning Policy Framework (2109) (the Framework); and,
 - The effect on the openness of the Green Belt; and,
 - If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Listed Building

4. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving

- the building or its setting or any features of special architectural or historic interest.
5. The appeal site is part of a wider seven hectares site which contains the Grade II * LB of Hunton Park, built in the Queen Anne style with the mansion building in use as a hotel and a number of associated buildings which includes the Grade II Dairy Building, car parking and landscaped areas. The front elevation of the LB forms the main entrance to the hotel and is positioned at the end of a tree lined driveway with access to Essex Lane.
 6. The appeal site is on the site of an overflow car park which has an extant planning consent for the laying of hard surfacing to provide 30 parking spaces, which the appellant states is approximately 70 metres away from the LB. The development proposed relates to the development of a 16-bay car park to provide dedicated Tesla Supercharger electric vehicle charging points for use by Tesla Motors. The Supercharger units measure approximately 1.9 metres in height, 0.8 metres in width and 1 metre in depth and would be enclosed. The charging point serving the spaces measure approximately 1.7 metres in height, 0.8 metres wide and 0.25 metres deep.
 7. I noted during my site visit that the car parking bays and lighting columns had been erected and the Supercharger units had been installed close to the main driveway, partially screened by existing planting. The charging points at each of the parking bays had not been installed and whilst the appellant has made reference to the drawings submitted with the original application, these have not been submitted as evidence. Therefore, it is not possible to assess the effect these additional ground installations would have on the setting of the LB.
 8. Based on my site visit, it was evident that access arrangements to the car park from the tree lined driveway had been developed along with the regularised layout of the parking bays with lighting columns and the row of Supercharger units. These appeared to be prominent additions to the landscape. Though only partially viewed from the driveway when travelling towards the hotel from Essex Lane, the development proposed is more dominant when viewed from the existing car park area and when travelling from the hotel buildings in the opposite direction. Even though the development proposed is located some distance away from the LB and is partially screened by the existing landscaping, the overall visual effect appears incongruous in the context of the surrounding open, landscaped area which contributes significantly to the setting of the LB.
 9. Notwithstanding, that the proposed car park is located on an area with an extant planning consent as an overflow car park, the layout differs significantly to that which is shown in drawing Hunt/03¹ which proposes that access would be taken from the existing car park entrance and not directly from the treelined driveway. As a result, the already developed access arrangement, has a significantly disruptive effect on the setting of the LB when viewed from the tree lined driveway, which would be preserved in the extant planning consent proposal.

¹ Appellants Statement Appendix 7

10. The cumulative effects of the equipment already partially erected, the regularised illuminated parking bays and disruptive access arrangements results in less than substantial harm on the setting of the LB. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. The appellant states that the availability of the charging points would make a contribution to the viability of the hotel and would introduce opportunities for the use of more sustainable transport methods. Whilst I acknowledge that there would be environmental benefits to air quality through the use of electric vehicles, the use of the Supercharger units would be restricted to Tesla vehicles and therefore the benefits would be limited to the owners of those vehicles only. Moreover, insufficient evidence has been submitted to indicate how the charging points would contribute towards the viability of the hotel. Therefore, in carrying out my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the development would result in less than substantial harm to the setting of the LB which would not be outweighed by the limited public benefits.
12. Whilst the Council has concerns with regards the increased frequency of use of the car park, I have not been made aware of any restrictions on the use for the overflow car park and therefore as its use is established, these concerns are unfounded.
13. I conclude that the proposed car park and electric charging points and the resulting less than substantial harm to the setting of the LB would be contrary to policies CP1 and CP12 of the Core Strategy (2011) (CS) and to policies DM1 and DM3 of the Development Management Policies (2013) (DMP) and the Framework, which when read together seek to promote high quality design that respect local distinctiveness and conserve and enhance buildings of special or historic interest.

Whether Inappropriate development in the Green Belt

14. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The Council's Policy CP11 of the CS states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and therefore its development plan policies are consistent with the Framework in these respects.
15. Paragraph 146 of the Framework states that there are certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness. Such a development would include engineering operations. There is no dispute that the laying of the hardstanding to formalise the overflow car park constitutes engineering operations and would be not inappropriate development within the Green Belt. However, the Council has concerns that the above ground, permanent charging equipment would not fall within the exceptions to development within the Green Belt and therefore would be inappropriate development.

16. The appellant states that the charging equipment would form part of the local transport infrastructure and therefore falls within one of the specified exceptions set out in Paragraph 146 of the Framework. Whilst the development proposed would not be in a public car park and would not provide facilities for all electric vehicles, based on the evidence submitted by the appellant there is an increasing need to make such charging provision within the local transport infrastructure, including Tesla vehicles. In this case whilst the charging facility would be within Hunton Park, it would be available to all Tesla vehicle owners and would not be exclusive to users of the hotel facility and therefore would form part of the local transport infrastructure, being well located and easily accessible to the local road network. As a result, it would fall within the exception set out in Paragraph 146 of the Framework, providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Openness

17. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
18. Based on my site visit, the disruptive access arrangements, the prominence of the regularised layout of the car parking bays, the dominant lighting columns and row of bulky Supercharger units have a significant visual and spatial impact on the openness of Hunton Park. Whilst the existing landscaping partially screens views of the facility from viewpoints along the tree lined driveway close to Essex Lane, the detrimental effects are more pronounced when viewed from the opposite direction either from the existing car park or when travelling from the hotel to Essex Lane along the driveway.
19. The cumulative effects of the works already undertaken results in the erosion of the openness of the Green Belt in this location due to the dominant above ground structures which appear incongruous in the context of their landscape setting. The significant and detrimental visual and spatial impact fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it and therefore the development proposed would be inappropriate development in the Green Belt.

Whether very special circumstances exist

20. I have had regard to the contribution that the scheme would make to the reduction of carbon emissions and improving air quality and the growing need to make available electric charging spaces locally and nationally. This adds limited weight in support of the proposal.
21. However, the electric charging points would be limited to Tesla vehicle owners only and not to all electric vehicle owners. Moreover, there is no evidence to show how the increasing number of electric vehicle users, which are not Tesla vehicles, would benefit from the charging facility proposed and therefore the wider public benefits in this respect are limited. Further, whilst the appellant states that the use of the car park would assist the viability of the hotel and would make the hotel more attractive to Tesla vehicle users, insufficient information has been submitted to support this and therefore any wider benefits are uncertain. Consequently, these considerations along with the other matters identified in the evidence, either individually or collectively, do not

amount to the very special circumstances necessary to justify the development.

Other Matters

22. I note that the Council has raised no concerns with regards noise disturbance to adjacent properties and would not result in any detrimental impact to biodiversity or protected species and monitoring of affected trees could be managed by an appropriate condition, had I been minded to allow the appeal.
23. I note the appellants comments with regards permitted development rights for electric charging points, but in this case those rights do not apply.

Conclusions

24. The appeal proposals would have a significant detrimental impact on the setting of the LB and amounts to inappropriate development in the Green Belt which would have a harmful effect on its openness. Whilst I acknowledge that there is an increasing need to supply charging facilities for electric vehicles due to their growing numbers and the benefits to the environment that would result, in this case they would not outweigh the totality of the harm which is the test they need to meet. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR