
Appeal Decisions

Inquiry Held on 15 – 18 October 2019

Site visit made on 18 October 2019

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7 November 2019

Appeal A Ref: APP/N1730/W/19/3223849 Bramshill House, Bramshill, Hook RG27 0JW

- 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 City and Country Bramshill Limited against the decision of Hart District Council.
 - The application Ref 18/01363/FUL, dated 18 June 2018, was refused by notice dated 4 September 2018.
 - The development proposed is demolition of modern rear extensions and structures, erection of single storey rear extensions, repairs to exterior of buildings and internal refurbishment of Hazeley Lodges.
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Appeal B Ref: APP/N1730/Y/19/3223851 Bramshill House, Bramshill, Hook RG27 0JW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by City and Country Bramshill Limited against the decision of Hart District Council.
 - The application Ref 18/01364/LBC, dated 18 June 2018, was refused by notice dated 4 September 2018.
 - The works proposed are demolition of modern rear extensions and structures, erection of single storey rear extensions, repairs to exterior of buildings and internal refurbishment of Hazeley Lodges.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for costs

3. At the Inquiry an application for costs was made by City and Country Bramshill Limited against Hart District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue in both appeals is whether the proposals would preserve the listed buildings and registered park and garden (RPG) or their settings, or any features of historic interest which they possess.

Reasons

Background

5. Planning permission and Listed Building Consent are sought for the proposals as described in the banner headings above in respect of Hazeley Lodges. These are a pair of Grade II gate lodges standing at the edge of the Bramshill estate. The wider site of Bramshill estate is also set within Bramshill Park a Grade I Registered Park and Garden (RPG), extending to some 106 ha. The Lodges, with the exception of the garden area to the Northern Lodge are located within the RPG boundary. The estate includes a number of listed buildings including, but not a complete list, Bramshill House, a grade I listed mansion house, the walls and turrets south of Bramshill House, again Grade I, the High Bridge, a Grade I bridge across the river Hart, and the Grade II Hazeley Lodges amongst others. For the purposes of these appeals these are the listed buildings that would be affected either directly or indirectly including due to their influence on the setting of the Lodges or the Lodges siting within their setting and the contribution of such to the significance of the assets.
6. The parties disagree about the lawful use of the lodges, but accept that this is not a matter on which the appeals turn. There are two lawful development Certificates that are of relevance. One for the wider estate 13/00883/LDCEX which certified its lawful use as a C2 residential institution with associated ancillary uses. The second, 13/00956/LDCP, related specifically to the lodges and certified that the lawful use at that time would have been to use the ‘..two lodges ancillary to the occupation of Bramshill Park.’ In effect the parties difference lies in whether the lodges could be occupied as independent residential units or whether they are to be occupied as ancillary residential accommodation. The proposals are for operational development and works which would seek to bring the properties back into a state that would facilitate a beneficial use, whether that be for an independent residential or ancillary residential use or whether a further grant of consent in respect of the use would be required. I agree that the appeal does not turn on this matter and it is one that could either be resolved by way of clarifying the lawful use or through a further grant of consent for the use as appropriate at the time. That in effect does not go to the heart of the decisions required here regarding whether the proposals would preserve the listed buildings and RPG or their settings, or any features of historic interest which they possess.
7. The existing lodges have been extended by single storey extensions erected in the 1970’s under crown immunity when the estate was occupied as the National Police College. These extensions do not contribute to the significance of the lodges and indeed detract from it. Similarly, there are other free-standing structures and development including a poly tunnel, garage, security hut, access barrier, camera pole, bollards, grasscrete and signage which are located within the immediate setting of the listed buildings and which detract from the significance of the listed buildings. I address these and the approach to them in the benefits of the scheme.

Policy

8. The statutory development plan for the area comprises the saved policies of the Hart District Local Plan (Replacement) 1996 -2006 and the First Alterations to the Hart District Local Plan (Replacement) 2006 (the Local Plan). The policies most important in the determination of these appeals are those related to heritage matters principally Con 12, which advises that development that would adversely affect Historic Parks and Gardens or their settings, will not be permitted and Con 17 which advises that proposals for extensions or alterations of listed buildings will not be permitted unless i) the scale of the building is not materially changed, ii) design is appropriate to the character and setting of the building.
9. Other policies that were agreed in the statement of common ground to be relevant policies included Gen 1, Gen 3 and Gen 4 which are general policies related to good urban design and landscape character to ensure development is inkeeping with the local character.
10. The appellant had sought support from a number of other policies including rural policies RUR 1-5 however these are directed towards use or re-use or gave qualified support only where development was acceptable in terms of other policies in the plan. Given the parties accept the proposals are only to address the operational development and works these policies are not relevant or the determination does not turn on them as they require acceptance from other policies, which in this case would be the CON policies listed above. The proposals will therefore turn on those policies as the most important.
11. Policies Con 12 and Con 17 are negatively worded policies that direct refusal or advise permission will not be granted where there is an adverse effect, in the context of an RPG, or the scale of the building would be materially changed or a design was inappropriate, in respect of an alteration or extension to a listed building. These policies do not allow for the inclusion of a balancing of any harms against the benefits of a scheme and are therefore somewhat at odds with the more nuanced approach now suggested in the National Planning Policy Framework (the Framework). For this reason I judge that it is appropriate, given the advice at paragraph 213 of the Framework, to reduce the weight I give to the policies. However, I am conscious of the statutory duties imposed on decision makers by section 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LBCA)A) in respect of decisions affecting listed buildings, the approach in the Framework to provide a fasciculus of paragraphs that put into effect that duty and the identification of RPG in the those as designated heritage assets. Whilst it is for the courts to interpret the meaning of a policy it is for the decision maker, as a matter of judgement, as to the weight to be afforded to them. In this context I consider that these policies should be afforded significant weight. This is consistent with the approach adopted by a fellow Inspector in the main Bramshill House appeals decision at CD.5.34, which although subject of challenge has not yet been considered by the High Court.
12. The Hart Local Plan Strategy and Sites 2016-2032 is an emerging plan. Originally it was anticipated that it may have been adopted before the Inquiry commenced but this did not turn out to be the case. I was informed that it is anticipated that adoption is now likely to be January 2020. Consultation has been concluded on the proposed modifications to the plan with an Inspector

report on the changes anticipated late November/early December. Given the advanced stage of the plan and that there are no outstanding objections in respect of those policies relevant to this appeal the relevant policies can be given significant weight. Policy NBE9 seeks to protect conserve and where possible enhance heritage assets and their settings and includes reference to the tests in the Framework where loss or harm to the assets significance is identified.

13. Policy SD1 seeks sustainable development and NBE10 seeks high quality design.
14. The Framework is a material consideration in the determination of these appeals.

Listed Buildings and RPG and their Settings

15. In considering the effects of the proposals on the listed buildings identified above I have had regard to sections 66(1) and 16(2) of the P(LBCA)A in respect of the Planning and Listed Building Consent appeals these require that special regard is to be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
16. The RPG does not have such statutory protection but it is identified in the glossary to the Framework as a (designated) heritage asset which are recognised as an irreplaceable resource which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Hazeley Lodges

17. Whilst the list description of the Lodges indicates they are from the early 19 century evidence before the Inquiry provided in Dr Dieffenthaler's time line provides a well referenced contention to date them from between 1842-1851 and this was not challenged by the Council. The screen wall between was added around twenty years later. The lodges mark the entrance to the estate and are a key element in the processional route to the mansion house. The vertical towers provide to capture the house and approach between framing. The screen wall between further adds to the sense of arrival and reveal as the house would have been evident above the screen between the towers on the approach across the heath and at more close proximity the house and route, including the high bridge and walls and turrets, would have been visible through the arch on arrival at the gates. The wooded nature of the heath outside the estate has reduced the longer views and maturing landscaping has reduced the visibility of the walls and turrets at the rising ramp.
18. The significance of the lodges is therefore derived from their architectural expression and form, the detailing of the buildings reflecting the high status of the main mansion, but also from the historic relationship and importance of the main mansion. The set piece and interconnection of the various elements adds to the significance of each. Undoubtedly a key element of the significance is the point of arrival and processional route; views on the approach as you pass through and leave the lodges in transition to the next element are important aspects of that view and appreciation of the assets. The three facades that present onto that route and which are directly visible contribute to the quality

of the experience and it is this that the appellant puts greatest emphasis on when assessing the effect on significance.

19. However, the buildings are functional and were there to support occupants at the entrance, the accommodation provided, along with the additional space created by the older single storey element testify to that. The changed brickwork bond on the fourth façade away from the processional route does not in my view reduce that understanding but complements it. The use of alternative bond in the garden façade does not degrade the contribution of this elevation to the buildings as a whole but adds an additional layer of understanding in purpose.
20. The lodges were and are a statement of arrival. The footprint of the tower and proportions of floor plan to height, along with overall height, provide them with a sense importance. This is not diminished by the similarly constrained footprint extension that forms the original extension. The proportions and scale of the buildings is an aspect of their function and form and as such is relevant in understanding their significance. It is on this basis that the references to compact form are best understood. It is not a figurative or critical comment on their shape and scale but an observation based on their dimensions and scale which I see as wholly reasonable.
21. Much of the internal features and finishes have been lost and there is little within the buildings, other than floor plan and layout, that assists with understanding and significance, although certain elements such as the fireplace and oven have been revealed recently.
22. The principal additions from the proposals would be the extensions of the buildings with single storey flat roofed extensions of modern form and materials. They would be principally of glass and wood to reflect the rural wooded setting against which the Lodges would now be viewed. The extensions would be horizontal in emphasis, set below the height of the wing walls and within the garden space of each of the lodges. The proposed extensions would have a lobby attachment to the main building and stepped segments with a softer, almost curved, outer façade. They would be an alien addition and compete with the more geometric and angular form of the floor plan and shape of the listed building. The more complex floor plan of the proposed extensions, which extends further along the wing walls than the existing modern extensions, would obscure more of the wing wall and obscure the proportions between the wing walls and the buildings. The depth, width and scale of the proposed extensions would be significantly greater than the existing and would with their more modern materials appear as an obvious and clear modern intervention.
23. The proposed extensions would be below the height of the wing walls and therefore would not be visible on approach from the heath side. Similarly, the main towers and buildings would obscure the extensions while observers were passing through the gate houses, however once through the extensions would be obvious visible elements when observers glanced to the side and would be readily evident for those leaving the estate and approaching the lodges from the estate side.
24. The proposals also seek to improve or reinforce the demarcation of the gardens with additional landscaping however this would not obscure the proposed extensions. Additionally, new single garages would be added into the garden

areas of the lodges which would further add to the appreciation of built form in proximity to the buildings and towers. This, in my view, would start to lead to a cluttered appearance of buildings and restrict certain close views from within the gardens.

25. The setting of these listed buildings is, as discussed above, more than just the processional route, albeit that is a very significant and important part. The garden space and views from within the surrounding landscape which forms the RPG as well as other areas would afford opportunities to experience these elements. Public access does not have to be available for such an impact to be considered. The closer views from the gardens, the RPG and on the main processional route, close to the lodges, would be adversely affected.
26. In my view, the proposed extensions would harm the significance of the listed lodges. The additional horizontal emphasis, the additional scale and size of the extensions in terms of dimensions, shape and form and the overtly modern materials would combine to distract and obscure the significance of the lodges and their setting detracting from their simple form, vertical emphasis, compact nature and purpose. This would result in conflict with policy Con 17 of the Local Plan and policies NBE9 and NBE10 of the emerging local Plan.
27. In the context of the Framework the harm would be less than substantial.

Bramshill House, RPG, High Bridge and the Walls and Turrets south of Bramshill House

28. Bramshill house is an impressive Jacobean mansion of the highest historic, architectural and aesthetic value. It is Grade I listed. The house and, lake and water gardens, walled gardens and cross axial avenues is potentially of the very highest value. The house is set within extensive grounds which retains part of a medieval deer park and the association with the maze, water gardens, Italian gardens with the survival of the house in its designed landscape is rare and has led to its designation as a Grade I RPG. The designed landscape, along with the additional elements that contribute to the RPG and the wider landscape, include the other features on the processional route to the house, the High Bridge and the Walls and Turrets south of the mansion, both of which are Grade I listed buildings.
29. The lodges are within the setting of the Mansion, they are, for the most part, within the RPG (the garden area of the north lodge being outside), they are within the setting of the High Bridge and the Walls and Turrets as all of these elements in combination have group value that can then also be attributed to each of the elements. Albeit they also have value in themselves.
30. The lodges are the first and last element of one of the main routes in and out of the estate on this axial route. As I have found that there would be harm to the significance of the lodges and these are an integral part, and part of the group value through their contribution to one of the principal routes, any effect on them would have an effect on those other parts of the group.
31. On this basis I therefore find that there would be less than substantial harm to the significance of Bramshill House, the High Bridge, and the Walls and Turrets south of Bramshill House and that the proposals would harm the RPG. This harm would not be of the same extent as to the direct effects on the Lodges but would still result in harm to the significance of the processional route

through harm to one of its contributors. The effect is therefore as a result of its effect on the setting of these assets. The proposal would therefore conflict with policy Con 12, in respect of its effect on the RPG as well as Con 17 and emerging policies NBE9 and NBE10 as concluded previously.

Deliberate neglect

32. The lodges are in a deteriorated state. They are not presently occupied and in the lawful Development Certificate 13/0956/LDCP it is stated that the buildings have not been used for human habitation since at least 1992. The evidence submitted at the time of the certificate and before this Inquiry is that they have not been occupied since around 1990. It is also noted that renovation works were commenced by the previous owner around 1990 albeit subsequently abandoned and that further works were undertaken around 2000 but which were also left incomplete through lack of government funding. The buildings are in a state of disrepair and are not fit for occupation.
33. The Framework advises at paragraph 191 that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The Planning Practice Guidance, which is not government policy but advice, and Historic England's guidance advise that where there has been deliberate neglect in the hope of making consent easier to gain the deteriorated state of the asset should be disregarded.
34. The south lodge is in a poor state of repair and the abandoned works make it uninhabitable at present. The building is weather tight and there is no accusation of deliberate neglect in respect of that part of the listed building. The northern lodge appears to have a hole in the roof of the modern 1970's extension close to its junction with the single storey element of the older lodge building. The structural report has not identified any serious issues regarding structural stability or that the main building has been significantly compromised.
35. It is evident that there is water ingress, and indeed there has been reference to water ingress in the 1970 extension in the heritage reports and assessments since 2015. However, it is not clear and conclusive that these references are to the same location or that they point to the presence of a hole at that stage. The first recorded direct evidence and correspondence on the matter between the parties appears to be around August 2018 and at which point the appellant took remedial action to address the issue raised.
36. Whilst it is evident that there has been the identification of water ingress in the northern lodge for a few years the extent and degree of this is not clear or obvious, and the precise location is open to interpretation.
37. There has been no suggestion of deliberate neglect against the previous owners. The current owners purchased the properties in 2014 since when they have been seeking to address the planning position of the whole estate. There is evidence that they have sought to understand the implications of the required works to the lodges and how to bring those into a beneficial use, through a previous application and development of these proposals.
38. The intention of an organisation is not something that can be easily identified, and neglect can be seen to be a failure to act. However, in my view, for that to

be deliberate there must be an intentional purpose, whether that be in the terms of the PPG advice or Historic England's advice to make it easier to secure consent or for some other reason. That there was water ingress that had previously been identified cannot seriously be disputed, the extent, degree and precise location of that is however an open question. Whether that had been purposefully ignored and no action taken with intention is not an accusation that has, in my view, been made out. Deliberate neglect is a serious allegation in the custodianship of heritage assets and there is and should be a high bar to reach such a finding. In this case I do not find that that has been reached. On that basis I further conclude that the deteriorated condition of the listed buildings is a material consideration in these appeals.

Alternatives

39. Given that I have concluded that the proposed extensions would result in harm to the listed building I have also considered whether there are credible alternatives that could be brought forward that would achieve a similar end and provide for many of the benefits that would arise from the proposals the subject of these appeals.
40. The appellant has considered a number of alternatives both in the original application documentation and through its witnesses at the Inquiry. These range from consideration of the retention of the existing 1970's extension, although in effect that would not be credible given its poor construction but in effect a rebuilt similar extension. Through various iterations of different uses of the rooms in the tower and original extension which also included some subdivision of the original plan form of various rooms. Much of the written justification in evidence related to the marketability and reach of such extensions in terms of likely future occupiers. Albeit that in oral evidence these matters were explained in greater detail and included consideration of heritage effects that underpinned many of those conclusions.
41. The basic premise of the applicant appears to be to provide for and reorder the living accommodation to introduce and direct the intense living aspects of the dwelling to the new build extension and thereby reduce the wear and tear on the historic elements and produce more useable space for modern living in a manner that would have the widest appeal to the widest group of potential occupants. I accept that within that consideration there is a legitimate and proper intention to minimise the impact on the heritage asset at the same time and thereby seeking to address these sometimes-competing directions. However, in so doing the requirement to make provision for the desired elements of modern living has been at the expense of the significance of the listed building and in particular the architectural expression of the building. The excessive footprint, its length and depth, required to accommodate the additional footprint has a significant adverse effect on the heritage asset. The parties agree that the building can be used for residential purposes (albeit there is the issue of whether this is independently or ancillary) and this would therefore be the most appropriate use and a viable use. There is no market testing however of whether the units would need to accommodate two bedrooms, the dining provision of which much was made and other features of the internal layout of the appeal scheme.
42. In oral evidence it was suggested that minor adjustments could be made to reduce the width of the extension, this of itself suggests that every effort to

minimise the harm has not been undertaken. It would suggest that even on the basis of the appellant's case a scheme with a reduced footprint and dimensions could be made to work. Given that I have found that these features contribute to the harm that is occasioned I am satisfied that there are alternative proposals that could come forward.

43. I turn to look at the heritage benefits below but many of the benefits revolve around the removal of the poor quality extensions and outbuildings and other police paraphernalia in the setting of the buildings which could be removed with any scheme for refurbishment or extension. These benefits could therefore similarly be realised by a less impactful scheme.

Heritage benefits

44. As noted in the background above the status quo of the existing lodges is that there are 1970's extensions added to the outer original extensions on the building. It is acknowledged that these extensions are of poor-quality workmanship, in a poor state of repair and are of poor-quality design. They do not contribute to the significance of the heritage asset and indeed it is agreed that they detract from it. There is also a modern garage in the garden area of the southern lodge and a large dominating poly tunnel in the garden area of the northern lodge. There is a security hut, barrier, bollards, camera pole and signage to the east of the south lodge directly adjacent to the road. There is a large area of grasscrete to the east of the northern lodge. The removal of all of these elements would provide for significant heritage benefits that would better reveal the significance and original intent and layout of the lodges. This is a significant heritage benefit.
45. The benefit of the removal of the 1970's extensions is only likely to be realised if replaced by an acceptable alternative. The other free-standing elements are not so dependant on the form and nature of the final scheme and therefore could be achieved with any scheme. This is a matter to be considered in the balancing exercise.
46. The proposals would re-instate the historic gardens of the lodges, there was some dispute as to how these were defined and laid out but from the evidence before me it does appear that there were defined gardens with washrooms originally intended and provided. The enhancements and alterations to the buildings would restore the buildings to a usable condition, appropriate to their historic use, and address many of the issues of dilapidation. These would not only assist in enabling a reuse of the buildings, therefore safeguarding the assets, but would enhance their appearance and preserve the fabric of the buildings for future generations. The reinstatement of some internal features including the fireplace and oven will further assist in revealing the significance of the asset, providing evidence of how they were occupied.

Other matters

47. The appellant has identified a number of other public benefits that would be attributable to the proposals
48. The proposals would result in two additional homes and therefore add to the housing supply, it could alternatively be argued that it brings back into use existing empty homes. The Council is presently meeting its housing supply

requirement and has a good record in terms of empty homes. Given the limited number of units involved these benefits would only warrant limited weight.

49. The proposed garages would accommodate bat roosts and provide for an ecological benefit but they are mitigation measures to address the effects of the scheme and therefore again only warrant limited positive weight.
50. The removal of the grasscrete would have benefits in safeguarding and improving the conditions for a protected tree, the removal of clutter and paraphernalia and the reinstatement of the garden and landscaping in the area would improve the landscape immediately surrounding the lodges to the benefit of the contemporary landscape again, in this particular regard, this would be minor and of limited positive benefit.
51. The appellant has contended that the design is outstanding and innovative and therefore great weight should be accorded to the design following the advice in paragraph 131 of the Framework. The Council do not object to the design except in so far as its effect in respect of the significance of the heritage assets. The design uses modern materials to reduce the height of the building and improve the roof line, better insulation is also achieved. It is stated that the staggered footprint enables light capture for the northern lodge extension despite its orientation. Whilst these may well be elements of the design they are not particularly innovative or outstanding. The faceted walls to provide a curve effect, the staggered footprint and the nature of the materials are matters that I have identified as combining to demonstrate the design does not sit comfortably on the historic building. Design is not in isolation and has to have regard to the location and characteristics within which it is appreciated. In this regard whilst the nature of the extensions in isolation are not objectionable, they do not reach the very high bar of outstanding or innovative. I therefore do not give great weight to the design as a separate aspect of the scheme and have considered the design in the context of the heritage asset.
52. The Council had in its statement of case made reference to concerns regarding locational sustainability but as noted earlier these are proposals that deal with operational development and works to the listed buildings and the use is not a matter on which the proposals turn.
53. During the Inquiry the parties put forward conditions which had I been minded to allow the appeals would have addressed the concerns originally raised with regard to lack of information.

Overall balance and conclusions

54. The starting position for the determination of a planning application is the development plan, such that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration and in particular in this case the approach to heritage assets is important. There are also statutory requirements in respect of listed buildings as previously referred to.
55. The parties differed on the approach that should be adopted in considering whether heritage harm to the significance of the assets arises. The appellant contends that this should be on the basis of a 'net' conclusion where the heritage harms and heritage benefits are balanced in what was referred to as an 'internal heritage balance'. The contention being that it was only if there

was a residual harm from this exercise would the balance against public benefits required in 196 of the Framework be engaged. The Council did not accept that an 'internal heritage balance' approach was correct and that any heritage harm should be weighed against the public benefits through the balance required at 196.

56. In effect, and as accepted by the appellant in closing, in this case the difference in approach has little effect on the overall outcome. If the outcome of the internal balance was such that there was no net harm then if undertaken at the stage of the 196 balance this would result in a similar outcome, as the positive elements would outweigh the negative impacts, with both having great weight attached. If there was residual harm this would be a negative impact which would be given great weight and addressed in the 196 balance in any case.
57. I have first addressed the significance of the asset(s), then considered the impact of the proposals and whether any harm arises and how that should be characterised. In this regard I have concluded that the proposal would result in material harm to the heritage assets and this would result in less than substantial harm to the significance of the heritage assets, including the lodges and those other assets within which the lodges are within the setting of.
58. I have set out the benefits of the scheme above and I have identified that there would be benefits resultant from the scheme to which I have ascribed great weight to the heritage benefits. Added to this are other public benefits however these are only of generally limited weight.
59. I am further satisfied that many of the benefits that are ascribed to this proposal could be achieved by a less harmful scheme and that there are reasonable prospects for such a scheme to come forward in reasonable time. The dismissal of the appeals does not lead to a reasonable prospect that there is a long-term potential for the assets to further deteriorate.
60. The overall balance in terms of paragraph 196 of the Framework, in my view, and ascribing great weight and importance to the positive and negative effects on the significance of the heritage assets, is that the harm is not outweighed by the public benefits, which includes the heritage benefits. I note that even if I had carried out an 'internal heritage balance' I would have identified residual harm and this would not have been outweighed by the other public benefits, ensuring no double counting took place.
61. The result of this conclusion is that in the context of paragraph 11d of the Framework the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed. As such even if the policies which are most important for determining the application are out of date the tilted balance is not engaged by virtue of paragraph 11di.
62. On this basis the proposal should be determined in accordance with the development plan, as there are not material considerations that would indicate otherwise. The proposal would harm the heritage assets, including listed buildings and RPG and would therefore conflict with policies Con 12 and 17 of the development plan; the proposal would conflict with the development plan as a whole. The proposal would also conflict with policies NBE9 and 10 of the

emerging development plan. The harm identified would be determinant in terms of both the planning and listed building appeals.

63. For the reasons given above I conclude that both appeals should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Isabella Tafur, of Counsel

Instruct by Hart District Council

She called

Dr Nigel Baker-Mills, BA Baker-Mills Conservation
(Hons), PhD, Dip Cons
AA, IHBC, FSA.

Stephannie Baker Senior Planning Officer, Hart District Council
MRTPI, MSc, BSc (Hons)

FOR THE APPELLANT:

Ned Helme, of Counsel

Instructed by City and Country Bramshill Ltd

He called

Dr Ian Dieffenthaler BA, Conservation Architect, City and Country
BArch, PhD, RIBA SCA. Residential.

Kevin Hunt MTCP,
MRTPI. Director, JLL

DOCUMENTS SUBMITTED AT INQUIRY BY APPELLANT

- APP1 List of appearances for the appellant
- APP2 Signed copy of the Statement of Common Ground on Landscape and Visual matters
- APP3 Signed copy of Statement of Common Ground
- APP4 Hart District landscape assessment Scott Wilson Resource Consultants April 1997
- APP5 Managing Significance in Decision Taking in the Historic Environment - Historic Environment Good Practice Advice in Planning 2, Historic England
- APP6 Court of Appeal Decision - Sainsbury's Supermarkets Limited v First Secretary of State & West Green (Properties) Limited [2007] EWCA Civ 1083.
- APP7 Email from Emma Ousbey (City and Country) to Maxine Lewis (Hart District Council dated 3 October 2019 re Hazeley Lodges, Bramshill
- APP8 Costs application on behalf of the appellant
- APP9 Opening submissions on behalf of the appellant
- APP10 Updated photomontages
 - a) Zoomed in photomontage of South Lodge
- APP11 Updated schedule of conditions

- APP12 Plan for site visit
- APP13 Finalised wording of conditions following condition session (including appellants written agreement to pre-commencement conditions for planning permission).
- APP14 Closing submissions on behalf of the appellant.

DOCUMENTS SUBMITTED AT INQUIRY BY LPA

- LPA1 Opening Statement on behalf of Hart District Council
- LPA2 High Court Decision – The Queen on The Application of Meyrick v Bournemouth Borough Council [2015] EWHC 4045 (Admin)
- LPA3
 - a) Planning and Listed Building Consent Statement Hazeley Lodges at Bramshill House and Gardens September 2015
 - b) Heritage Assessment Hazeley Lodges September 2015 Feilden & Mawson
 - c) Pages 22 & 23 - Photographs from Feilden & Mawson Heritage report
- LPA4 Closing Submissions on behalf of Hart District Council
- LPA5 Hart District Council's Response to appellant's costs application.