
Appeal Decision

Site visit made on 5 February 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/A1910/W/19/3242164

The Hoo, Ledgemore Lane, Great Gaddesden HP2 6HD

- 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 Mr and Mrs Ellisdon against the decision of Dacorum Borough Council.
 - The application Ref 4/00373/19/FUL, dated 15 February 2019, was refused by notice dated 30 May 2019.
 - The development proposed is internal agricultural access track.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is currently an unauthorised track on the site in largely the same area as the proposal. The Enforcement Notice related to the site was the subject of a linked appeal, which were both dismissed¹. The proposed development follows a similar route and would be of similar material, however, I am considering the appeal on the basis of what has been submitted as opposed to what currently exists on site.

Application for costs

3. An application for costs was made by Mr and Mrs Ellisdon against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - Whether the development would preserve or enhance the setting of The Hoo, a Grade II* Listed Building.

¹ APP/A1910/C/17/3192327 and APP/A1910/C/17/3192328

Reasons

Character and appearance

5. The appeal site is located off Ledgemore Lane and is an agricultural holding, with land used for arable and grazing purposes, there is also an area of woodland. The Dacorum Local Plan distinguishes the site as a Rural Area. The land sits within the Chilterns, an AONB. The site also forms part of the grounds for the Grade II* Listed Building, The Hoo.
6. There is an existing gated field entrance from Ledgemore Lane which provides access to the site. From the existing access gate there is an existing unauthorised hard-surfaced track which is approximately 300 metres in length and finishes adjacent to the disused water tower and pump house in the woodland. The natural features on the boundaries to the site, including trees and hedgerows, add to the characteristic rural character to this part of the land, which is largely free from built development and urban influences.
7. The appellants have stated that the proposed track is to allow vehicles to traverse the agricultural holding for the associated agricultural activities and to bring vehicles and machinery to the woodland for regular tree work and maintenance. The proposal would follow a similar route to the existing unauthorised track and be of a similar loose aggregate, albeit the proposal would have some slight variations to its size and routing. The proposed track would include a passing space for vehicles and an area of hardstanding for agricultural storage purposes, located towards the access point.
8. In determining the appeal, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have to have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB.
9. Whilst I acknowledge that the physical nature of the track means that its visibility within the landscape would not be prominent from all angles or viewpoints, it would be visible from the entrance along Ledgemore Lane, from long distance views from St Margarets, and the nearby public footpath.
10. The proposed track would not closely follow the hedge line along all of its route, and as such it would draw attention and emphasise the visual harm. It has also been suggested that the loose aggregate of the existing unauthorised track has vegetation growing through it, which would eventually reduce the visibility of it, and that the proposed track would also blend into the landscape in a similar way. However, this would not completely cover the track and it would still be recognisable as a hard feature within the surrounding landscape, which is generally green and open.
11. The applicant has submitted an Evaluation of Landscape and Visual Effects report² (ELVE) in support of the proposal, which concludes that the proposed track, turning area and storage area, could be accommodated without undue harm to the landscape or visual amenity. The ELVE suggests a number of strategies to minimise the landscape and visual effects arising from the proposal. This would include the reinstatement of ephemeral vegetation buffers to either edge of the proposed track and planting in the gaps in the hedgerow along Ledgemore Lane. Although landscaping is not considered a permanent

² Evaluation of landscape and visual effects - The Hoo, Great Gaddesden, Hemel Hempsted – Bidwells (2019)

feature, the appellants have stated that landscaping could be conditioned to ensure its longevity. However, this would not completely screen views of the track from all viewpoints, in any case, screening the proposal does not necessarily mean there would be no harm to the landscape.

12. In this context, the scale, siting and positioning of the proposed development would be an urbanising feature in the rural landscape. I acknowledge, there are some urbanising features nearby, such as the nearby garden centre. However, the open character is intrinsic to the AONB, and incursion into it would harm the qualities that give it its special interest. The development would represent a discordant and incongruous feature that would have a detrimental impact on the character and appearance of the area.
13. I note the Council has suggested that there is an absence of a clearly demonstrated agricultural need for the proposed track. However, even if there was a need for the proposed track, the resultant effect of the proposal would still be harm to the character and appearance of the area.
14. Whilst the mitigation proposed would limit views of the proposal, it would still be visible and apparent, which I would regard to be harmful. This harm could not be sufficiently ameliorated by the landscaping conditions which the appellants suggest could be imposed. Consequently, in accordance with paragraph 172 of the National Planning Policy Framework (the Framework), relating to the conservation and enhancement of AONBs, I must give the harm to the AONB significant weight in my decision.
15. I find that the proposed development would harm the character and appearance of the area and the Chilterns AONB. Therefore, the development would be contrary policies CS1, CS24, CS25 of the Dacorum Borough Core Strategy (DCS) (2013), Saved Policy 97 of the Dacorum Borough Local Plan (1991-2011), and Supplementary Planning Guidance 'Dacorum Character Landscape Assessment – Area 124' and paragraph 172 of the Framework. These policies and guidance, amongst other things, seek to protect the rural character and appearance of the area, particularly the Chilterns AONB.

The setting of The Hoo

16. The Hoo is a Grade II* Listed Building, whose oldest parts originate from 1683. It is surrounded by approximately 26 hectares of gardens and parkland, which still shows many of the features and form that were designed by Capability Brown in the 18th century.
17. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed building and its setting.
18. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

19. Paragraph 195 of the Framework states, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
20. Paragraph 196 of the Framework confirms that where a development proposal would 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 securing its optimal viable use.
21. Although the site is located some distance from the Listed Building itself, the siting of the proposed track would be within the associated parkland that is part of the historic development of The Hoo. The setting of the surrounding parkland contributes to the significance of the Listed Building, as it has formed a part of the estate for at least 300 years, and the open, spacious and verdant surroundings are a key part of that.
22. The appellants have submitted a heritage assessment as part of the ELVE. It concludes that the proposal is not considered to impact upon the contribution that the immediate setting makes to the significance of The Hoo, in part due to the lack of visibility between the proposal and The Hoo. However, in terms of the setting of a Listed Building, the absence of visual connection does not mean that there is no impact upon the setting. The siting of the proposed track would be within the associated parkland, which is an integral part of the historic development of The Hoo.
23. The proposal would be harmful to the setting of the Listed Building giving an urbanising effect which would detract from the parkland setting, and thereby the significance of the designated heritage asset. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Notwithstanding the unauthorised track, there is already an existing access to the surrounding fields, as such the public benefits of the proposal would be limited and would not outweigh the harm.
24. I find that that the proposed development would fail to preserve or enhance the setting of the Grade II* Listed Building. Therefore, it would be contrary to Policy CS 27 of the DCS and paragraph 196 of the Framework. These policies seek development to preserve or enhance the character or appearance of conservation areas and listed buildings.

Other Matters

25. The appellants and interested parties have stated that the access track is required to safeguard the future viability of the farming enterprises, as well as ensuring the efficiency and safety of the agricultural activities carried out on the site. The appellants have also stated that the track would allow for the ongoing maintenance of the woodland.
26. I acknowledge that an area of hardstanding close to the road would be beneficial for the open storage of hay and would help to minimise the transfer of mud and materials from the fields onto the highway. I also recognise that

agricultural activity can have a positive effect on the local economy. However, these factors do not overcome the harm that I have identified above.

Conclusion

27. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR