



Appeal Decisions

Site visit made on 24 February 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal A: APP/P1940/W/21/3274070

Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire WD3 1QN

- 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 Moor Park Golf Club Limited against the decision of Three Rivers District Council.
 - The application Ref 20/1037/FUL, dated 22 May 2020, was refused by notice dated 16 December 2020.
 - The development proposed is the installation of rising bollards and associated works, including control box and fencing, at 2 locations on estate road.
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Appeal B: APP/P1940/Y/21/3274968

Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire WD3 1QN

- 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 Moor Park Golf Club Limited against the decision of Three Rivers District Council.
 - The application Ref 20/1773/LBC, dated 22 May 2020, was refused by notice dated 16 December 2020.
 - The works proposed are the installation of rising bollards and associated works, including control box and fencing, at 2 locations on estate road.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the installation of rising bollards and associated works, including control box and fencing, at 2 locations on estate road at Moor Park Mansion, Batchworth Heath, Rickmansworth, Hertfordshire WD3 1QN in accordance with the terms of the application, Ref 20/1037/FUL, dated 22 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK.02, SK.04, SK.05, SK.06 Rev 1, and DOC-SS-CAD-Temp-Rev-A Issue B.
 - 3) The paraphernalia associated with the operation of the bollards hereby approved, including the control box post and code reader posts shall at

all times be painted black or dark green and shall be permanently maintained in this condition.

- 4) The proposed development hereby permitted, shall be implemented and permanently maintained and operated in accordance with the undated document submitted with the application and headed on the first page 'Proposed Operation of Position 1 Security Bollards at Moor Park Golf Club Ltd'.

Appeal B

2. I take no further action on this appeal.

Procedural matters

3. Although the above descriptions differ to those on the original applications, I understand the applications were amended during their consideration and so what I have used above better describes the scheme now before me.
4. It was contended the changes to the scheme that occurred whilst the applications were being considered were too great to be treated as an amendment. However, that is not a matter for me to determine, and has no bearing on my reasoning.

Main Issues

5. With Appeal A the main issues are whether the proposal would harm the significance of the Grade I listed Manor House and the Grade II* Registered Park and Garden, and whether it would be inappropriate development in the Green Belt.
6. For Appeal B the main issue is whether listed building consent is required.

Reasons - Appeal A

Heritage impact

7. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) says, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The *National Planning Policy Framework* (the Framework) adds that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
8. The Mansion dates from the 17th Century but has been substantially reworked and rebuilt since, and its significance lies partly in appearing as a grand former country house. It now serves as a club house for Moor Park Golf Club, and so has the paraphernalia of a golf course complex around it, such as car parks, tennis courts, signage, lighting and various associated outbuildings. However, the front elevation, with its dominant porticoed entrance and its pronounced detailing, continues to be imposing and seen in an isolated, open, pastoral context. Consequently, the building's original high status is still apparent, and, despite the modern changes to accommodate the sporting activity, when viewed from the front the setting still complements the building's significance.

9. With its smaller ancillary buildings, it is in the centre of an extensive Registered Park and Garden that was initially laid out as formal gardens, pleasure grounds and parkland. Although golf courses have subsequently been formed, the historic and aesthetic significance of the Registered Park and Garden that arises from its formal, designed arrangement is still apparent around the Mansion and as one passes through the parkland.
10. An estate road runs across the Registered Park and Garden from one side to the other. This passes in front of the Mansion and provides access to it, as well as serving the housing scheme in the park known as Temple Gardens.
11. One pair of bollards and its associated apparatus would be on this access immediately to the south of the Mansion. Whilst the equipment could clearly be seen in the context of the Grade I listed building and would be within the Registered Park and Garden, it would also be viewed against the adjacent parked vehicles, hard surfacing, lighting columns, signage and so on that are already present. Moreover, the bollards would not be large, while the associated apparatus would be relatively slender, and, if suitably coloured, it would not be industrial in nature or striking in appearance. As a result, the works would not be dominant or intrusive. Therefore, I find these bollards and their associated works would not adversely affect the setting of the Mansion or the surrounding Registered Park and Garden, and so would not harm the significance of either designated heritage asset.
12. The second pair of bollards with its accompanying apparatus would be on the estate road to the north of the Mansion. Although slightly further from the historic building, that could still be seen beyond. However, these works would also be in the context of a certain amount of signage, posts, parked vehicles and other paraphernalia associated with the golf, as well as the modified landforms around. Therefore, given their size I again find they would not adversely affect the building's setting and would not harm the significance of the Mansion or the Registered Park and Garden.
13. Whilst fencing is also proposed, this would be low-key and not dominant, and would be in keeping with the historic surroundings. Similarly, if any alteration to the landforms occurs, I have no reason to consider it would be discordant within this setting given the adaptations that have already occurred in connection with the adjacent golf course.
14. Third parties have said the works are unnecessary as there is little through-traffic, crime is not high in the area and the bollards could be avoided by criminals in any event. However, some form of security, even if only partial, is not unreasonable, and as I find the works do not cause harm to the heritage assets this is not a concern to which I attach significant weight.
15. The Batchworth Heath Conservation Area is at the edge of the Registered Park and gardens, well away from the works, and the distances involved. The intervening planting and the differences in the characters of the areas mean the works would not affect the setting of that conservation area.
16. Accordingly, I conclude that the works would not harm the significance of the listed building or the Registered Park and Garden as designated heritage assets. As such they would not conflict with Policies CP1 and CP12 in the *Local Development Framework Core Strategy* or Policy DM3 of the *Development Management Policies Local Development Document Local Plan*, which,

collectively seek good design that safeguards the historic environment. Moreover, for these reasons the works would not conflict with the Framework.

Green Belt

17. The Framework says that keeping land permanently open is a fundamental aim of the Green Belt, and that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 150 it accepts that certain forms of development are not inappropriate, provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. One of these is work considered to be 'engineering operations'.
18. The works before me can be reasonably described as engineering operations and, given their limited scale and the context in which they sit, I consider they would not harm the openness of the Green Belt. Furthermore, their scale and their unobtrusive nature in the context of the Mansion mean they would not add to urban sprawl or result in encroachment into the countryside. As such, they would not conflict with the purposes of including land within the Green Belt.
19. Accordingly, having regard to the Framework, I conclude this would not be inappropriate development in the Green Belt.

Other matters

20. It was contended that the development would result in congestion at the junctions of the estate road with the wider road network. However, if congestion was caused around the bollards, they are so far into the Registered Park and Garden I would have expected it to have dissipated by the time traffic got to the roads around. The bollards would be readily visible to approaching drivers, and as they are to allow open entry to the golf course car parks and control only egress, I see no reason why there should be any appreciable impediment to emergency vehicles.
21. Although it was contended that the bollards would interfere with legal rights of access that some enjoyed along the estate road, that matter is subject to separate legislation and is unaffected by my decision.

Conditions

22. A condition should be imposed requiring the scheme to be in accordance with the approved details for the avoidance of doubt. Moreover, the apparatus should be coloured so as to safeguard the historic integrity of the area, and the development should be managed in the stated manner in the interests of the free-flow of traffic.

Conclusions on Appeal A

23. For the reasons given I consider Appeal A should be allowed.

Reasons - Appeal B

24. In sections 7 and 8 the Act states that

'no person shall execute or cause to be executed any works the demolition of a listed building or for its alteration or extension in any manner which would

affect its character as a building of special architectural or historic interest, unless the works are authorised. Works for the alteration or extension of a listed building are authorised if written consent for their execution has been granted by the local planning authority or the Secretary of State'.

The requirement for listed building consent therefore concerns works to a listed building only. The Act defines a listed building in section 1(5) as

'a building which is for the time being included on a list compiled or approved by the Secretary of State under this section and for the purposes of this Act any object or structure fixed to the building [or] any object or structure within the curtilage of the building which, although not fixed to the building forms part of the land and has done so since before 1st July 1948 shall be treated as part of the building'.

25. The works before me are not to be attached to any structure that, under section 1(5) of the Act, could be deemed to be the listed building, but rather they would be free-standing in the grounds. As a result, these works would not be demolishing, altering or extending a listed building. Therefore, whilst maybe in the curtilage of a listed building, they do not require listed building consent.

Conclusions on Appeal B

26. I will therefore take no further action in relation to Appeal B.

JP Sargent

INSPECTOR