
Appeal Decision

Site visit made on 9 February 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 MARCH 2022

Appeal Ref: APP/L5240/W/21/3273082

Addington Palace, Gravel Hill, Croydon CR0 5BB

- 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 Ms Deniza Power against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00997/FUL, dated 28 February 2020, was refused by notice dated 16th October 2020.
 - The development proposed is retrospective application for the erection of entrance gates and post and chain perimeter fencing, association alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development subject to the appeal has already been carried out and was in situ at the time of my site visit.

Main Issues

3. The appeal site is located within the metropolitan Green Belt and within the setting of Addington Palace, a Grade II* listed building, Addington Palace Registered Park and Garden, and Addington Village Conservation Area.
4. Accordingly, the main issues are;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - its effect on the character and appearance of the area;
 - the effect of the proposal on the heritage assets listed in paragraph 3 above; and
 - if it is inappropriate development, 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

Inappropriate development

5. The appeal site entails a piece of land surrounding Addington Palace and is within the metropolitan Green Belt. Policy DM26.1 of the Croydon Local Plan (the Local Plan) states that the Council will protect and safeguard the extent of the borough's Metropolitan Green Belt and Metropolitan Open Land as designated on the Policies Map by applying the same level of protection afforded to Metropolitan Green Belt in national planning policy. The policy goes on to say that when considering whether any proposed structure harms the openness of the Metropolitan Green Belt the Council will have regard to a number of elements including the size of the curtilage and character of the surrounding area; and whether ancillary structures have an urbanising effect.
6. The Framework advises that 'new buildings' should be regarded as 'inappropriate development' unless for one of the specified exceptions set out in paragraph 149. For the purposes of planning, the term 'new building' would include the development subject to this appeal and the works do not fall within any of the exceptions.
7. The Framework indicates that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent sprawl by keeping land within them permanently open. Openness broadly has two dimensions, spatial and visual. Additionally, it is accepted that the purpose and/or use of development can affect openness, as well as the physical presence of the development.
8. Wooden posts have been erected along sections of the perimeter of the grounds leased to the Appellant. The posts are approximately a metre high, painted black with a gold top, and connected via a system of chain linked fencing. A large section of the fencing system runs adjacent to the driveway leading to the front entrance of Addington Place and along the front elevation. The purpose of the fencing is to delineate the boundary of the Palace site as per the lease and provide a clear separation between the Palace and the surrounding golf course. In doing this the Green Belt is divided and the land serving Addington Palace is closed off from the surrounding park. This partition is reinforced by the gate, which is located to the south of the house and walled garden. The result is that the erection of the fencing and gate physically carves out the area and separates Addington Palace from the wider area, and this is harmful to the openness of the Green Belt both spatially and visually.
9. Consequently, I find that the development amounts to 'inappropriate development' in the Green Belt, contrary to local and national policy to protect it. Inappropriate development is, by definition, harmful to the Green Belt and the Framework indicates that it should not be approved except where very special circumstances can be demonstrated. It would conflict with policies SP7 and DM26 of the Local Plan which collectively seek to protect and safeguard the extent of the borough's Metropolitan Green Belt.

Character and appearance

10. Addington Palace is a large country house set within Addington Palace Park. The ground at Addington Palace is undulating and slopes down generally from the north-west to the south-east, forming part of a dry valley with a ridge of

high ground to the north of the Palace. The sweeping landscape contains areas of parkland trees and other areas of vegetation typical of Surrey heathland. These create natural barriers within the park, which along with the access ways provide some visual means of separation of the various leaseholds.

11. The posts and chain link fencing introduces a rather alien addition to the landscape, appearing to slice through parts of it where natural delineation already exists, such as along the driveway, and thereby cluttering the area. The height and colour of the posts appear intrusive and somewhat out of context having regard to the general openness of the wider area.
12. I find that the development erodes the openness of the landscape and is therefore harmful to the character and appearance of the area.

The effect of the proposal on Addington Palace, Addington Palace Registered Park and Garden; and the Addington Village Conservation Area

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72(1) of the Act seeks that in relation to Conservation Areas special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Addington Palace

14. Addington Palace is a Grade II* listed building. It was originally built in 1772 by Robert Mylne and comprised a two-storey central block and one storey wings lining to end pavilions. In 1807 the estate was purchased by the Archbishop of Canterbury and its name was changed to Addington Palace. In 1896 Addington Palace was sold and the house was restructured by R Norman Shaw who added a second floor to the main block, reconstructed the main staircase, built the Great Hall, added an impressive entrance hall in porch and converted the north pavilion to a Winter Garden. The building is built in the Palladian style, comprising Portland stone with a hipped slate roof and tall stone chimneystack. The central two storey porch by R Norman Shaw has triple-window to first floor and the ground floor has a pedimented porch with Ionic columns and piers "in antis" and two leafed panelled door behind. Attached to the house on both the north and south sides is an early 19th century brick wall about 20 feet in height.
15. The significance of the building is found in its grandeur and history, set within the vast landscape of the Addington Palace Park and Garden. The use of the surrounding land as a golf club has significantly altered the setting of the listed building as it is now experienced in a busier environment, with the grounds altered to include golf course landscaping with associated holes, sand bunkers, and greens. Nevertheless, there is a distinct absence of buildings and commercial paraphernalia within the setting of the Palace, and as such it retains its sense of drama and stateliness, despite the requirement for it to exist alongside the modern interpretation of leisure.
16. The gates, fence posts and chain link fencing introduce a discordant form of development to the setting of the Palace, they appear out of place and somewhat contrived, as they add additional demarcation to that which is already provided in a number of places by natural changes in landscape and

materials. Part of the boundary between Addington Park and Addington Palace Golf Club is marked by a line of trees, some of which appear on the OS map of 1867, and therefore have contributed to the setting of the Palace for a significant part of its history, forming a visual and functional boundary.

17. The design of the posts and gate, with the posts some one metre in height and painted black and gold are intended to be a light touch approach to providing a boundary. However, they appear as an insincere attempt to replicate the grandeur of the Palace with materials that are entirely out of keeping with the Palace and its setting. This is particularly prominent in the areas where there is an absence of natural screening or vegetation as the posts jar with their surroundings.
18. I find that the works are harmful to the setting of Addington Palace and fail to preserve its setting as required by Section 66(1) of the Act. Paragraph 199 of the National Planning Policy Framework (the Framework) also requires that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Although serious I find that the harm to the setting of the building is 'less than substantial' within the meaning of the term in paragraph 202 of the Framework, as the building can still be appreciated in respect of its wider setting, and whilst the materials used are harmful, they are more discrete in nature than other forms of fencing.
19. The Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I shall return to this matter later in my decision.

Addington Palace Registered Park and Garden

20. Addington Palace is a Grade II Registered Park and Garden (RPG), and it is the remains of an 18th century park surrounding Addington Palace. Originally part of the manor of Addington with records dating back to the Saxon period, the property was recorded in the Domesday Survey of 1086 and was later (1509-47) owned by Henry VIII and used as a hunting park. Construction of a new house started in 1772, and in 1781 Alderman Barlow Trecothick's nephew, James Ivers Trecothick, commissioned Lancelot Capability Brown to design a parkland setting for the new house.
21. In 1807 the site was purchased by the Church of England and under the influence of successive archbishops the layout of the grounds underwent further development. In 1898 the Church of England sold the house and land to Frederick Alexander English who extended the house and also the gardens to the east of the house. In 1909 the estate was spilt up, part being sold to the Addington Golf Club and the remainder for residential development. In 1930 an area to the south, now known as Addington Park, was sold to Croydon Corporation to be used as a public park.
22. The RPG has a long and established history, bearing witness to changes in ownership and society, whilst continuing as a grand and majestic parkland. Its significance is found in its historical association, and in its physically dramatic topography. Despite the changes in its surroundings, it continues to provide a vast, sweeping parkland punctuated by groups of trees and areas of open land, flowing through the park which ultimately provides a grand visual and physical backdrop for Addington Palace.

23. The fencing would introduce a physical barrier between Addington Palace and the RPG. Part of the history, and significance, of the RPG is its relationship with Addington Palace as it was developed and maintained over a period of time to accommodate those who owned and visited the Palace. As a result, the physical and visual subdivision between the Palace and the RPG would fragment the RPG. This would interrupt the flow of the RPG, the way in which it encompasses Addington Palace, and result in harm to its significance.
24. I find that the works are harmful to the RPG and I attach great weight to the asset's conservation in accordance with the Framework. Although serious, when considering the RPG in its totality, the works affect a small, albeit fundamental, element of it. The wider RPG continues to provide the dramatic and regal landscape and accordingly I find that the harm to the RPG is 'less than substantial' within the meaning of the term in paragraph 202 of the Framework.
25. The Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I shall return to this matter in due course.

Addington Village Conservation Area (the Conservation Area)

26. The Conservation Area is based around the historic village, manor house and associated parkland of Addington Village, retaining all the main constituent elements of a manorial estate. The Conservation Area contains two distinct character areas; the village and the Place and Parkland, and its significance lies in its historical evolution and the ongoing presence of the Palace and parkland which developed alongside the village. Whilst the village is somewhat independent of Addington Palace, largely due to the physical separation created by the RPG, the village and the Manor remain intrinsically linked.
27. The works around Addington Palace have an immediate impact on the Palace and the RPG. Whilst they do not affect the historical association of the Palace and the Conservation Area, they are harmful to the setting of the Palace and the RPG. I find that as a consequence the works fail to preserve or enhance the character or appearance of the Conservation Area as a whole and conflict with Section 72(1) of the Act and I have had regard to the Framework which requires that great weight should be given to the asset's conservation. I consider that the harm to the Conservation Area would, in this case, be less than substantial. This is because the development does not affect the historical linkages between Addington Palace and the wider Conservation Area, and the harm is essentially restricted to its immediate setting.
28. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

Balance and conclusion in respect of the effect of the works on the heritage assets

29. The benefits put forward can be identified as a perceived need to provide a physical boundary between the Palace and the golf club; the provision of safe access by way of lighting; the installation of the gates and fencing for security purposes; and the continued use of the asset for events which contributes to its viability. Whilst the delineation of the boundary provides certainty for users of the site and the golf course, I have no evidence to demonstrate that there are

no other, less intrusive, ways of achieving this. Furthermore, I have very limited evidence to suggest that at present there is ongoing conflict between users to a level that would suggest permanent fencing is necessary. The safe access and exit for attendees would be a benefit to those using the site, however that benefit would be localised to those visiting the Palace. I am not convinced that the gate or chain link fencing, in a setting with a number of accesses, provides a public benefit in respect of securing the safety of the asset from theft. The ongoing use of the asset in respect of its hire for functions and events ensures that it can be maintained, and this is a public benefit in respect of preserving the asset. However, I do not consider that these works are vital to ensuring its future success.

30. Accordingly, whilst there are some public benefits relating to the development, I consider that these would be as a result of considerable harm to the setting of the Grade II* listed building and the RPG, and would result in some harm to the Conservation Area. Accordingly, the public benefits of the development would not outweigh the less than substantial harm caused to the significance of the designated heritage assets; harm that must attract considerable importance and weight.
31. The works also conflict with Policies SP4, DM10 and DM18 of the Croydon Local Plan (2018), and the Addington Village Conservation Area Appraisal and Management Plan (2020), which collectively seek to require development to be of a high quality, and to preserve and enhance the character, appearance and setting of heritage assets within the borough.

Other considerations

32. The Appellant asserts that the posts are necessary to identify the boundary between Addington Palace and Addington Palace Golf Club, which is leased to a different company. In doing so it provides some security for the Appellant in respect of the use of the appeal site and manage the grounds alongside the separate golf club. It may be useful to provide some form of demarcation as a visual and functional boundary between the golf course and the Palace when events are taking place. However, events do not occur every day of the year and I have no evidence in respect of whether a temporary boundary would be suitable in this setting. Furthermore, there are some natural boundary elements in the guise of vegetation and trees which do provide a clear boundary, therefore the additional fencing does not appear necessary in this regard. Accordingly, I attach limited weight to the need for the fencing as a permanent boundary.
33. There is low level lighting set within the posts, and the Appellant contends that this marks the way from the Palace to the associated parking area in the evening, and therefore a necessary health and safety measure. Having regard to the style and design of the fence posts it would appear that their main purpose is to separate the site of Addington Palace. It would be possible to provide forms of lighting to assist visitors in a manner that would be less intrusive to the Green Belt in respect of openness. Accordingly, I attach limited weight to this consideration.
34. The Appellant is also concerned about the potential security to Addington Palace itself due to attempted theft and argues that the gate and fencing acts as a deterrent in this respect. Whilst the closed gates provide a level of security to the front entrance of the Palace, the nature of the link and chain post

fencing provides very little deterrent. Moreover, the Palace can be accessed through the golf course, and so the large gates only block one point of access. I accept that the Appellant wishes to provide security, however I attach very little weight to the fence and gates as a practical way in which to achieve this.

Green Belt Balance and conclusion

35. I have found the scheme to be inappropriate development in the Green Belt which would be harmful to openness, harmful to the setting of the Grade II listed building and RPG and would fail to conserve or enhance the character of the conservation area. The Framework requires me to give these collective harms substantial weight.
36. The benefits outlined above carry very limited weight. The other considerations do not clearly outweigh the substantial harm I have identified due to inappropriateness, loss of openness, and effect on heritage assets. Consequently, the very special circumstances to justify the proposal do not exist.
37. The works conflict with Policies SP7 and DM26 of the Croydon Local Plan (2018) which collectively protect and safeguard the extent of the borough's Metropolitan Green Belt.
38. In conclusion, the works are at odds with the guidance in the Framework, are contrary to the Act, and conflict with the development plan when taken as a whole. I therefore conclude that the appeal is dismissed.

J Ayres

INSPECTOR