



Appeal Decisions

Hearing (Virtual) held on 11 October 2022

Site visit made on 26 September 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal B Ref: APP/C1950/Y/22/3298284

Northaw House, Coopers Lane, Northaw, POTTERS BAR, Hertfordshire, EN6 4NG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Lee Williamson of LW Developments Ltd against Welwyn Hatfield Council.
 - The application Ref 6/2022/0132/LB is dated 18 January 2022.
 - The works proposed are Repair, refurbishment and conversion of Northaw House to form 11 apartments (including refurbishment of existing single caretaker's flat) and underground parking area, the Ballroom Wing to form 2 dwellings, the Stable Block to form 1 dwelling, refurbishment of existing dwelling at Oak Cottage, construction of 2 new Gate Lodge dwellings, 4 new dwellings on the East Drive, 3 new dwellings within the Walled Garden, 7 new dwellings within the Settlement Area, refurbishment of the Walled Garden, refurbishment of access routes and reinstatement of old route, provision of hard and soft landscaping, car parking and supporting infrastructure.
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Appeal A Ref: APP/C1950/W/21/3287854

Northaw House Coopers Lane, Northaw, POTTERS BAR, EN6 4NG

- 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 Lee Williamson of LW Developments Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/0072/MAJ & 6/2021/0071/LB, dated 7 January 2021, was refused by notice dated 26 May 2021.
 - The development proposed is Repair, refurbishment and conversion of Northaw House to form 11 apartments (including refurbishment of existing single caretaker's flat) and underground parking area, the Ballroom Wing to form 2 dwellings, the Stable Block to form 1 dwelling, refurbishment of existing dwelling at Oak Cottage, construction of 2 new Gate Lodge dwellings, 4 new dwellings on the East Drive, 3 new dwellings within the Walled Garden, 7 new dwellings within the Settlement Area, refurbishment of the Walled Garden, refurbishment of access routes and reinstatement of old route, provision of hard and soft landscaping, car parking and supporting infrastructure.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

1. Although there are two appeals before me, I have considered them together where appropriate to avoid duplication.
2. The appeals before me differ from an extant permission and consent, currently implemented¹, in their inclusion of six additional dwellings. As such, whilst my reasoning has covered all the development and works set out in the descriptions, in the planning balance and conclusion I have focused primarily on the effects of those six additional dwellings.
3. The entire slate covering has been removed from Northaw House's roof and the cupola has been removed from the Stable Block. It is argued that these works were undertaken to mitigate ongoing deterioration. However, there is nothing before me to indicate that the appellants followed a procedure for emergency repairs as set out in the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). Moreover, the void left by the removal of the cupola was uncovered at my visit, which has left the Stable Block more exposed to weather damage and deterioration than if it had been left in place. I conclude that consented works have commenced.
4. The Council's decision cites several policies from the emerging local plan. However, this has yet to be adopted and although I recognise that it is at a fairly advanced stage of examination, its policies carry reduced weight.
5. There was no agreed Statement of Common Ground (SoCG) available to me. Consequently, I discounted all submitted versions of the SoCG in my consideration of evidence.
6. When reviewing the evidence, I concluded that not all of the main issues required interrogation at a hearing. I set out my proposals for a blended event in pre-hearing notes, suggesting that only the main issues concerning the enabling development and the effects of the proposals on heritage assets needed to be explored at the sitting on 11 October 2022. These proposals were accepted by the main parties. At the close of the sitting on 11 October the parties agreed that the main issues of Green Belt, other issues, the planning obligation, conditions and applications for awards if costs could be dealt with by written correspondence. However, I adjourned in the event that I wished to reopen the discussion at a later date having reviewed my notes and the evidence. The hearing was closed in writing on 10 November 2022.

Background and Main Issues

7. In January 2020 permission and listed building consent was given for all the works set out in the descriptions for these appeals, except for *construction of 2 new Gate Lodge dwellings*, and *4 new dwellings on the East Drive*. The conversion and restoration works to the site's heritage assets were to be financed by enabling works, namely the new dwellings in the walled garden and what is described as the settlement area. Site works commenced between January and July 2020.
8. A S106 agreement, dated 20 December 2019 (S019 S106) and attached to the extant permission, sets out a sequence of development, including that a Restoration Plan be submitted to the Council and approved in writing before the

¹ 6/2019/0217/MAJ & 6/2019/0218/LB

commencement of development. It was confirmed at the hearing that the Restoration Plan has not been approved by the Council. Condition 1 imposed on the listed building consent for the extant works require the submission and approval of a detailed construction/repair method statement by the Council before development. The planning history indicates that this condition has not been discharged.

9. Nonetheless the development has commenced, with seven new dwellings in the settlement area being at or near completion and three dwellings in the walled garden being at an early stage of construction. Works have also been undertaken to some of the heritage assets, including demolition of curtilage listed structures. With regard to Northaw House, works comprise the removal of slates and erection of a canopy, and at the Stable Block, the apparent removal of structural timbers and the removal of the cupola.
10. The appeals before me seek to gain permission for six additional dwellings on the grounds that the enabling development previously given permission is insufficient to safeguard the heritage assets.
11. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies (Appeal A);
 - The effect of the development on the openness of the Green Belt (Appeal A);
 - Whether the development and works would preserve the Grade II listed Northaw House (the House) and Stable Block, and other curtilage buildings, or any features of special architectural and/or historic character that they possess, including setting, and the effects of the proposals on the Northaw Conservation Area (NCA), (Appeals A and B);
 - Whether the amount and type of proposed enabling development is justified having regard to the needs of the House, the Stable Block and any other curtilage listed buildings (Appeals A and B);
 - Whether the development and works would provide a sustainable form of development in relation to financial contributions to support local infrastructure and services (Appeal A); and,
 - Would the harm to the Green Belt, by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal (Appeal A).

Reasons

Green Belt (Appeal A)

12. The appeal site lies within the Metropolitan Green Belt (Green Belt). The Framework states that inappropriate development is by definition harmful to the Green Belt. The proposals for new dwellings do not fall within any of the exceptions set out in Paragraphs 149 or 150 of the Framework, and as such are inappropriate development. The harm caused by inappropriate development carries substantial weight, as set out in Paragraph 148 of the Framework and should not be approved except in very special circumstances.

Openness (Appeal A)

13. One of the purposes of the Green Belt set out in Paragraph 138 of the Framework is to assist in safeguarding the countryside from encroachment. When considering the impact of development on the Green Belt, openness is generally considered to mean the lack of development or activity.
14. The consented scheme, largely built out, has reduced openness. However, the proposed six additional dwellings would further reduce openness, arising from the bulk of the dwellings themselves, and from the increased activity and domestic paraphernalia of their gardens. This would be particularly apparent for the five dwellings to be located on the ridge to the east of the Stable Block, on what is currently open parkland. The dwelling located beside the western site entrance would be less prominent from outside the site as the visual envelope is contained to the north and west by woodland, and to the south by the walled garden and White Lodge. However, it would nonetheless be located in a distinctive open space and unrelated to the underlying building pattern. Whilst there would be less visual intrusion arising from the western lodge compared to the other five proposed dwellings, there would nonetheless be a reduction in openness.
15. All six dwellings could be screened by additional planting, which could have merit particularly in relation to the five dwellings to the east of the Stable Block. However, the potential acceptability of the effects of planting to provide such screening does not mitigate the effects of the development on openness in planning terms and in relation to the Green Belt. This has been confirmed by case law² which has determined that openness has a spatial and visual aspect. The absence of visual intrusion does not necessarily mean that there is no impact on the openness of the Green Belt.
16. The appellants note that the Council's conclusion with regard to openness conflicts with the professional view set out in the Landscape and Visual Impact Assessment (LVIA). However, the assessment of openness in planning terms and in this context, does not require specialist assessment in the form of a LVIA.
17. Moreover, the land within which five of the dwellings would be situated, Parcel 84, was considered as part of the evidence base for the emerging local plan. A landscape sensitivity study³ concluded that Parcel 84 made a significant contribution to the aims of the Green Belt with regard to encroachment and that its release for development would lead to a high degree of harm. Although this evidence carries less than full weight, it reinforces my reasoning. The proposals would also represent encroachment into the countryside, contrary to Paragraph 138, as outlined above. The development would cause significant harm to the openness of the Green Belt, and I give this harm substantial weight.

Green Belt Conclusion

18. There would be significant harm to the Green Belt with regard to inappropriate development and effects on openness. This would be contrary to the

² Lee Valley Regional Park Authority, R (on the application of) V Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

³ Development of Evidence for Welwyn Hatfield Local Plan: Landscape Sensitivity Assessment, LUC, July 2019

aforementioned paragraphs of the Framework as well as emerging Policy SADM34 which is concerned with safeguarding the Green Belt.

19. The Council has cited Policies RA10 and D2 in relation to the Green Belt harm but these policies are concerned with landscape character and appearance, and do not mention the Green Belt. Supplementary Design Guidance is also cited, but does not appear to reference the Green Belt. As such, these policies and guidance weigh neither for nor against the appeal.
20. Whether there are other considerations amounting to the very special circumstances sufficient to outweigh the substantial harm arising from inappropriateness and Green Belt openness is considered later in my reasoning.

Heritage Assets (Appeals A and B)

Northaw House

21. The two storey House, with sunken basement and attic, dates from the late 17th century, but was extended in the late 18th and early 19th centuries. Map regression through the 19th to the early 20th centuries also identifies the increasing presence of service buildings to the west of the House, likely to be associated with a home farm and later, a walled kitchen garden.
22. The House now presents as a multi-phase country residence, with a seven window frontage, stepping forward in three shallow projections, with a painted plaster finish and a slate mansard roof. A semi-circular porch with Doric columns and pilaster responds frames a flush panel door within a moulded frame above 6 stone steps and plain iron railings. To the west of the House there are two large two and three storey service blocks in painted brick, one of which is a former stables, and there is a late 19th century conservatory attached to the House on its western elevation, facing the rear garden.
23. Internally, the entrance hall has groin vaulting and reeded door surrounds, a 19th century replica main staircase and an original 17th century service staircase. Parts of the House were formerly used as an office, although evidence of office use, such as exit signs and built-in fittings are largely confined to the ground floor. The roof slates have been removed, and there is evidence of former water ingress on the upper floors, but the timber roof structure appeared sound. My very cursory inspection did not identify major structural issues and I noted that the House retains many original features such as the tiled hall floor, panelled doors, mouldings, ironwork, period staircases and fireplaces and fire surrounds, within a largely intact plan form. My observations in this regard are supported by the heritage assessment⁴ and historic building recordings⁵. Although there have been alterations within the early core of the building, it has retained, internally, a highly distinctive period character with a clear hierarchy of space and ornamentation reflecting the principal and associated service accommodation.
24. The House is centrally located within the estate and in an elevated position. Its north-east facing principal elevation has long views across open parkland and the Cuffley Brook, to the woodland of Nyn Park. The parkland then sweeps round to the east and south, towards the village of Northaw and with further long views across open countryside from the House's rear. The openness and

⁴ Heritage Collective, November 2020

⁵ Cotswold Archaeology

opportunities for extensive views to the east and south of the House contrast with the more enclosed spaces between the service blocks and walled garden, and the site's western entrance. Here narrow tree belts and woodland screen the former walled garden and home farm area from the approach to the House, as well as restricting views to the immediate north-west.

25. The significance of the House arises from its intact historic fabric, particularly in relation to the central residential core, its grand external appearance and materials, internal detailing and ornamentation, and plan form. The service blocks have a more utilitarian appearance but are nonetheless evidence of a subservient and ancillary function to the main house.
26. The House's commanding position on the ridge, which affords long views from its principal and rear elevations emphasises its former status. Its prominent position within the estate was reinforced by the realignment of the nearby road when the House itself was remodelled and extended, which increased the extent of the surrounding parkland. I conclude therefore that significance also arises from the House's siting within the estate and its spatial relationship with and the extent of, the parkland. The House's appearance and position also ensures that it is clearly the focus of the former estate and at the apex of the estate's spatial and structural hierarchy.

Stable Block

27. The mid-late 18th century red brick Stable Block to the immediate east of the House has a hipped slate roof with central cupola, now removed for safe storage. It is also located on elevated ground and has direct access to the former east-west carriage drive. An open sided cartshed with a slate roof attached to the Stables western elevation appears to be of similar age although a break in brickwork on its rear elevation suggests that it was a later addition.
28. Parts of the Stable Block were too dangerous to enter but in the former stables there is evidence of the original timber partitions which subdivided the stalls, now stacked on one side, timber mouldings associated with the hayrack and a largely intact floor surfacing of narrow stone cobbles with drainage runs. The substantial timber beams are supported with Acrow props, but it appears that associated joists have been cleanly and fairly recently cut off at the beams and the walls. The slate roof to the cartshed, and its timber supports, are in very poor condition.
29. The Stable Block is a substantial structure, and its proximity and orientation relative to the House and the former carriage drive, reflect its importance to the everyday life of the estate. As such its significance is derived from its intact, albeit internally dilapidated, historic fabric and form, and its spatial relationship with the House and the former carriage drive. It also makes a highly positive contribution to the setting of the House and contributes to an understanding of the supporting activities of a gentleman's country residence.

Curtilage buildings and structures

30. There were formerly a number of brick and timber framed ancillary outbuildings with vernacular and agricultural form located between the walled garden and the House's service blocks. These included the two storey and rather plain Oak Cottage, likely to have been the gardener's cottage, a lean-to gardener's store attached to the outer wall of the garden, stores, barns and a former stables.

Although there are ancillary buildings in this location on the 1811 map, most of the outbuildings appear to have been added to the estate between the early 19th and mid-20th century. They had evidential value arising from their former functional contribution to the running of the estate as well as reflecting traditional building techniques, but all, apart from Oak Cottage and the Apple Store currently in office use, appear to have been demolished. There is also significance in their small scale compared to the House and its service blocks, and their informal layout.

31. The appellants argue that the lean-to store attached to the garden wall required demolition due its condition. It is being rebuilt, but it is unclear from the overall site plan what its ultimate function will be.
32. The evidence suggests that the walled garden itself, located to the west of the former cluster of low level ancillary buildings, was abandoned some time ago. However, the red brick boundary wall on all four sides is an impressive construction and its significance is derived from its historic fabric, the enclosure of a significant open space and its spatial relationship with the House and Oak Cottage. The wall of the walled garden and the simple vernacular form of the attached Oak Cottage make a highly positive contribution to the setting of the House and to an understanding of the wider estate.

Proposals and their effects – consented works

33. The proposals are to convert the House and the service blocks into residential units. There is no dispute between the parties that residential use is the optimum viable use and I see no reason to disagree.
34. Alterations to the House's external envelope would be limited, and the Council imposed planning conditions and covenants in the planning obligation to ensure that works were carried out in a logical manner, and to retain control over the use of materials and new fixtures to safeguard the heritage assets.
35. The proposed plan form demonstrates sensitivity and an appreciation of the House's distinctive character and original function as a grand country house. Nonetheless, internally there would be some loss of the original layout as well as the loss of historic features and period fabric.
36. Although the over-arching significance arising from the House's imposing presence and external envelope would be retained, there would nonetheless be a diminution of the contribution made to that significance by the amended plan form and the loss of features of special or historic interest that would not be preserved.
37. As such the House would not be preserved in accordance with Sections 16(2) and 66(1) of the Act, and I give this conflict substantial weight. This would amount to less than substantial harm. There would also be conflict with Policy SADM15 of the emerging plan, which is concerned with the safeguarding of heritage assets, although this carries less than full weight.
38. The proposals include the demolition of single storey 20th century links between the main body of the House and the service blocks, as well as a metal fire escape. These are unnecessary visual clutter which diminish appreciation of the original relationship between these buildings. However, although their removal would represent a very minor benefit, it does not alter my overall

reasoning and conclusions with regard to the diminution of significance in respect of the House.

39. The works to the Stable Block comprise its restoration as a single dwelling, set within an enclosed garden. There would be a two-storey rear extension, partly on the footprint of an earlier and now collapsed single storey wing, and the rebuilding of the attached and dilapidated cartshed on the western elevation. This would become a study and covered parking area. New window openings would be introduced and a pitched roof porch would be built on the front elevation to frame the new entrance. The roof cupola would be restored to its original position to return as a distinctive feature.
40. The heritage statement sets out that timber stable partitions and moulded hay rack cornice would be retained or relocated, but this is not evident from the plans. Given the condition of the original timberwork at my visit it seems unlikely that it could be retained in any form.
41. There would be a loss of historic fabric and plan form internally, as well as significant alterations to the Stable Block's external envelope. This would reduce the Stable Block's significance and result in conflict with Sections 16(2) and 66(1) of the Act and emerging Policy SADM15, as set out above. I give this conflict substantial weight and it would amount to less than substantial harm.
42. The works to the curtilage listed Oak Cottage comprise small extensions and restoration to provide a single residence. It would be restored to a form which appears to be in keeping with its original ancillary function and location adjacent to the walled garden. I conclude that the restoration works to Oak Cottage would not fail to preserve the special features of the House or its setting, and as such the proposals would not result in a conflict with the Act or emerging Policy SADM15.
43. The seven new dwellings within what is now known as the settlement area between the service blocks and the walled garden, have been largely built out and I noted that three appeared to be occupied. These dwellings have replaced the aforementioned cluster of outbuildings.
44. The heritage statement sets out that this area is designed to replicate a former farmstead, with *high quality agricultural buildings of modern interpretation* comprising a red brick main farmhouse, dairy, and barn style property and four pairs of barn style properties with black weatherboarding.
45. I do not doubt the quality of the workmanship, but all the new dwellings in this area have an undoubtedly suburban character that could sit reasonably within any urban or rural situation. Whilst I note that the detached brick dwellings have a quasi-traditional style with pitched tiled roofs, decorative banding between the floors, and brick stacks, their overall scale, height, layout and rather bland design is not particularly reflective of a former farmstead. Nor do these dwellings, by virtue of their overall height and bulk, reflect the subservience of the former ancillary buildings in relation to the House.
46. The semi-detached dwellings have a more distinctive design with full-height glazed gables on their front elevations, and cartshed style attached garages, but the use of black weatherboarding on these very smart dwellings does not in

itself convey any sense of the design, scale or arrangement of the House's former outbuildings or the period cottages.

47. Although the dwellings are attractive in their own right and it is clearly a development with a well-executed and high specification, I see very little about their overall design or scale that reflects the distinctiveness of the former outbuildings, former function of this area or the subservience that would have characterised this area in the House's heyday. Moreover, the dwellings intrude into the intervisibility between the House and its service blocks, and the walled garden. This in itself diminishes the setting of the House and its appreciation as the focal point of the estate.
48. Consequently, I find harm arising from the bulk and incongruity of the dwellings in the settlement area which diminishes the setting of the House and the Stable Block as they remove any appreciation of the estate's former layout, and the underlying hierarchy of structures. There is a considerable erosion of significance to the settings of the House and the Stable Block arising from the dwellings in the settlement area. The loss of former ancillary buildings and the building of the new dwellings in the settlement area fails to preserve the settings of the House and the Stable Block. As such there is conflict with Section 66(1) of the Act and emerging policy SADM15 as set out above. This amounts to less than substantial harm, and the magnitude of that harm is at the highest end of the scale.
49. The three new dwellings within the former walled garden are under construction. Their location in corner plots reflects the likely formality of the garden's original layout. Each dwelling will be two storey with one floor below ground, and the elevations facing the garden will have full height glazing on two walls. The dwelling's overall height will be limited through use of flat green roofs. These will be very attractive dwellings with a distinctive contemporary appearance and will be screened from wider views within the estate by the repaired garden wall. I acknowledge that the internal features of the garden had either disappeared or been largely abandoned some years ago and the garden wall will limit intervisibility.
50. Nonetheless, the garden would have been a large open space which directly demonstrated its former function. As such its subdivision and the erection of dwellings will erode that appreciation and diminish significance. I conclude that there will be conflict with the Act with regard to the settings of the House and the Stable Block. This would amount to less than substantial harm but would be at the lower to medium end of a notional scale of magnitude of that harm. There would also be some minor to moderate conflict with emerging Policy SADM15, as set out above.
51. Paragraph 202 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this should be weighed against the public benefits, including where appropriate, securing its optimum viable use. In relation to the consented scheme the Council concluded that the consented new dwellings would generate sufficient finance to support the conversion and restoration of the heritage assets, and secure their long-term future and optimum viable use. Notwithstanding my conclusions in relation to harm to the heritage assets, I see no reason to disagree.

Proposals and effects – additional proposed enabling works

52. Map regression indicates that although there were buildings in enclosed plots to the east of the Stables on the 1811 map, they were no longer present by the mid-19th century, when the maps indicate that the parkland was extended to sweep around the House and the Stable Block on three sides.
53. Even though there were other buildings on the estate in 1811, it is clear from that map that the House was the largest house by a significant degree, and also had what appears to be unenclosed land to its front and rear. Its principal elevation is also aligned with what appears to be a grand tree lined avenue in Nyn Park, some distance away on the other side of Judge's Hill. This indicates to me that the House at that time was of far higher status than the buildings on enclosed plots. In any case it cannot be determined what these other buildings were, or even if they were dwellings.
54. The proposals for additional dwellings include two pairs of substantial semi-detached dwellings, and a single storey dwelling arranged in a line along the ridge to the east of the Stable Block, and fronting the former carriage drive that runs from one side of the site to the other. These dwellings would be highly prominent and visible in views from Judge's Hill on the approach to Northaw village, as a consequence of their scale and elevated position. They would also represent a significant and bulky intrusion into the open space between the Stable Block and East Lodge. East Lodge is just outside the site boundary but was formerly the estate's former entrance lodge.
55. It is argued that the semi-detached dwellings would reflect *small agricultural workers' cottages*. However, each pair of semi-detached dwellings would have a combined frontage of around 20 metres, and an overall height to the ridge of around 9 metres. They would be substantial structures that would impose an artificial street scene into open parkland. I disagree that they would in any way present as subservient buildings or workers' cottages. Moreover, each would sit on a very generous plot which would intrude further into the open parkland to their rear.
56. It is argued that there is a historic precedent for buildings in this location. However, the cluster of comparatively modest buildings (compared to the footprint of the house and the Stable Block) to the east of the Stable Block shown on the 1811 map appears to be set further south than what is proposed. Moreover, by 1838, when it is clear that the House is starting to be significantly extended and its estate remodelled, those buildings and their enclosed plots have been removed.
57. I appreciate that there is a belt of trees between the Stable Block and the location of these dwellings. However, tree cover is not necessarily as permanent as dwellings. Moreover, the contribution the open parkland makes to the setting of the House and associated structures is not necessarily linked to intervisibility.
58. Lodges appear at each end of the drive on the 1838 map. At this point it appears that the House has been extended, and the previous enclosed plots to its east have been cleared. The Stable Block appears in more or less its current footprint. There is also a larger cluster of smaller buildings to the House's west, which appear to be the precursors of the home farm and walled garden arrangement.

59. It was agreed at the hearing that East Lodge forms part of the House's setting. It is heavily extended from its original form but its location, and visual relationship with the open parkland and glimpsed views of the Stable Block beyond, contribute to a sense of arrival at the entrance to a grand estate.
60. The proposed lodge would be on the other side of the drive from East Lodge, and within the site. It would have a footprint which would appear to be considerably larger than the lodges shown in the map regression and would relate visually to the two pairs of semi-detached dwellings rather than East Lodge and the site entrance. It would intrude into the open parkland and diminish the setting of the House and the Stable Block, as well as confusing the existing sense of entrance currently experienced at East Lodge. I acknowledge that some estates have pairs of gate lodges, but they generally sit directly opposite each other and are mirror images. This lodge style dwelling would appear highly contrived in its location.
61. Moreover, the key to the significance of the House, its estate and associated structures, is firmly rooted in what appears to be its late 19th century heyday, the spatial relationship between the dwellings and the parkland, the walled garden and the home farm, and the service buildings. The development of dwellings on part of the site that makes a major contribution to the House's setting and consequently to its significance, would erode that significance to a very large extent and confuse its appreciation.
62. My view in this regard is supported by the Historic England guidance⁶ which states that *restoration of isolated parts of a place to an earlier form, except as legible elements or an otherwise new design, would produce an apparently historic entity that had never previously existed*.
63. It is also proposed to introduce another lodge-style dwelling near the western entrance to the site. This would sit remotely from and significantly forward of the new dwellings of the walled garden and the settlement area. This area is shown on the map regression as a significant tree lined linear space leading from the estate entrance to the House's principal elevation.
64. The evidence indicates that the White House, south of the western entrance, was built as consequence of a former implemented permission for a replacement west lodge. It is notable that the White House's front elevation aligns with the northern elevation of the walled garden. This ensures that the openness of the approach to the House from the western entrance is retained. The size and location of the proposed west lodge would intrude into this space and harm the setting of the House, eroding its significance in this regard.
65. Although I have found harm in relation to the consented dwellings in the settlement area, these buildings are located discreetly between the House and the walled garden. They do not project beyond a notional line between the northern end of the service blocks and the walled garden's northern wall. In this regard the settlement area is neatly contained and its intrusion into views of the House and nearby period structures, and its immediate relationship with the parkland to the north, is limited. This reinforces my reasoning with regard to the harm to appreciation of the estate's layout that would result from the proposed west lodge.

⁶ Historic England, Conservation Principles 2008

66. The six proposed dwellings, taken in isolation, would intrude into key areas of the estate's parkland setting and would considerably diminish the settings of both the House and the Stable Block by undermining to a very large extent the spatial and structural hierarchy of the 19th century estate layout. This would amount to less than substantial harm, and very much at the upper end of that category. This would be contrary to Section 66(1) of the Act, as well as Policy SADM15 of the emerging local plan.
67. Paragraph 199 of the Framework states that great weight should be given to an asset's conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm. I acknowledge that there is a very minor benefit arising from demolition of the House's 20th century additions, and I have concluded that the magnitude of less than substantial harm varies between different elements of the scheme. Nonetheless, the consented scheme amounts to significant conflict with the Act and the Framework, as well as emerging policies. Overall, and taking the effects of the consented scheme on the estate as a whole, I give this harm very substantial weight.
68. The six new dwellings would add to the magnitude of less than substantial harm. In fact, given the richness of assets within the estate and the influence of overlapping and reciprocal settings, I conclude that the magnitude of harm arising from these six dwellings in combination with the consented scheme would come very close to substantial harm as set out in the Framework. There would therefore be very significant conflict with the Act, the Framework and emerging Policy SADM15 resulting from the appeal proposals.
69. As noted above, where there is less than substantial harm to heritage assets that harm should be weighed against public benefits. This is discussed further in the planning balance.

Northaw Conservation Area

70. The Northaw Conservation Area (NCA) clips the eastern edge of the site, and includes the site's eastern entrance and East Lodge.
71. Northaw is a small village with period red brick structures clustered around a triangular open space in front of the late 19th century Grade II* listed St Thomas a Becket church, and the 17th century Grade II listed Sun Inn. The apparent expansion of Northaw on its eastern edge also suggests that the Northaw estate constrained village expansion towards the west, leading to the distinctive gap between the village and the estate which has been retained since the remodelling of the estate in the mid-19th century.
72. The significance of the NCA arises from the clusters of period and listed buildings and the spatial relationship between the village and the estate. The open parkland abutting the western edge of the NCA makes a positive contribution to the setting of the NCA as it reflects area's historic development.
73. Although there is no statutory requirement to consider the setting of conservation areas, Paragraph 200 of the Framework states that harm to a designated heritage asset, including arising from development within its setting, requires clear and convincing justification. The development of five dwellings between the House and Northaw village would intrude into this green

gap and therefore diminish the NCA's setting. As such there would be harm to the setting of the NCA.

74. The development would therefore conflict with Paragraph 200 in this regard. The justification for the development arises from arguments in relation to enabling development which are set out below.

Enabling Development

Extant permission and consent

75. At the time that the extant permission and consent were granted it was not in dispute that enabling development was required to fund the restoration of the heritage assets. As such, development that would otherwise be considered harmful, such as inappropriate development in the Green Belt and harm to the heritage assets, would generate benefits in relation to the safeguarding of heritage assets that could outweigh that harm. This is in line with Paragraph 208 of the Framework.
76. The appellants proposed a total of 16 new dwellings in addition to the conversion of the heritage assets, but after lengthy negotiations and the analysis of viability appraisals undertaken by the appellants and the Council, the Council consented to the building of ten new dwellings only. The Council was satisfied that this was the minimum enabling development required to safeguard the heritage assets.
77. The underlying argument advanced by the appellants for these appeals is that the Council's viability assessment in respect of the consented schemes was fundamentally flawed. The appellants considered that a total 31 residential units, with 16 new dwellings, was the minimum enabling development required. However, the subsequent planning application was for a total of 25 residential units including 10 new dwellings. This and the associated application for listed building consent were given consent.
78. Nonetheless, the site was purchased and development commenced in the full knowledge that the approved 25 residential units would not, in the appellants' view, generate the finances to carry out the restoration works. Whilst I appreciate that the options agreement with the former landowner was about to expire, the Owner and the appellants appear to be commercial organisations and it seems highly likely that a financial risk assessment would have been undertaken to inform and support that decision.
79. As such, and notwithstanding that the appellants disagreed with the Council's valuations and viability appraisals, the commercial decision to proceed with an apparently unviable development can carry no weight in my determination of these appeals. The appellants and the Owner proceeded at their own risk.
80. Whilst I acknowledge that the 2019 BNP Paribas valuation (BNP) for the Council appears to omit all S106 costs, presumably the inclusion of those costs would not have been disputed by the Council.
81. The appellants have also raised a concern that the 2019 S106 obligation, does not safeguard the heritage assets, and that this is a failing on the part of the Council which, the appellants suggest, adds weight to the arguments advanced in support of these appeals.

82. Schedule 3 Clause 1.3 of 2019 S106 sets out that the Owner⁷ covenants to *submit a specification for the Restoration Works ... to the Council prior to the commencement of development, and that development will not commence until the Restoration Plan has been submitted to and approved in writing*. It was confirmed at the hearing that although proposals have been submitted to the Council, the Restoration Works have not been approved by the Council. Yet development has commenced. The appellants suggested that the House needs investigative works to inform a Restoration Plan, but the need to have that Plan approved before commencement was known from the outset and is clearly set out in the 2019 S106. Moreover, in my experience surveyors are able to gain a good understanding of a building and its required remedial works with limited investigative or opening up works. In any case, this expectation was clearly set out in the executed 2019 S106.
83. Whilst I acknowledge that the Council may require a level of detail that the appellants consider to be excessive, in my experience this amount of detail is commonplace for the restoration of heritage assets. Moreover, the preparation of the schedules of construction costs for the Restoration Works would have required a reasonably detailed knowledge of the works likely to be needed. The absence of an approved Restoration Plan draws into question the accuracy of the proposed construction costs in the viability appraisals. This is of particular relevance given that the appellants also argue that the condition of the heritage assets has significantly deteriorated since the viability appraisals that supported the extant consents were undertaken. I return to this later.
84. Schedule 3 Clause 1.1 sets out that the Management Plan (whose content is set out in Schedule 3(a)), is to be submitted to the Council *no later than 3 months from commencement of development and that the owner is not to occupy the development until the Management Plan has been submitted to and approved in writing by the Council*. The works began in 2020 and there is nothing before me to indicate that a Management Plan has been submitted or approved. Nonetheless, I noted that three of the completed dwellings in the settlement area appeared to be occupied. That one dwelling is occupied is confirmed by the S106 proposed for these appeals, which shows that one of the parties to that document lives at The Dairy.
85. I acknowledge that there is a lack of clarity in the 2019 S106. Clause 1.2 of Schedule 3 states that no dwelling is to be occupied until the Management Plan is implemented. However, the Management Plan requires only the management and maintenance of the open space and listed buildings. Clause 1.5 of Schedule 3 states that no more than 12 dwellings on the application site can be occupied until the Restoration Works have been completed until to the Council's satisfaction. The appellants have advanced the argument that they could legitimately withdraw from the site before the occupation of the 13th dwelling.
86. However, it remains that Clause 1.3 requires the submission and approval of a Restoration Plan before the commencement of development. This has not occurred. Nor have pre-commencement conditions on the listed building consent been discharged.
87. Consequently, I give little weight to the arguments that the Council has failed to secure the future of the listed buildings. The appellants' consultant, Bailey

⁷ Northaw Properties Ltd

Venning Associates (BVA)⁸, sets out in Clause 4.21 of its report that the Council was aware that the viability issues were not resolved in 2019, leading to *a need to revisit consents with a view to approving further development*. I acknowledge that the appellants disputed the Council's viability appraisal as set out in the BNP report in the period before the submission of the 2019 applications. Nonetheless, the appellants reduced the scheme to 25 residential units in order to be granted permission. The site was subsequently purchased, and development commenced. However long the prior negotiations or the frustration experienced by the appellants, the Council cannot be held to be responsible for the appellants or the Owner proceeding with what they believed to be an unviable scheme. Nor do I give weight to the argument that the appeal schemes should be given weight on the basis that this was the scheme originally proposed by the appellants.

88. Moreover, the proposed S106 obligation for the current appeals, prepared by the same solicitor but with the appellants now as the first Owner rather than the developer, also requires the submission and approval of a Restoration Plan prior to the commencement of development. Although the completed works have been built out under the extant permission, the appeals before me include the full scope of the works already given permission. Practically, any pre-commencement conditions can only apply to the six proposed dwellings over and above what has already been granted permission.
89. Moreover, although it sets out that the restricted dwellings will not be occupied until Restoration Works have been completed in full and in accordance with the approved Restoration Plan, the restricted dwellings are those within the House and its service blocks only. These are dwellings which require the Restoration Plan. The Stable Block, which is itself a listed building, could be occupied without the Council's approval of the restoration works. Consequently, if I apply the same arguments advanced by the appellant in relation to the 2019 S106, I conclude that the proposed S106 does not necessarily secure the future of works to the listed buildings.
90. Whilst I acknowledge that the appellants are not obliged to undertake all development or works for which they have consent, it remains that the 2019 S106 and conditions imposed on the listed building consent set out a clear sequence of events in relation to the heritage assets, which have not been followed.

Viability assessments

91. It is not in dispute that enabling development was required to safeguard the heritage assets of the House, the Stable Block and other curtilage buildings when the extant permission and consent were granted.
92. For these appeals, each party has prepared viability assessments which include different valuations for measured items, as well as different methodology. The main areas of dispute appear to be the inclusion of site acquisition costs and the construction costs.
93. Appendix 1 of the BVA report sets out that restoration works to the heritage assets to provide 15 housing units, in isolation, would lead to a Conservation Deficit (CD) of over £2 million. This appraisal includes a site acquisition cost of

⁸ Bailey Venning Associates, November 2021

£1.6 million, and the subsequent appraisals for schemes with 25 and 31 dwellings respectively, retain that site acquisition cost of £1.6 million. The appraisal for the consented 25 dwelling scheme shows that the overall profit would be just above 11 per cent of Gross Development Value (GDV) rather than the not unreasonable expectation of 20 per cent. This, it is argued by the appellants, demonstrates that the current scheme does not overcome the CD.

94. BVA's justification for a site acquisition cost of £1.6 million is that it is the figure used in the Council's BNP Paribas report of 2019. This was determined to be the market value of the site in its (then) existing office use. This figure is significantly less than the valuation of £2.64 million set out in the appellants' James Brown viability report⁹ (JB) which also accompanies these appeals.
95. Whilst I appreciate BVA's assertion that the figure of £1.6 million is the *least controversial* of the site value figures presented by the appellants, it also immediately removes £1 million from the proposed CD. Given that BVA's CD is set at just over £2 million it seems highly unlikely that BVA would recommend removing over £1 million from the site acquisition cost unless the higher figure in the JB report was wholly unjustified. This leads me to query the accuracy of other costs in the JB report and also to conclude that the proposed figure of £1.6 million is at least around or perhaps above a realistic valuation. Moreover, the main thrust of the appellants' argument for these appeals is that the BNP viability appraisal was fundamentally flawed, which increases my concern that the figure of £1.6 million is not necessarily substantiated.
96. The Historic England (HE) guidance¹⁰ does not explicitly refer to site acquisition costs until Paragraph 49, when it discusses the effect of paying too high a price on the assessment of enabling development costs. Nonetheless, in principle, I see no reason to exclude land costs as an appropriate development cost in any calculation of the CD, or subsequent calculations to identify whether the proposed enabling works would be sufficient to fund the restoration works, and their extent.
97. However, I disagree with BVA that the logical point to assess site value should be the point of the site's purchase. The HE guidance sets out that there should be an assessment of market value of the assets in their current and repaired condition. The site has changed significantly since purchase, not least in that much of the enabling development included in these appeals has been built out. As the appeals before me subsume the development and works set out in the extant consents, it would be more logical to assess the site value input when the applications related to these appeals were submitted, i.e. January 2021¹¹ and January 2022¹². Although there is nothing before me to indicate the stage of works on site when the appeal applications were submitted, it was confirmed at the hearing that site works had commenced in July 2020 or before, and the seven dwellings in the settlement area are at or near completion. Moreover, the removal of the House's roof covering suggests that the value of that asset alone is very likely to have reduced since the site was purchased.

⁹ James N Brown Viability Report October 2020

¹⁰ Historic England June 2020

¹¹ Appeal A

¹² Appeal B

98. It is not in dispute that the House was formerly used as an office. However, although the appellant argues that this is still its lawful planning use, the removal of the House's roof covering and the cupola on the Stable Block clearly indicate to me that the extant consents have started, for both buildings. Works have also been carried out on curtilage listed structures, including demolition.
99. On this basis I conclude that although the heritage assets themselves are in various states of disrepair, the change of use associated with the extant permission has been implemented. Therefore, the land valuations for these appeals should be based on residential use, which it is agreed is the optimum viable use for the site. It would also seem illogical to base land values on a situation pertaining for different and earlier applications, and before site works had started.
100. My reasoning in this regard is supported by Section 56(1) of the Town and Country Planning Act 1990 which sets out the prerequisites for the initiation of a development. Whilst I appreciate that cessation of a former use does not necessarily amount to abandonment, or result in a change in lawful use in planning terms, the extant permission is clearly implemented. Although I appreciate that this is a contentious point, and one which goes to the heart of these appeals, I have to base my reasoning on my judgement.
101. The assessment of the CD, as set out in the HE guidance requires a condition survey of the assets in need of conservation repairs, an options analysis and an assessment of the cost of repairs. The 2017 building survey¹³ contains little more than generalisations about the likely degree of works required and I accord it little weight. The generality of the appellants' survey information was confirmed by the Council's heritage consultant at the hearing.
102. The construction costs for the heritage assets prepared by Madlins, which form the basis of the JB report, state at the outset that they are based on the architect's drawings, the expectation of a medium-high finish, exclude the works to the basement of Northaw House and note that the extent of likely structural works is unknown. However, the architect's drawings do not include detailed specifications or even particular details of the work required in each room other than the intention *to retain all historic decorative work and provide new matching features as necessary*. There does not appear to be a building specification for the restoration works to inform the construction costs or to specify the finishes. As such, and in the apparent absence of more detailed information, I give minor weight only to the construction costs' accuracy and whether they truly reflect the cost of the likely works required.
103. Furthermore, the Council has been unable to approve the details submitted to date. As such, I conclude that such details as have been provided fail to meet the Council's expectations in respect of the heritage assets and their significance.
104. Moreover, although it is argued that the assets have deteriorated since the viability appraisals were undertaken, the cost estimates are those that supported the consented work. This further adds to my concern that the construction costs are not necessarily a true reflection of the funds required to carry out the current extent of required work. I appreciate that the respective

¹³ Stuart Little, January 2017

viability consultants agreed that the rates and likely sales figures should remain the same for these appeals, to simplify the arguments. However, the buildings' deterioration is being presented as an argument in favour of the appeals. The absence of detailed or more up to date information on the cost implications of deterioration since the viability assessments for the extant consents, does not assist the appellants' arguments.

105. There is also a dispute regarding the construction costs. BVA has undertaken a reconciliation of the figures provided from Madlins (for the appellants) and from Concert (for the Council). To some extent, I find that reconciliation convincing as it identifies, for example, some double counting and alters percentage mark ups to levels consistent with the industry. However, this does not alter my concern in relation to the apparent lack of a detailed specification, the potential for unforeseen structural work, and the exclusion of the costs of converting the House's basement to an underground garage.
106. Furthermore, there has clearly been some selectivity in the inclusion of costs in the appellants' viability appraisals. The actual purchase price for the site was in excess of £6 million, and the substantial cost of erecting the scaffolding, to protect the House once the slates had been removed, is not included.
107. It seems highly unlikely that the appellants or the Owner would not expect the overall revenue to cover the costs not shown in the appraisals. Whilst the Council's consultants have not raised a concern in relation to overall revenue, it seems to me that the figures before me do not reflect the true financial situation. This adds to my concern that the construction costs cannot necessarily be relied upon, and that in the absence of an approved Restoration Plan I am unable to conclude that the development and works would meet the Council's expectations or safeguard the heritage assets.
108. I acknowledge that Aspinall Verdi has based its appraisals on the residualised profits from the scheme, and I am persuaded by the appellants' arguments that land acquisition should be an input into the viability appraisals' land values. Where Residual Land Values are being used, it seems to me that there should then be a comparison with Benchmark Land Values. However, this leads me back to the argument that there is nothing before me, other than its inclusion in the apparently flawed BNP 2019 appraisal for the earlier applications, that site acquisition costs should be set at £1.6 million.
109. A parish counsellor pointed out that the guidance for valuations in relation to heritage assets generally applies to advance negotiations. For these appeals a large proportion of the enabling works has already been built out. This supports the arguments advanced by Aspinall Verdi that an RICS valuation, as recommended by the HE guidance, could have provided an independent assessment based on the actual current situation. The appellant is putting forward a viability argument in support of the proposals, and the lack of an independent valuation does not support their case.
110. There are minor differences in the rates attached to finance costs between the parties, but these have a minor effect on the respective appraisals overall. I note that the BNP appraisal omitted all S106 costs, but again these do not have a significant impact, and if the appeal was to be allowed, the actual S106 costs would be a justifiable input.

111. Accordingly, whilst I have no reason to disagree that some enabling development was required when the Council consented to the 2019 scheme, on the basis of what is before me I am unable to reach the conclusion that the revenue generated by those consented new dwellings would not provide a minimum level of enabling development sufficient to safeguard the designated heritage assets.

Planning obligation

112. Although the failure to submit a planning obligation was a reason for refusal, an executable obligation has been submitted since the hearing. This sets out contributions to the district and county councils in respect of education, library services, youth service, fire hydrants and bin provision. I am satisfied that if the appeal was to be allowed, these contributions would mitigate the effect of the development on local services.
113. There remains a dispute between the parties with regard to affordable housing. The extant permission has 25 units of market housing and the Council considered that as this provision was clearly identified as enabling development, it was acceptable to waive the general expectation set out in Paragraph 65 of the Framework. This sets out that for developments of ten or more homes, ten per cent of those dwellings should be affordable homes. It is also the case that Policy SP7 of the emerging plan sets out a higher percentage of affordable homes than the Framework for developments of 11 homes or more. This policy has been considered by the examining inspector and is unlikely to change. However, as the appeal is being dismissed for other reasons it is not necessary for me to consider the obligation in any more detail.
114. My observations with regard to the covenants relating to the heritage assets are considered elsewhere in this decision.

Other considerations

Landscape character

115. The Council's reasons for refusal do not include the effect of the development on the character and appearance of the area, and in my consideration of openness in relation to the Green Belt it has not been necessary to consider the landscape proposals in any depth. Nor does consideration of the setting of heritage assets necessarily require a LVIA. However, the appellants advance the argument that the implementation of the landscape masterplan would have benefits.
116. The Northaw Common Parkland character area of the Landscape Character Assessment¹⁴ is described as having a strong historical and cultural pattern of large estates with open parkland and woodland. The overall aims for this area are to Conserve and Strengthen. The strategy for managing change states that the targeting of redundant or derelict pasture for development should be resisted. These guidelines reinforce my reasoning with regard to the contribution the openness and extent of the parkland makes to the setting of the House and the Stable Block. The intrusion of substantial dwellings into what is historic and open parkland would fail to conserve and strengthen the character and appearance of the area. My reasoning in this regard is also supported by the evidence base for the emerging local plan, as noted above.

¹⁴ Welwyn and Hatfield Landscape Character Assessment, 2000 - 2005

117. A very large kidney shaped pond has been built on the north-east facing slope between the Stable Block and Judge's Hill. The slope has an underlying gradient of around 1:4 but the bunds have gradients of around 1:2 and the pond appears to be perched incongruously on the valley side. The heavily engineered earthworks are highly intrusive and disrupt the gentle fall of the land between the Stable Block and the road. The pond surrounds could be planted to disguise its presence, but this would obstruct views from the ridge towards Nyn Park and the rising land beyond, and would therefore be at odds with the underlying landscape strategy of maintaining the openness of the historic parkland.
118. The landscape proposals for the site would introduce some management of areas of mature trees, some new tree planting and the use of some native species for hedging. The planting of new trees, particularly in the parkland in the site's south-east corner would increase age diversity. This would be of benefit.
119. However, I give limited weight to the ecological benefits of native species in situations where they are to be used as clipped hedges. Moreover, with the exception of scattered trees in the south-east of the parkland, almost all of the proposed new planting is close to areas of housing and associated activity which will limit its ecological usefulness. I acknowledge that the shrub planting near the completed dwellings is attractive, and the creation of new formal garden areas will enhance the development. However, harm to the character and appearance of the area, or lack of appropriate landscape works, were not reasons for refusal. Overall, I conclude that whilst additional tree planting would represent a minor benefit, the incongruity of the pond negates any such benefit and the implementation of the landscape proposals would have at best a neutral effect on the character and appearance of the area.

Housing

120. It is not in dispute that the Council has a shortfall with regards to housing land supply, and that the proportion of land designated as Green Belt has hindered the identification of future housing allocation. In turn this has fettered the progress of the emerging local plan.
121. The proposals before me would provide six family dwellings in a reasonably sustainable location. The benefits arising from these homes is considered in the planning balance.

Other matters

122. The appellant has provided counsel's opinion¹⁵. I see no reason to disagree that an indicative price paid should not be included as a site value input or cost. Whether this is a direct input appears to be dependent on the valuation modelling used. However, where I disagree with counsel is with regard to whether that site value input should be based on former office use, as well as the point in time in which the valuation is undertaken.
123. In addition, as set out above and considering the development as a whole, I do not disagree that enabling development was needed. However, as set out above I am unable to conclude whether the additional dwellings are justified.

¹⁵ Paul Cairns QC, No5 Chambers

124. Saved Policy RA2, in relation to Northaw and other named settlements, states that development is only permitted where it would *accommodate the specific needs of the settlements*. There is nothing before me to suggest that the additional dwellings would meet specific housing needs for Northaw. As such this policy weighs neither for nor against the appeal. Whilst there is no conflict with saved Policy H2 which is concerned with windfall developments, the lack of conflict does not weigh in favour of the appeal.
125. The appellants have drawn my attention to an appeal which allowed housing in the Green Belt. I acknowledge that the Council's poor record of allocating housing land weighs heavily in favour of the appeal. However, those appeals were concerned with 100 dwellings, 45 of which were affordable homes. The appeals before me are effectively concerned with six market dwellings. As such, that appeal is not comparable in terms of contribution to housing supply. In any case, each appeal is determined on its merits.
126. The Council had agreed in principle to these six dwellings as part of earlier negotiations surrounding the extant permission. However, that agreement was based on the presumption that those dwellings were required to meet a minimum level of enabling development. That indication of acceptance carries no weight in my reasoning.

Planning Balance and Conclusion

127. I have concluded that the consented scheme represents significant harm to the Green Belt and its openness, as well as a very great magnitude of less than substantial harm to the heritage assets and their settings. My reasoning below with regard to the planning balance is concerned with both the individual and cumulative effects of the six additional dwellings, as the consented scheme is largely built out.
128. To allow the appeals would result in additional substantial weight to be attributed to harm to the Green Belt arising from inappropriate development and loss of openness. I appreciate that a large proportion of the Council's area sits within the Green Belt and this fetters the allocation of housing land. The additional development would provide six generous family homes which would generate minor benefits locally in terms of adding to housing supply and variety, as well as short term benefits to the local economy associated with the site works and longer term benefits for the local community.
129. Nonetheless, the LCA highlights the importance of the distinctive land use pattern associated with the historic estates in the area. This results in a moderate to high sensitivity to residential development, confirmed in the more recent landscape sensitivity study. Moreover, although the appellants highlight the substantial housing shortage and worsening affordability, there is nothing before me to suggest that these particular dwellings would help potential homeowners on lower incomes. In addition, although the development includes 31 new dwellings which would make a moderate contribution to local housing stock, 26 of those units already have permission. The six dwellings which are effectively before me would make only a minor contribution to local housing supply. I conclude that the minor benefits from six additional market homes would not outweigh the substantial harm to the Green Belt arising from inappropriate development and harm to openness.

130. It is accepted by the Council that the consented scheme causes less than substantial harm to the heritage assets, and it is the appellants' argument that the additional dwellings would not cause additional harm to those assets. However, I have concluded that the consented scheme is in itself highly disruptive to the appreciation of this former landed estate and that the individual and cumulative loss of significance to those assets and their settings is very much at the upper end of less than substantial harm. If the appeals were allowed, the additional and very prominent intrusion of further incongruous development into a key area of the settings of the both the House and the Stable Block, as well as the NCA, would increase the magnitude of that less than substantial harm. There would be much greater conflict with the Act, the Framework and emerging Policy SADM15, compared to the consented scheme.
131. The appellants advance the arguments that the extant permission and works cannot safeguard the heritage assets of the site. However, I have been unable to conclude that the consented scheme will not generate sufficient funds to facilitate the required restoration and conversion works.
132. I recognise that refusal of these appeals could lead to a failure to secure the future of these heritage assets. Nonetheless, the weight of harm arising from the loss of the special and historic features associated with the heritage assets and their settings, would be very substantial, and would add to that existing weight of harm arising from the consented scheme. Even if I had been able to reach a firm conclusion that further enabling development was required, I would have concluded that these proposals would be wholly unacceptable, particularly given the importance of the open parkland to the east of the Stable Block in relation to the Green Belt and the conservation and strengthening of underlying landscape character, as well as the significance and settings of heritage assets. There would therefore be no public benefits of sufficient weight to outweigh the harm to the designated heritage assets arising from the appeals before me.
133. The appellants also advance the argument that the current covenants do not secure the future of the heritage assets, and it is apparent that there is some inconsistency in the clauses set out in Schedule 3 of the 2019 S106. However, the extant permission and consent have commenced without the submission and approval of key documents relating to the restoration of those assets. The covenants set out in the proposed S106 do not markedly improve that situation. As such I see no reason why the safeguarding of the assets would be any better served by the proposed S106. In any case, if the appeals were allowed there would be a parallel permission and consent which would not in any way fetter the extant permission and the 2019 S106. Consequently, this argument weighs neither for nor against the appeals and I am unable to give weight to the argument that the Council has failed to safeguard the assets.
134. The appellant argues that the tilted balance set out in Paragraph 11 of the Framework is engaged as the Council is unable to demonstrate sufficient housing land supply. However, in both cases the application of policies in the Framework provides a clear reason for refusing the development proposed, as set out in Paragraph 11d), and consequently the tilted balance is not engaged.
135. These appeals concern substantial harm to the Green Belt and designated heritage assets. I conclude that the other considerations that might amount to

very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.

136. In the light of the above I conclude that Appeals A and B conflict with the provisions of the Act, clear guidance in the Framework, and to a lesser extent, policies in the emerging local plan. There are no material considerations of such weight to lead me to conclude otherwise.

137. Appeal A is dismissed.

138. Appeal B is dismissed and listed building consent is refused.

A Edgington

INSPECTOR

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