



Appeal Decision

Site visit made on 20 December 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/M1005/W/22/3306736

St Elizabeth House, Matlock Road, Belper DE56 2JD

- 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 Malik against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/1144, dated 2 December 2020, was refused by notice dated 11 March 2022.
 - The development proposed is Minor alterations to the existing house to convert to lettable accommodation (C1) with extensions to one end to provide new annex property. The erection of a new conference centre (F1(e) use) with ancillary parking spaces, and new subsidiary dwelling within the existing grounds.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. The applicant has made an application for an award of costs. This is the subject of a separate decision.

Preliminary Matters

3. This appeal is concerned with planning permission only. I noticed at my visit that the extension being added to St Elizabeth House is not that shown on the drawings and the agent confirmed that Listed Building Consent has been granted independently of this appeal. The Council has subsequently forwarded copies of the planning permission and listed building consent for the replacement for the uPVC conservatory attached to the north-eastern flank of St Elizabeth House¹.
4. Although there are several schematic site plans in the evidence before me, I have taken the most recent revision² to be the one that the Council based its decision upon.
5. The appellant requested that the appeal be determined through a hearing. However, having reviewed the evidence I was satisfied that there was nothing in the evidence that required further interrogation and that consequently the written representation procedure would be appropriate.
6. Belper is associated with a rapid period of growth and the establishment of the factory system, and there is a wealth of listed buildings and other heritage assets in the town and outlying areas. It is not necessary for me to mention

¹ AVA/2022/0299 and AVA/2022/0300

² Dwg. No.N1619_GA_010_F

each of those assets specifically, and I have included for consideration only a selection of those designated assets, selecting those which appear most relevant to the appeal as a consequence of proximity to the appeal site or association with the town's early development.

7. The saved policies cited by the Council in its decision, date from the adopted Local Plan of 2006 (LP). Case law³ has found that policies do not necessarily lose weight as a consequence of age, as policies may be drawn up to inform development over a period longer than that of the plan period. However, Paragraph 219 of the National Planning Policy Framework (the Framework) states that due weight should be given to policies that predate the Framework according to their degree of consistency. LP Policies EN24, EN27 and EN29 are more restrictive than the Framework in that there is no requirement to balance harm to heritage assets against public benefits. Consequently, these policies carry less than full weight.
8. The emerging local plan was withdrawn in 2019. However, the latest housing delivery test⁴ indicates that the Council has sufficient housing land supply and there is nothing before me to indicate that the tilted balance set out in the Framework should be engaged as a consequence of an under-allocation of housing land. In any case, footnote d)i) of Paragraph 11 of the Framework gives weight to the protection of designated heritage assets where the tilted balance might otherwise apply.
9. The officer's report sets out conflict with policies in the Belper Neighbourhood Plan (BNP) policies, which are not cited in the Council's decision. As I am able to determine the appeal as if it was before me in the first instance, I have seen fit to find conflict with BNP where these have been identified.
10. I have used the description of development given in the Council's decision as this better describes what is proposed.

Main Issues

11. The main issue is whether the development would preserve the setting of the Grade II listed St Elizabeth House, as well as the settings of the Grade I listed North Mill, the Grade II* Registered Park and Garden Belper River Gardens and Belper River Weirs, and the Grade II listed Matlock Road Bridge, Bandstand in River Gardens, East Mill, Mill Chimney at East Mill and Belper Bridge; whether the development would preserve or enhance the character or appearance of the Belper and Milford Conservation Area; and, whether the development would have an adverse effect on the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Reasons

Listed Buildings

St Elizabeth House

12. St Elizabeth House (the House), formerly Quarry Bank, is a substantial two-storey gabled structure with attic and basement constructed of coursed gritstone with ashlar gritstone dressings, and built in a neo-Jacobean style with

³ Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWHC 754

⁴ 2021, 157 per cent

Arts and Crafts influences. It was commissioned in 1896 by George Herbert Strutt, grandson of Jedediah Strutt, as accommodation for his private secretary. The Strutt family has a long association with Belper and is largely responsible for the industrialisation of the Lower Derwent Valley. As such, the House has strong associative links with the ongoing evolution of Belper, and Historic England (HE) notes that the house was *one of the most notable residences built by the Strutts in Belper*⁵. It was sold at auction in 1937 and used as a convent and then as a school until 2001, when it was converted back into a private dwelling.

13. The House has a distinctive local style and uses local materials. Its size, style and considered ornamentation is likely to reflect the social status of its first occupant, and links to the prominent local family of the time.
14. The earliest map of the House, which appears to be that on the cover of the DBA⁶, shows it located to the immediate south of a wooded and disused quarry. It is sited in a commanding and elevated position on the valley side, with what appear to have been long views over open fields to the south-east from its principal elevation. The map also suggests that at the time of building there would have also been views to the south-west, across the nearby Matlock Road and the railway line, towards Bridge Foot and the focus of the town's industrial development. Moreover, the House's elevated position above gently sloping and spacious grounds would have accentuated its status, particularly when viewed from Matlock Road.
15. When built, the House's main access was a drive that looped around from Matlock Road to approach the House from the south and east, leading to a large area of what appears to be hardstanding adjacent to the principal elevation, and wrapping around to the north. The topographic survey and other evidence indicate that in 2019 the gardens were partly terraced, but the aforementioned map shows only a level platform adjacent to the House's rear elevation. I am unable to conclude when the terraces were built, or by which owner.
16. The adjacent school was built in the mid-20th century, directly in front of the House's principal elevation and blocks what would otherwise have remained sweeping views over open fields. The plans indicate that the House's grounds were slightly reduced along their south-eastern boundary at this time, to enable the main drive to be used as a separate school access outwith the appeal site.
17. The significance of the House is derived from its well-documented contribution to the local textile manufacturing narrative, its historic association with the influential Strutt family, and its spatial relationship with the spread of factories, gardens and other structures attributed to the Strutt family. These have a close association with the development of Belper both as the focus of technological innovation and the creation of model communities, designed to attract the child and female labour upon which the mills relied. There is also significance arising from the House's intact historic fabric, particularly its highly distinctive and attractive external envelope, and such internal features as remain.

⁵ Historic England, 11 January 2011

⁶ Midland Archaeological Services, November 2020

18. Notwithstanding the visual intrusion of the school since the mid-20th century, there is also significance to be derived from the House's elevated location, its orientation across the contours to take advantage of the views, and its position within what were, until recent excavations, gently sloping and terraced grounds with a wooded backdrop. Moreover, since the clearance of some vegetation the House's commanding presence is very much in evidence when viewed from the closest and busiest public viewpoint, Matlock Road. This is described as a *principal view* in the evidence⁷.

Belper River Gardens and Bandstand

19. The construction of the River Gardens, around 1905, was prompted by the setting up of the Belper Boating Association and is an early example of a 20th century municipal pleasure garden. Although funded in part by the English Sewing Cotton Company, George Herbert Strutt provided funds for the boathouse, tea rooms and promenade. Its design is largely unchanged from the original.
20. The listed bandstand, located within the River Gardens was built around 1906 and has an ashlar base, wooden balustrades and a distinctive timber roof with wide projecting eaves.
21. The significance of the River Gardens and the bandstand is derived from the River Gardens' surviving layout and the fabric of intact historic features. There is also significance to be derived from the association with the Strutt family, whose philanthropic activities provided the impetus and funding for recreational opportunities.
22. Historic England notes in its correspondence that the House has a *strong setting relationship with the River Gardens*⁸, and the House's listing confirms that link. HE states that the placement of large houses sets in grounds, and the creation of the River Gardens are part of a planned development that characterised the Strutt family's patronage and control. On the basis of the evidence before me, I see no reason to disagree with HE in this regard.
23. Nonetheless, there is very little inter-visibility between the House and the River Gardens. The River Gardens were built on a former osier bed, and are tucked beneath the line of Matlock Road and the railway. They do not have a frontage on Matlock Road and are separated from the appeal site by the road and the railway. It is only the tops of the mature trees that gives any indication of the River Gardens below when viewed from Matlock Road. As such, whilst the proximity of the River Gardens remains of significance in relation to the House as an indication of the involvement of the Strutt family in the planned development of Belper, there is nothing before me to suggest that there is any other particular significance to be derived from the proximity of River Gardens and the House.

North Mill, Belper River Weirs, Matlock Road Bridge, East Mill, East Mill Chimney, Belper Bridge

24. The five-storey red brick North Mill, built at the start of the 19th century, is the earliest example of a completely iron framed mill in the world, and is also the most intact extant example of this form of construction. The striking curved

⁷ Grover Lewis Associates, March 2022, Plate 1

⁸ Historic England, 11 January 2021

weirs were built by Jedediah Strutt when the West Mill was built in 1795 and provided power for several mills using a network of channels and water wheels.

25. Matlock Road Bridge sits some 15 metres to the immediate south of the appeal site, where Matlock Road crosses the railway on the northern outskirts of Belper. It is a single span overbridge constructed of gritstone with red brick which dates from the 1830's, and incorporates skew arches which were innovative for their time. The bridge was designed in part by George and Robert Stephenson who were the foremost railway engineers of the day. The listing notes that its aesthetic quality is far greater than that required for its functional and structural requirements.
26. The early 20th century seven storey East Mill, built with red brick with stone dressings, and the nearby 19th century East Mill chimney, are prominent local landmarks of a size and scale that dominate the cluster of former industrial buildings near Bridge Foot. Belper Bridge dates from the end of the 18th century, and is a triple arched ashlar bridge, with rounded cutwaters and cantilevered modern iron parapets.
27. The listed structures set out above have significance arising from the wealth of surviving and intact historic fabric, as well as evidential value of early factory design. The spatial relationships between these remnant assets also illustrates the rapid development of a business model focussed on the river Derwent, and the influence and involvement of some of the leading industrialists of the time, which led to social and cultural change leading to the former rural valley becoming the second largest town in Derbyshire at the time. Each structure contributes to the setting and context of the others, with overlapping and reciprocal influences. Cumulatively these and the other listed structures make a very substantial contribution to the understanding of the Derwent Valley's industrialisation.

Conservation Area

28. The site is located within the *Belper Mills/River Derwent and landscape setting* area of the CA, which is notable primarily for the dramatic contrast between the cluster of unforgiving factory structures at the river crossing, the adjacent and verdant River Gardens and the far less developed stretches of open land to the east. Although the current configuration of industrial buildings is but a remnant of the original extent and scale of factory development, the remaining structures dominate the area around Bridge Foot and afford a highly distinctive and somewhat austere quality to the CA.
29. The building pattern includes key factory buildings, industrial housing, a chapel, school, territorial army centre, and allotments as well as, towards the edge of the town, larger dwellings associated such as the House, which have an underlying association with the mills. There is a wealth of diversity in the retained historic fabric, layout, style, materials and detailing. These all contribute to a unique built environment which contrasts with the predominantly open and rising land to the east. This open land and its associated woodland, which includes the appeal site, still provides an open and green backdrop to the mills.
30. The significance of the CA is therefore to be found in the collective impact of structures making up the built environment and its layout, as well as the visual impact of the discernibly rural valley sides. There is also social and cultural

significance arising from the initiative that underpinned the town's rapid development, which reflected the influence and patronage of the Strutt family and other nationally important public figures.

31. Notwithstanding that the House is now far less visible in the wider landscape due to the proximity of the school, its imposing presence and aesthetic qualities make a highly positive individual and collective contribution to the CA. It also has strong associative links with the Strutt family, reflecting the extent of the family's influence on the town's development. In any case, significance or contribution to a CA is not necessarily predicated on visibility from the public realm, as this can change over time.

Derwent Valley Mills World Heritage Site

32. The Statement of Universal Value for the Derwent Valley Mills World Heritage Site (DVMWHS) sets out that the Derwent valley contains a series of 18th and 19th century cotton mills, in what remains, in the upper valley, a distinctive rural landscape. The rapid establishment of the modern factory system based on the harnessing of water power required an equally robust development of workers' housing, and associated infrastructure. When steam power overtook water as the main fuel source, the focus of the industry moved elsewhere and consequently the main attributes of the cultural landscape and built environment were arrested at a particular point in time.
33. In this regard the DVMWHS demonstrates integrity and authenticity and meets Criteria ii) and iv) of the Convention⁹, which are the key pillars of World Heritage Site (WHS) designation. The DVMWHS statement reinforces that the relationship between the former industrial buildings and their dependent urban settlements to the river and its tributaries, and to the topography of the surrounding rural landscape which provides their settings has been preserved. Moreover, the local entrepreneurs, including the Strutt family and Richard Arkwright, became involved in development over and above the requirements of manufacturing. This resulted in Belper and other towns in the Derwent valley becoming early models for the creation of integrated industrial communities with appropriate housing, farms, recreational opportunities and other infrastructure.
34. The third pillar is protection and management. The Convention requires the Outstanding Universal Values (OUVs) of WHSs to be sustained in perpetuity, rather than being reliant on separate legislation and policy which might be amended over time.
35. The second attribute of the DVMWHS is that it demonstrates *the creation of a new way of life resulting from the need for people to congregate together (in factories) producing goods of superior quality at an unprecedented rate, sometimes in formerly rural (non-urban) locations, with attendant intensification of agriculture for provisioning and the adoption, from the early 19th century, of new modes of transportation.*
36. One of the elements of Attribute 2 includes mill workers houses (new forms of housing built in planned campaigns), overseers houses, mill owners houses and service buildings amongst the other types of buildings and facilities set out in this attribute. The description of that element goes on to state that the

⁹ Operational guidelines for the implementation of the World Heritage Convention

relationship between industry and its dependent housing to the river and the local topography has been preserved virtually intact.

37. The building of the House was an integral part of the Strutt family's involvement in the town's success, and illustrates the family's long reach and the importance it gave to its senior staff members. The site sits well above and apart from the Town's industrial core on an open and airy valley side, overlooking fields. I see no reason to disagree with HE that the House is unambiguously one of the comprising elements of Attribute 2 of the DVMWHS's outstanding universal value. Consequently, the House has considerable significance within the DVMWHS in relation to its historic fabric and its spatial relationship with the underlying building pattern and local topography.
38. The appellant advances the argument that the Strutt family was disposing of their mill interests in 1897, and that consequently the House makes only a minor contribution to the elements supporting Attribute 2. However, although the Strutt family disposed of their mill interests in 1897, they then *set upon a period of diversification, constructing many public buildings, farms and large houses to attract businessmen to the area*¹⁰. Indeed, George Herbert Strutt was on the board that provided funding for the River Gardens, as outlined above. In any case, although individual buildings might make a minor contribution to Attribute 2, it is the cumulative and collective contribution of each individual asset that contributes to the WHS status. And it remains that the House was built by the Strutt family for an employee.

Effects of proposals

St Elizabeth House and extension

39. The building of the school has undoubtedly diminished the House's setting, as it at least partly obscures what would have been sweeping views over the eastern side of the Derwent Valley. Nonetheless, although what was the original drive within the site is now the school access, the extent of the House's gardens to the north-east and south-west is otherwise unaltered. This allows the House to dominate the skyline from Matlock Road, even if only briefly when moving over the bridge, reflecting its former status. It can also be seen from the north, nestled into the hillside and in a spacious setting, when viewed from Cemetery Road.
40. The House is undergoing significant renovations, and apart from the extension being built on its northern flank, and excavation of the basement entrance, both of which are discussed below, it will largely retain its original detailing and articulation, and remain as a highly attractive and distinctive building in a prominent position. The Council has not raised any concern in relation to its change of use and I see no reason to disagree.
41. The former uPVC conservatory has been replaced with a larger, blocky and stone-faced extension. This slightly increases the House's overall extent and bulk, and the flat roof sits uneasily with the otherwise dominant and repeated form of pitched roofs and ornamented gables. Its planning merits are not before me. Nonetheless, it does not preserve the House or its setting and therefore has an adverse effect on the CA and DVMWHS.

¹⁰ Historic England, St Elizabeth House listing

42. The application contains other works such as stonework cleaning, window replacements, repairs to the front entrance door and frame and internal works¹¹. The officer's report notes that these works could be controlled by condition and no harm is raised in this regard. On the basis of what is before me, I see no reason to disagree.

Conference Centre

43. The conference centre would be located close to the House's south-western flank and although two storeys high, it would be set into the hillside with its flat roof more or less at the height of the base of the House, with only the lift tower protruding above. However, at its southernmost extent it would be between 3 – 4 metres above ambient levels, and would therefore represent a significant and bulky addition to what was formerly a gentle slope between the House and the site's southern and western boundaries.
44. The Oakfield report purports to set out the corners of the proposed new buildings by photographing a painted timber post set at the height of the parapet or lift shaft of the conference centre. The location of the timber post position is not shown on the accompanying plan. However, as the school is in the background for photographs 5 and 6 it appears that the view is outside the line of the key views marked on the schematic site plan. The photographs do not therefore confirm that the conference centre would not obscure or compete with key views of the House from Matlock Road.
45. In any case, on Photograph 5 the top of the post, which I presume represents the top of the lift shaft, appears to be several metres above current ground level and is very visible from the Matlock Road viewpoint. This reinforces my reasoning with regard to the difference between proposed and existing levels, as observed on the site plan. Moreover, the conference centre would not be a single point but would be a substantial structure.
46. Photograph 6 demonstrates the proposed height of the parapet. The text states that the top of the timber was between 650/700mm lower than existing ground level but given that the top of the timber is clearly in line with windows at the school, and well above what appears to be the person holding it, this statement appears to be inconsistent with what is actually shown. As such I am unable to conclude that the conference centre would not be visible, bulky or intrusive. I acknowledge that additional screening could be provided along the site boundary, but there would clearly be considerable mass and bulk where there is currently openness in the House's immediate setting and the conference centre would detract from that setting, irrespective of visibility from the public domain.
47. The 3D view shows a contemporary and blocky structure unrelated to the articulation, orientation, style or symmetry of the House's southern flank, which would be seen above it in views from the south and west. It would therefore detract from and compete with appreciation of the House. Moreover, the full height of the centre would be apparent on its south-western corner, with views in the foreground of walls, flights of steps and large expanses of glazing which would neither relate to nor reflect, the House's style or detailing.

¹¹ Grover Lewis Associates, March 2022, Para 4.3

48. The schematic site plan also shows significant engineering works with a series of retaining walls and steps extending from the conference centre to the House's rear elevation and accommodating substantial excavations to provide a new basement entrance. These works are contrived and unnecessarily complex. I conclude that the proposals represent considerable overdevelopment, particularly as the former garden terracing reflected the underlying fall of the land in a more subtle form. The proposed engineering and groundworks would appear incongruous with the House and would undermine its relationship to the site, thus diminishing its setting.
49. The basement entrance would require particularly deep excavations next to the rear of the House where the topographic survey clearly indicates that there was a more or less level path in 2019. The landscape and visual assessment also refers to low stone retaining walls supporting terraces in the garden. The site clearance may have begun before the House was formally listed but it does not necessarily follow that the original condition of the grounds cannot be taken into account in any consideration of the House's significance. In any case, the site was within the designation of the CA and the DVMWHS.
50. I appreciate that planting could be used for screening but if planting is required to disguise or screen a development it suggests that the development might be inappropriate. In any case, there is very little space for additional planting to obscure views of the conference centre from Matlock Road as there is a pinch point between the internal drive and the road and there are protected and mature trees which would restrict underplanting. Moreover, the view of the House from Matlock Road is probably one of the most significant in the appreciation of the House and of relevance to the CA and DVMWHS, as well as to the setting of this listed building.
51. The proposed contemporary garden above the conference centre would be stylistically unrelated to the House or its former grounds, and would be out of keeping.
52. I conclude that the conference centre would be a bulky visual distraction within what is described in the appellant's evidence *as a distinctive focal point within the WHS where the Matlock Road departs Belper*¹². This report also acknowledges that the conference centre would be seen in those views, which albeit narrow, are the most important with regard to the appreciation of the House's original design intent. The conference centre together with the associated groundworks would detract from the original balance of house to grounds, and would have a significant and adverse impact on its significance.

New dwelling

53. A new dwelling would be built on the site's northern edge, close to the field boundary. It would be part built into the slope, with its ground floor partly concealed from view when viewed from the north-east and the south-east. Its ground level would be more or less the same as that of the House, facilitated by retaining structures beside the access drive and remedial grading around the dwelling itself. The dwelling would have a minimalist and contemporary appearance, with stone and timber cladding. It would neither relate to nor reflect the House other than the use of stone on some parts of the external fabric.

¹² Grover Lewis Associates, March 2022, Para 3.10

54. Although I acknowledge the proposed dwelling's design merits, in combination with the House's recent extension and associated parking areas, it would represent additional bulk, clearly unrelated to the House, as well as an intensification of land use. This would detract from the space between the House and the site's northern boundary where it abuts agricultural land. There is an indication that there could be additional planting between the house and the site boundary but given the dwelling's proximity and its need for daylight entry, I am not satisfied that this is a realistic expectation.
55. In any case, it is the site's former openness that contributes to the House's setting. Although views from Cemetery Road are largely limited to occupiers of the building line, that openness currently remains and adds to appreciation of the House's setting. I conclude that the new dwelling, unrelated in form, scale or layout to the House, would lead to less than substantial harm.

Overall site layout

56. I have set out above my concerns in relation to the complexity of the proposed engineering works and the bulky intrusion of new structures into the grounds of the House. I acknowledge that the car parking areas could be associated with additional planting, but this does not alter my overall conclusion that the site layout and the associated structures would be imposed on and within, what had formerly been an open and spacious site, notwithstanding the nearby school, to the detriment of the House's setting, and the contribution it makes to the CA and the DVMWHS. I appreciate that the school already intrudes into the House's setting, but existing harm does not necessarily justify development that adds to that harm.

Other heritage assets

57. Views of the House from the public domain beyond Matlock Road and the overbridge would be largely unaltered and notwithstanding the intrusion of the conference centre within the House's grounds, the separation of the House from the River Gardens and the remnant mill complex would remain. There would be a very minor impact only on the settings of the other listed buildings.
58. Nonetheless, the importance of the unique quality of the CA and DVMWHS is reinforced by the BNP which states that within the Town Centre, Mills and Riverside character area, the eclectic mix of architectural styles is sensitive to infill development within the WHS that is not considerate to the building style and high quality of the local vernacular. This development would amount to incongruous infill development within the setting of a prominent listed building.
59. Consequently, the development would have an adverse effect on the setting of the House, and to a far lesser extent the settings of other listed buildings, but would also fail to preserve or enhance the character or appearance of the CA, and would result in harm to the OUV of the DVMWHS. This would amount to less than substantial harm and taking all the assets into account, that harm would be at the high end of a notional scale of less than substantial harm.
60. As such the development would conflict with Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), with regard to the settings of the listed buildings and the protection of conservation areas. There would also be conflict with LP Policies EN24 c), EN27, EN29 and BNP Policy NPP11 which taken together are concerned with the safeguarding of

heritage assets, including the development of new buildings within the setting of a listed building, and Section 16 of the Framework which is concerned with the historic environment.

61. There would be conflict with LP Policy ER11 which requires business development to be compatible with its surroundings, LP Policy LS3 which seeks to conserve and enhance the quality and local distinctiveness of the natural and built environment, and LP Policies H12 and EN7 which taken together require development to be compatible and in scale with the surrounding landscape character. Finally, there would be conflict with Section 12 of the Framework which sets out an expectation that development will add to the overall quality the area, and be sympathetic to local character and history.
62. The appellant states that the officer's report finds no harm in relation to Sections 12 and 16 of the Framework and LP Policies EN7, H12 and LS3 but these are cited on the decision and there is clear conflict set out in the officer's report with regard to these policies and the Framework.

Heritage balance

63. Paragraph 202 of the Framework states that if a development proposal will lead to less than substantial harm, that harm should be weighed against the public benefits of the proposals, including, where appropriate, securing its optimum viable use. Paragraph 200 of the Framework states that any harm to the significance of a heritage asset, including development within its setting, should require clear and convincing justification.
64. The design and access statement sets out that the proposals are for a hotel/large single let property¹³, and the proposed plans show an 11 bedroom property with a large combined dining and kitchen area, and a large and separate sitting area. The size of the kitchen, lack of adjoining kitchen storage or preparation areas, and the very small windowless office space do not appear consistent with the House's future use as a hotel, and it seems more likely that the layout would support a single let.
65. However, notwithstanding the lack of clarity in the application in this regard, there is nothing before me to indicate that there would be any significant difference between the House's use as lettable accommodation or a hotel in terms of harm arising to the heritage assets or any other consideration. As such I have not given any weight to this inconsistency.
66. The proposed change of use, whichever it was, would allow an income stream to fund future maintenance and to safeguard a valuable local asset which I wholly acknowledge would have very limited appeal as a single residence. Consequently, I give considerable weight to the benefits arising from the development. I also acknowledge that there are advantages to having on-site accommodation for a manager, which would be provided by the extension. The minor alterations to the House's external envelope associated with those proposals would be at the lower end of less than substantial harm. Accordingly, if the appeal was concerned solely with the House's change of use, and attached accommodation, and omitted other buildings and engineering works, I would conclude that the limited public benefits arising from the development would outweigh that harm.

¹³ Para 4.4, Design and Access and Heritage Statement November 2020

67. However, the development comprises a very significant scale of development which spreads across the full extent of the site. The harm identified arises largely from the other structures, namely the conference centre and the detached dwelling, and the intensity and spread of engineering and groundworks.
68. Although there is support for a local conference setting and public venue, there is nothing before me to indicate that there is a compelling need for such a facility, or that the income generated would be essential in addition to that generated by the proposed change of use, to safeguard the House for the future. I appreciate that this would be a very attractive site for a venue, and in principle, I see no reason to find harm in this regard. Nonetheless, the evidence lacks clear and convincing justification for the building of a conference centre and a new dwelling in the House's garden. Nor is there anything before me to indicate that the optimum viable use of the House relies on the building of a conference centre.
69. Moreover, it is proposed that the conference centre would only open at weekends and in school holidays, which would limit its economic contribution to the local area. This raises a concern in relation to the benefits arising from job creation, which in any case are not supported by any financial information or business plan, and consequently to which I give only minor to moderate weight. Moreover, the evidence states that the centre would not have dedicated event staff. Although opening arrangements could theoretically be controlled by conditions, they could be time consuming and difficult for the Council to enforce, and as such would not meet the necessary tests.
70. Although one more dwelling would add to local housing supply, the public benefits arising from that dwelling would be very minor, particularly once its construction was completed. There is nothing before me to justify the building of a detached dwelling within the site other than the wish of the appellant to provide accommodation for himself, which is, in any case, a private benefit.
71. As such, I conclude that the public benefits arising from the scheme are insufficient to outweigh the harm to the designated heritage assets, to which I give substantial weight.
72. I see no conflict between the granting of permission and consent for works to the House, and the HE correspondence of 22 July 2022. HE acknowledges that additional information has been provided during the application process but concludes nevertheless that *there remains a degree of (less than substantial) harm to the significance of these designated assets*. In granting permission and consent for roofing and the annex extension, the Council has accepted that those works will benefit the House and amount to public benefits. However, HE is referring to the development taken as a whole, as evidenced by the statement *the harm is inherent to the transformation of the grounds from a decayed but recoverable designed landscape setting whereby the balance of the original architectural composition is inevitably upset*.
73. HE goes on to state that the Council should consider whether the development, as amended, represents optimum viable use. Moreover, even if there are significant public benefits arising from renovating the House, this does not necessarily outweigh less than substantial harm. Substantial harm is a very high bar and generally attributed to situations where the significance of assets is completely removed as a consequence of a development or works. In this

case, the House will remain and will be renovated. HE's concern, which I and the Council share, is the degree to which the external works will diminish the significance of the setting of the House and other heritage assets.

Other Matters

74. The date of the House's listing has no bearing on my reasoning. Nor does the date of listing diminish the weight I give to its significance and its contribution to the CA or the DVMWHS. In any case, it was within the CA and DVMWHS, and as such within the scope of other designated heritage assets, for several years before its listing.
75. It is noted by the appellant that neither the DVMWHS nor the CA Appraisal mentions the House. However, the DVMWHS management plan is a strategic overview that mentions a few specific buildings largely as examples and in relation to the initiating development, rather identifying a comprehensive list of buildings that contribute to the DVMWHS. Moreover, the CA Character Statement states that *the omission of any particular building, feature or space should not be taken to imply it is of no interest or significance*. As such I have given this omission no weight in my reasoning.
76. The development would not protect and conserve the DVMWHS's OUV, or promote sustainable development for the reasons set out above. Any benefits arising from public awareness, enhanced social wellbeing and a cohesive and coherent understanding of the DVMWHS would not outweigh the harm identified to DVMWHS and other designated heritage assets.

Conclusion

77. The development would conflict with policies in the development plan relating to heritage assets, national guidance and the Act. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR