



Appeal Decision

Site visit made on 28 April 2023

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/A1910/W/22/3293715

Church Farm Station Road, Aldbury, Tring, HP23 5RS

- 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 W Lamb against the decision of Dacorum Borough Council.
 - The application Ref 21/02825/FUL, dated 16 July 2021, was refused by notice dated 9 November 2021.
 - The development proposed is Demolition of Building 1 and construction of mixed used development of offices and 4 No. two-bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development falls within the 12.6km Zone of Influence (ZOI) of the Ashridge Commons and Woods SSSI, which covers part of the Chiltern Beechwoods Special Area of Conservation (SAC). Further to the submission of the Appeal and the approval of a SAC Mitigation Strategy, the Appellant submitted a Unilateral Undertaking (UU) dated 9 March 2023. In response, the Council indicated it required title documents and had not reviewed the UU. The Appellant submitted an amended (UU) dated 17 May 2023, which secured the payment of SAMM, SANG and associated monitoring contributions to the Council. I have determined the appeal on the basis that the first UU has been superseded.
3. The development plan includes the Dacorum Core Strategy 2006 – 2031, adopted 2013 (DCS); the Hertfordshire Minerals Local Plan Review 2002 -2016, adopted 2007 (HMLP); and the saved policies within the Dacorum Borough Local Plan 1991-2011, adopted 2004 (DBLP).

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on designated and non-designated heritage assets and the Chilterns Area of Outstanding Natural Beauty (AONB),
 - The effect of the proposals on the living conditions of future occupiers of the development, particularly in respect of external provision.

Reasons

5. The appeal site forms part of the Church Farm complex, which lies just off Station Road on the western outskirts of the rural village of Aldbury. The site is within the Aldbury Conservation Area (CA) and the Chilterns Area of Outstanding Natural Beauty (AONB), and proximate to the Grade I listed Church of St John the Baptist, and the Grade II listed Aldbury School House. Church Farmhouse and its associated ancillary structures at Church Farm are locally listed buildings and non-designated heritage assets (NDHAs).
6. The rural settlement of Aldbury village is nestled at the bottom of a steep wooded escarpment and surrounded by open green fields and gently rolling hills. On approach to Aldbury along Station Road, Church Farm announces the start of the village where it appears as a concentration of red-tiled and brick buildings with occasional two-storey elements. Church Farm had been in use as a racing yard and now has a variety of uses, including residential and commercial. A public footpath that forms part of the Hertfordshire Way runs northwards from Station Road and the village into the AONB countryside. From this route, Church Farm is read as a traditional edge-of-village farmstead comprised of brick-built inward-facing agricultural structures with minimal openings towards the adjacent fields.
7. The appeal site comprises a parcel of land towards the northern boundary of the Church Farm complex currently occupied by a modern general-purpose barn (the appeal barn). The portal-frame, corrugated metal finish and utilitarian appearance of the appeal barn are typical of agricultural structures found on traditional farmsteads and throughout agrarian AONB landscapes. Furthermore, the large openings, angle of the roof pitch and green painted finish soften its impact, particularly when seen against the backdrop of the wooded escarpment that rises beyond the village.
8. Ostensibly Church Farm originated in the mid-19th century as a purpose-built 'model farm'. While Church Farm is no longer a working farm, the former farmhouse is read as the primary residential structure with the traditional agricultural buildings arranged in planned parallel ranges. There is an obvious consistency in the age, fabric and inward-facing layout of the traditional buildings at Church Farm, which inform its 'set piece' nature and strong sense of place. The significance of the NDHAs at Church Farm is derived from their materials, form, age and layout, which reflect their origins as an integrated 19th century farmstead complex.
9. The built context at Church Farm has changed, including through residential conversions of some of the buildings, the introduction of modern stabling, equestrian paraphernalia and the appeal barn. Nevertheless, later buildings are either of a subordinate scale or of clearly utilitarian form such that they do not diminish the authenticity of the traditional inward-looking farmstead character at Church Farm. While the appeal barn is of a scale, form and orientation that is uncharacteristic of the traditional buildings at Church Farm, a hard surfaced area provides a degree of set-back and separation. Consequently, the appeal barn does not diminish the tangible former agricultural connection and strong sense of place that Church Farm continues to exhibit.
10. For the purposes of the Council's Aldbury Conservation Area Character statement, 2008, Church Farm and the appeal site are situated within Area 1, the 'Estate' Village Character Area. This part of the CA has links to the historic

development of the Bridgewater Estate during the 19th century, including Station Road as a new route from the west. The 'model farm' origins of Church Farm, the authenticity of its layout and buildings, together with the associations with the Bridgewater Estate are aspects of the built evolution of Aldbury and contribute to the significance and special interest of the CA as a whole. Although it is of no architectural merit, the appeal barn does not detract from the character and appearance of the area, nor the significance of the NDHAs at Church Farm, the CA or the listed Church.

11. The significance and special interest of the Grade I listed Church of St John the Baptist (List Entry Number: 1078047) (the listed Church) stems from its considerable age, form, construction and evolution, as well as its historic associations. The setting of the listed Church includes its yard and wider rural surroundings, including the appeal site from where its stone square tower is prominent. Where the setting reinforces a sense of its eminence as a spiritual and focal point within Aldbury and a wider rural context, it contributes to overall significance and special interest of the listed Church. Although it a large and contemporary structure, the appeal barn is read a simple agricultural building contained within Church Farm complex. I therefore do not consider the appeal barn detracts from the setting or special interest of the listed Church.
12. The Albury School and School House (List Entry Number: 1078052) (the School) is situated on the west side of Stocks Road and adjacent to the listed Church. The significance and special interest of the School is principally derived from its historic origins and associations as a village closely associated with the development of Aldbury in the mid-to-late 19th century. While they are proximate, the appeal site and Church Farm contributes very little to the significance and special interest of the Grade II listed School.
13. The appeal scheme proposes the demolition of the appeal barn and its replacement with a two-storey building comprising four two-bedroomed flats on the first floor and four office units below. The appellant's supporting photomontage and 3D views show the use of buff brick, timber weatherboarding and clay tile materials on the proposed building, the ridge height of which would be just below that of the extant barn. The latest design iteration has also sought to rationalise fenestration, reducing the size and number of window openings and introducing box-like dormers on the rear (north-east) elevation rather than cat-slide dormers.
14. The replacement building would be U-shaped but on a different alignment to the parallel ranges of the Church Farm buildings. It would also have numerous openings facing towards the surrounding AONB countryside, as well as an elongated built edge alongside the adjacent footpath. The proposed building would have a contrived appearance, with a complicated pattern of fenestration, roof articulation, gables and mix of contemporary and modern materials. Broadly, the proposed materials would be suggestive of a barn conversion, and the proposal would neither successfully emulate the authenticity of a traditional agricultural building, nor achieve a successful contemporary aesthetic. Rather, the extent of glazing, balconies, parking forecourt, large bin store and enclosed communal amenity area would create the appearance of a two-storey block of flats.
15. Even with offices on the ground floor, a smaller footprint and overall built volume, the form, solidity and permanence of the proposed building would be

an uncharacteristic and domestic intrusion at Church Farm. Looking towards the appeal site from the adjacent footpath, the surrounding AONB countryside and the churchyard, the overtly domestic form and uncharacteristic impact of the proposal and associated activity would be obvious, especially at night.

16. Even if materials could be conditioned and new hedgerows planted, overall I consider that the proposal would cause harm to the character and appearance of the area. The proposal would fail to achieve a satisfactory assimilation into the AONB landscape, the natural beauty of which would be neither conserved nor enhanced. There would be a weakening of the legibility of the 'model farm' arrangement and strong sense of place at Church Farm, thus the significance of the NDHAs at Church Farm would be indirectly harmed through development within their settings, and the character and appearance of the CA as a whole would not be preserved or enhanced. While I am aware of the intervening distances and that the Council did not find harm to the setting of the listed Church, in my judgement, the urbanising and domestic impact of the proposal would in a small way diminish from the wider rural context of the Church, failing to preserve and causing some harm to its setting. I do agree with the Council that the setting of the School would be preserved.
17. Overall, the proposed development would conflict with Section 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act), insofar as they concern development that affects a listed building or its setting and the desirability of preserving or enhancing the character or appearance of a conservation area. Owing to the scale and nature of the proposal and the impact on the significance of the listed Church, the Church Farm NDHAs and CA as a whole, I consider the degree of harm to each as designated heritage assets would be less than substantial. I consider this further in the overall heritage and planning balance.
18. Conflict also arises with saved policies 97 and 120 of the DBLP as well as policies CS12, CS24 and CS27 of the DCS. Amongst other things, these policies require new development to be of quality design that respect adjoining properties; preserves and enhances the established character or appearance of the CA and that conserves the special qualities of the AONB. While the proposal would comprise the type of use acceptable within the Rural Area, conflict nevertheless arises with Policy CS7 of the DCS insofar as it allows the redevelopment of previously developed sites provided it has no significant impact on the character and appearance of the countryside.

Living conditions

19. The Council also raised concerns in relation to the external provision for the future occupiers of the proposed development. The proposed flats would be arranged at first floor level, above the offices and future occupiers would have access to communal amenity area, enclosed by fencing and hedgerow planting. Accessing the proposed amenity area would necessitate a walk downstairs around the edge of the parking area and in front of office windows.
20. I do not consider that the amenity space would be harmfully overlooked by the offices, nor that future occupiers would lack a sense of privacy having to walk past office windows to access it. Although one of the proposed flats would have windows facing the amenity area, they would be at first floor level. While I consider that the nature of the amenity area would exacerbate the domestic impact of the proposals on the appeal site, I do not consider there would be

harm to the living conditions of future occupiers of the development. I therefore do not find any conflict with Policy CS12 insofar as it seeks to avoid visual intrusion, privacy or disturbance. A lack of harm in respect of living conditions however does not alter my findings in respect of the first main issue.

Overall Heritage and Planning Balance

21. Paragraph 202 of the Framework indicates that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. Paragraph 203 of the Framework requires a balanced judgement weighing proposals that directly or indirectly affect non-designated heritage assets.
22. The proposal would be on previously developed land, provide opportunities for employment both during the construction phase and through the creation of offices; as well as four open market dwellings. The delivery of housing on the appeal site would be an area with access to some services and facilities within Aldbury. There is no compelling evidence to suggest local services are in particular need of the proposal and the appeal scheme is modest in its size. Overall, these are positive benefits that collectively carry moderate weight in favour of the proposals.
23. However, considerable importance and weight attach to the desirability of preserving the significance of a designated heritage asset (and the more important the asset, the greater the weight should be). Less than substantial harm should not be equated with less than substantial planning objection. The public benefits associated with the appeal proposal do not cumulatively present sufficient weight to offset the harm to the CA and listed Church as designated heritage assets.
24. The proposal would not encroach physically into open countryside and preserve the setting of the nearby listed School. The living conditions of future occupiers of the proposal and current occupiers of nearby flats would not be harmed. Nor would there be any harm in relation to highway safety. Even if conditions could ensure that there would be no harm to protected species and the UU secures appropriate mitigation in respect of the SAC, these are all neutral considerations; while not weighing against the proposals, they do not weigh in its favour.
25. On the other hand, the appeal site is in a sensitive location and the support within the Framework for the delivery of new homes should not be at the expense of the character and appearance of the area. While the harm would be relatively localised, it would be noticeable from the adjacent public footpath and fail to conserve and enhance the landscape and scenic beauty of the AONB, which have the highest status of protection in relation to these issues. Conflict arises with paragraphs 130 and 176 of the Framework.
26. The 'tilted balance' within 11d) does not apply where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, including an AONB and designated heritage assets. Even if the appeal site had not been in the AONB and I had found no harm to the setting of a listed building, I still consider that, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Other Matter

27. The Conservation of Species and Habitats Regulations 2017 require me, as the Competent Authority, to consider whether the potential for the proposed development adversely affects the integrity of the SAC, either alone or in combination with all other plans and projects. The Council has agreed a mitigation strategy with Natural England (NE that offers a strategic approach with other authority areas). The appeal site's location within the Zone of Influence of European Sites and net increase of four additional dwellings would contribute to a cumulative impact on the SAC arising from increased recreational pressure, which would require mitigation.
28. The Council's SPDs the adequacy and effectiveness of the proposed mitigation, including SANG and SAMM measures. The submission of the UU would secure payment SAMM, SANG and associated monitoring contributions in accordance with an adopted mitigation strategy. As I am dismissing the appeal for other reasons, it is not necessary for me to consider the UU further, against the relevant tests set out in under Regulation 122 of the Community Infrastructure Regulations, nor is it necessary to consult NE as part of an Appropriate Assessment regarding whether the adverse effects arising from the proposal have been satisfactorily mitigated.

Conclusion

29. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR