



Appeal Decisions

Site visit made on 20 February 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2024

Appeal A - Ref: APP/W1905/W/23/3323829

1 Beaumont Manor, Beaumont Road, Wormley, Hertfordshire EN10 7QJ

- 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 Neal Tuson against the decision of Broxbourne Borough Council.
 - The application Ref 07/23/0021/F, dated 29 December 2022, was refused by notice dated 3 April 2023.
 - The development proposed is a new two bedroom detached contemporary eco dwellinghouse with associated landscaping and parking.
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Appeal B - Ref: APP/W1905/Y/23/3327108

1 Beaumont Manor, Beaumont Road, Wormley, Hertfordshire EN10 7QJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Neal Tuson against the decision of Broxbourne Borough Council.
 - The application Ref 07/23/0022/LB, dated 29 December 2022, was refused by notice dated 3 April 2023.
 - The works proposed are a new two bedroom detached contemporary eco dwellinghouse with associated landscaping and parking.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal site lies within the curtilage of the Grade II listed building, 'Beaumont Manor'¹. Some elements of the proposed works require listed building consent and others are within the setting of the listed building. I deal with this as appropriate throughout my Decision. I have also had special regard to Sections 16 (Appeal B) and 66 (Appeal A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The appeal site also lies within the Green Belt.

¹ List entry number 1100611

Main Issues

5. The main issues are:
 - the effect of the proposal on the special architectural or historic interest of the Grade II listed building 'Beaumont Manor', including with regard to its setting (Appeals A and B); and,
 - whether or not the proposal is inappropriate development in the Green Belt (Appeal A).
6. If the proposal is found to be inappropriate development in the Green Belt, then a further consideration will be whether or not any harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify it (Appeal A).

Reasons

Listed building

Significance

7. Beaumont Manor was built in the early 19th Century as a relatively grand manor house, with a fairly extensive garden. This included a 'kitchen garden' to the eastern side. Historic mapping indicates that the 'kitchen garden' contained outbuildings in the 19th Century. These were replaced by a glass house, likely in the early 20th Century, and certainly by 1924. The precise nature and scale of this glass house is not known and it could have been a conservatory style building, or perhaps something more substantial although still likely mostly glazed. The brick plinths for this structure remain *in situ* today.
8. The house has been split into three dwellings. A stables and other outbuildings to the western side of the house, on the opposite side to the appeal site, have also been converted into residential accommodation. The eastern end of the manor house is one of the three dwellings. This home uses the 'kitchen garden' as its own private garden. The rest of the extensive grounds are a shared garden for all the properties.
9. The significance of the building, insofar as it relates to the appeal proposal, is that it is a fine example of a 19th Century manor house that has, despite being split into three properties, retained its residential use. Importantly, it has also retained its immediate domesticated garden surroundings. The previous structures in the 'kitchen garden' have always been subservient, domesticated buildings, of a character and appearance that is in keeping with a residential garden. This includes the most recent glass house because, although the precise nature of the structure is not known, there is no evidence before me, or good reason to believe, that this was ever anything other than a garden structure. The 'kitchen garden' has therefore always been a garden in functional use and character, and it contributes positively to the significance of the building.
10. The 'kitchen garden' is surrounded by boundary treatments. The wall to the north and east is tall and historic. It screens the 'kitchen garden' from the surrounding roads and creates an intimate, private relationship between the garden and the manor house. To the south and west are lower walls and hedgerows, separating the 'kitchen garden' from the immediate surroundings of the house and the large communal garden to the rear. These also contribute

positively to the significance of the building and its curtilage, because they demarcate the 'kitchen garden' from the larger garden area, and are attractive landscape features.

11. There is a modern garage and some sheds within the appeal site. The sheds are approximately in the same location as a previous structure recorded on 19th Century maps but they are clearly of more modern construction. These are not, therefore, historic features. Because of their relatively small scale and because they are the types of structures that would be expected within a garden, they do not detract from the significance of the building, but nor do they positively contribute towards its significance.

Assessment

12. It is proposed to erect a one and a half storey house within the 'kitchen garden'. This would be approximately in the same location as the retained brick plinths. However, the house would have a larger footprint. The proposal would significantly alter the character and nature of the appeal site. It would change from being a garden associated with the manor house to a dwelling and associated garden in its own right. It would become divorced from the manor house. The proposed house would be significantly bulkier than any reasonable expectation of the size of the previous glass house. In any event, that glass house no longer exists, and the existing situation is simply the remaining brick plinths.
13. I acknowledge that the proposed house would barely be visible from the surrounding roads, because of the tall existing wall. However, the submitted elevations² confirm that it would be slightly taller than the wall, and therefore partially visible. It would likely be visible in glimpsed views from Beaumont Road through the proposed access point. It would also be visible from the communal garden area to the south, as well as from the eastern property within the manor house. Landscaping could be provided to limit these views but is unlikely that landscaping could fully prevent views of the house, because of its height. In addition, any landscaping of the scale required to fully or mostly prevent views of the proposed house could, in itself, potentially be a harmful intrusion into the currently clearly domesticated garden area. In any event, this would not mitigate the intrinsic harm to the setting of the listed building.

It is also proposed to demolish the garage and the garden sheds. Although of some historic interest as remnants of the glass house, the proposed demolition of the brick plinths would be acceptable in isolation, because the glass house was not an original structure, and because the remaining plinths are of very limited historic interest. The proposed demolition of the relatively modern garage and sheds is similarly not of concern. However, limited information has been provided regarding any loss of the historic wall to the north to facilitate vehicular access. This original wall is important historic fabric and it is important to understand what the effects would be.

Conclusion

14. As set out above, the proposal would result in severing the appeal site from its current and historical functional relationship to the manor house. It would also harm the character of the site both through the introduction of the significant

² Drawing Ref 1455 YPUK_P006 Rev P1

built form and through the new dwelling, which would compete with, and not be subservient to, the listed building. It has also not been demonstrated that there would not result in an unacceptably harmful loss of historic fabric with regard to the boundary wall.

15. The proposal would therefore harm the special architectural and historic interest of the Grade II listed building 'Beaumont Manor', including with regard to its setting. It would therefore fail to comply with Policies HE1 + HE2 of the Broxbourne Local Plan, 2020 (the LP), which require proposals affecting heritage assets to conserve or enhance the historic environment.

Inappropriate development

16. As set out above, the appeal site comprises garden land, ie the 'kitchen garden', associated with a residential dwelling. The Framework defines 'previously developed land' and this explicitly excludes residential gardens but only in built-up areas. Built-up areas are not defined. The appeal site sits within an area of a number of buildings lining both sides of Beaumont Road. However, this is a relatively short run of buildings in a predominantly rural area, surrounded by extensive agricultural and other rural land. I do not, therefore, consider it to be a built up area for the purposes of this definition.
17. The Framework also states that where the remains of a permanent structure or fixed surface structure have blended into the landscape, then the land is also not previously developed. The appeal site contains brick walls related to former permanent structures and buildings, which are in places relatively tall, and remain as surface structures that have not blended into the landscape.
18. The appeal site is therefore 'previously developed land', as defined by the Framework. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate development in the Green Belt, subject to a number of exceptions. Exception (g) is relevant to the appeal proposal because it relates to the redevelopment of 'previously developed land'. Development is not inappropriate if it would not have a greater impact on the openness of the Green Belt than the existing site. In this regard, it is proposed to demolish a small existing garage, sheds and the existing brick plinths. The replacement dwelling would be substantially larger, in footprint, height, massing and volume, than the existing structures. It would therefore have a clearly greater impact on spatial openness.
19. I acknowledge that there is a tall boundary wall to the appeal site and that there is relatively substantial hedgerow and other planting to the south, as well as the manor building itself to the west. These would significantly screen the proposed dwelling from surrounding views and further screening could be achieved through proposed landscaping, as set out above. However, the proposed building would be seen in glimpsed views over the boundary wall, and from the communal garden to the south and the nearest home within the manor house, as set out in detail above. In addition, any proposed landscaping could, in itself, harm openness. There would also, therefore, be a greater impact on visual openness, albeit only slightly.
20. The proposal is, therefore, inappropriate development in the Green Belt.

Green Belt balance

21. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 153 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. As directed by Paragraph 153 of the Framework, I place substantial weight on the harm to the Green Belt I have identified above from the inappropriate development and loss of openness. In accordance with Paragraph 205 of the Framework, I also place great weight on the harm I have identified to the special architectural and historic interest of the Grade II listed building 'Beaumont Manor', including with regard to its setting.
23. The proposal is for a new home on 'previously developed land', which is a key aspiration of planning policy. I place moderate positive weight on this, because only one home is proposed and because the appeal site, whilst 'previously developed land', is in a relatively isolated, rural location with poor access to goods and services. There would also be economic benefits both from temporary job creation during construction, and long term through the expenditure on local goods and services by the future occupants of the home. I also place moderate positive weight on these factors, because only one home is proposed.
24. I therefore find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the 'very special circumstances' necessary to justify the development do not exist. The proposal therefore fails to comply with the Framework, and with Policy GB1 of the LP, which reflects the Framework.

Other Matters

25. Paragraph 208 of the Framework states that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, the public benefits, as set out above, are only moderate. They do not outweigh the harm that I have identified to the special architectural and historic interest of the Grade II listed building 'Beaumont Manor', including with regard to its setting, on which I place great weight.

Conclusions

26. For the reasons above, Appeal A is dismissed.
27. For the reasons above, Appeal B is dismissed.

O S Woodward
INSPECTOR