



Appeal Decision

Site visit made on 22 April 2024

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 10 May 2024

Appeal Ref: APP/P1940/C/22/3301357

Land at Hunton Park Hotel, Essex Lane, Kings Langley, Hertfordshire WD4 8PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Tesla Motors Ltd against an enforcement notice issued by Three Rivers District Council.
 - The enforcement notice was issued on 17 May 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the laying of hard-core aggregate and associated materials, 16no. metal posts and associated supporting wire/cables and fittings, eight white 'supercharger' units on concrete base, one silver 'Aotemium' cabinet on concrete base, two additional green electrical cabinets on concrete bases, three 'T' shaped lighting columns, concrete ground markers and black and white parking space markers. ("the Works").
 - The requirements of the notice are:
 1. Remove the hard-core aggregate and associated materials brought onto the Land (the appropriate location of which is shown on the attached Site Map and the extent of which is shown washed yellow on the accompanying Site Map '1') from the Land.
 2. Remove the three lighting columns and 16no. metal posts and associated wire/cables and fittings and black and white parking space markers (the approximate location of which is shown on the attached Site Map and more particularised on the accompanying Site Map '1') from the Land.
 3. Remove the eight 'Supercharger' units (including its base(s)) and all associated wire/cabling and fittings (the approximate location of which is shown on the attached Site Map and more particularised on accompanying Site Map '1') from the Land.
 4. Remove the silver 'Aotemium' cabinet (including its base) and the two additional green electrical cabinets (including their bases) and all associated wire/cabling and fittings (the approximate location of which is shown on the attached Site Map and more particularised on accompanying Site Map '1') from the Land.
 5. Following compliance with Steps 1, 2, 3 and 4 above, restore the Land to its condition before the breach of planning control took place.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. I have dealt with another appeal on this site, Ref: APP/P1940/W/23/3314973. That appeal is the subject of a different decision.

Appeal on ground (a), deemed planning application

Background and Main Issues

3. The appeal site lies within the extensive grounds of Hunton Park Hotel which is a Grade II* listed building situated within the Green Belt. Planning permission was refused for the provision of 16 electric car charging spaces and associated works (retrospective) in June 2019 and subsequently dismissed on appeal¹. The enforcement notice, the subject of this appeal, relates to the development already undertaken to install 16 Tesla Supercharger electric vehicle charging points (EV chargers) within an overflow car park accessed off the main entrance drive. The works include the laying of hardcore aggregate to create the new access point, 16 metal posts and associated supporting wire/cables and fittings, eight white 'supercharger' units on a concrete base, one silver 'Aotemium' cabinet on a concrete base, two additional green electrical cabinets on concrete bases, three 'T' shaped lighting columns, concrete ground markers and black and white parking space markers.
4. It was found in the 2019 appeal that the development failed to preserve the setting of Hunton Park Hotel. Furthermore, the Inspector concluded that although the development formed a part of local transport infrastructure, it would not preserve the openness of the Green Belt. Thus, having regard to paragraph 150 of the National Planning Policy Framework (NPPF), he concluded that it was inappropriate development in the Green Belt.
5. From the evidence before me in this appeal, the Appellant accepts there is a small loss of openness and thus the development is inappropriate development in the Green Belt. I would concur with that position. However, consent is now sought for only part of the matters alleged in the enforcement notice as constituting a breach of planning control (S177(1)(a)), as it is proposed to remove four of the EV chargers, leaving only 12 units. Furthermore, the Appellant proposes to make all the EV chargers available for use by all vehicles, and not just Tesla, and they would be available for public use. It is the Appellant's case that, having regard to the proposed revised scheme and the identified public benefits, the benefits of the development outweigh any identified harm to the heritage asset and Green Belt harm.
6. Considering all the above, I consider the main issues in this case are:
 - the effect on the openness of the Green Belt;
 - the effect on the setting of Grade II* listed Hunton Park Hotel; and
 - whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations necessary to justify the development.

¹ APP/P1940/W/19/3232159

Reasons

Openness

7. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The previous Inspector concluded that the disruptive access arrangements, dominant lighting columns and row of bulky Supercharger Units have a significant visual and spatial impact on the openness of the Green Belt. I accept that when the lawful overflow car park is in use the EV chargers would be less visible when cars are parked adjacent to them, and a reduction in the number of EV charger units from 16 to 12 will also improve openness. However, the dominant lighting columns, the eight white supercharger units, and neighbouring electric cabinets remain above ground structures which are visually prominent, particularly when viewed travelling from the Hotel down the driveway towards Essex Lane. Those remaining structures have a harmful impact on the openness of the Green Belt, that harm is moderate.

Setting of Hunton Park Hotel

9. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic merit. The glossary to the NPPF states that the setting of a heritage asset comprises the surroundings in which it is experienced.
10. Hunton Park Hotel, formerly Hazelwood House, is a Grade II* listed building. From the evidence before me, including the list description, Historic Environment Statement² and observations on my site visit, I consider that its special interest/significance is mainly derived from its fine architectural details and form, designed in a Queen Anne Style with decorative elevations both to the north and south and its symmetrical appearance. Illustrative of a rebuilt English Country House in the early C20 and on the site of an earlier property contributes to its historic significance, as does its association with the architects Hubbard and Moore and the home of Henry Robinson -Montague, 6th Baron Rokeby.
11. The Hotel sits within substantial parkland and gardens. Its southerly elevation is orientated towards the formal gardens, where balustraded walls enclose terraces and steps lead to landscaped gardens. The formal gardens and the parkland pasture and plantation woodland to the north make a positive contribution to the heritage value of the asset and include the drive from Essex Lane which terminates in a carriage turn in front of the main entrance to the Hotel. The overflow car park lies within the parkland and the setting of the listed building.
12. I have had regard to the conclusions of the previous Inspector and whilst I accept that the appeal works do not compete with the visual prominence of Hunton Park Hotel, I concur with the Inspector that the new access which has

² Historic Environment Statement, Heritage Archaeology, June 2022 (Appendix 1, Appellants Statement of Case)

been created to serve the overflow car parking has a disruptive effect on the setting of Hunton Park Hotel when viewed on its approach along the tree lined driveway. Whilst the reduction in the number of EV chargers would have an impact on openness of the Green Belt, the remaining EV chargers and white supercharger units would remain visually incongruous and prominent when viewed from the driveway when travelling from the hotel buildings towards Essex Lane.

13. The cumulative effects of the unauthorised development do not preserve the setting of the listed building, albeit that harm is less than substantial. Paragraph 208 of the NPPF advises that where a development will 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. Great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.
14. The introduction of the EV charging points would clearly result in more opportunities for the use of sustainable transport modes, and I recognise that those EV chargers would be available to the general public and suitable for all vehicles. These are public benefits which weigh in favour of the development. However, having regard to the unauthorised development, and in particular harm resulting from the new access point on the setting of this Grade II* listed building, I do not consider that those benefits outweigh the harm identified.
15. I conclude that the unauthorised development undertaken does not preserve the setting of the listed building and is contrary to Policies CP1 and CP12 of Three Rivers District Council's Core Strategy, adopted 2011 (CS) and to Policies DM1 and DM3 of the Development Management Policies (2013) (DMP) and the NPPF, which when read together seek to promote high quality design that respects local distinctiveness and conserves and enhances buildings of special or historic interest.

Other considerations

16. In support of the development, the contribution that the scheme would make to the reduction of carbon emissions, improving air quality and the growing need to make available electric charging spaces locally and nationally is supported by local policy and the NPPF, and weighs in favour of the development.

Green Belt Balance

17. The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to that harm. I have also found that there would be harm to the openness of the Green Belt, albeit that harm would be moderate. Added to which the development has a harmful effect on the setting of the listed building. The other considerations do not therefore outweigh the harm identified to the Green Belt and other harm. There are no very special circumstances to justify the development and the development conflicts with the NPPF, Policy CP11 of the CS and Policy DM2 of the DMP which seek to preserve the openness of the Green Belt in accordance with the national policy.

Other Matters

18. Section 180 (1) of the Town and Country Planning Act, 1990 provides that: "Where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that planning permission, the notice shall cease to have effect so as far as inconsistent with that permission". The appellant is therefore able to rely on the provisions of Section 180(1) should they adhere the planning permission pursuant to the linked appeal Ref, APP/P1940/W/23/3314973 which is the subject of a separate decision.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elizabeth Pleasant

INSPECTOR