
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/W/23/3314973

Hunton Park, Essex Lane, Abbots Langley, Hertfordshire WD4 8PN

- 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 Tesla Motors Ltd against the decision of Three Rivers District Council.
 - The application Ref 22/1591/RSP, dated 17 August 2022, was refused by a notice dated 27 October 2022.
 - The development proposed is installation of EV supercharging ports; Electrical Substation; associated equipment and landscaping.
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Procedural Matters

1. I have dealt with another appeal on this site, Ref: APP/P1940/C/22/3301357. That appeal is the subject of a different decision.

Background and Mains Issues

2. 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. That development is the subject of an enforcement notice issued on 17 May 2022 and, as set out in the procedural matters above, is also at appeal and the subject of a different decision.
3. The revised application, the subject of this appeal, would close the unauthorised access into the overflow car park and reinstate grass and soft landscaping in that location. The charging station and overflow car park would then utilise the existing hotel entrance/egress along the main driveway. The number of EV charging units would be reduced from 16 to 12 and those chargers would be available for use by the public and for all types of vehicles. The existing lighting columns would also be removed and replaced with low level lighting bollards and a soft landscaping scheme has been prepared to support the application.
4. From the evidence before me in this appeal and having regard paragraph 150 of the NPPF, the appellant accepts the proposal would result in a small loss of openness and thus be inappropriate development in the Green Belt. I would concur with that position. Thus, the main issues in this case are:

¹ APP/P1940/W/19/3232159

- 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.

Reasons

Openness

5. Paragraph 142 of the National Planning Policy Framework (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.
6. I concluded in my decision on APP/P1940/C/22/3301357 that the dominant lighting columns, the eight white supercharger units, and neighbouring electric cabinets are visually prominent, particularly when viewed travelling from the Hotel down the driveway towards Essex Lane and as such have a moderately harmful impact on the openness of the Green Belt.
7. The revised application the subject of this appeal would replace the existing lighting columns with more discrete low level lighting bollards. In addition, it is proposed to enclose and screen the substation and charging units with a close boarded timber fence, and to implement a soft landscaping scheme around the appeal site to include native species. The removal of the lighting columns, screen fence and enhanced planting would help to assimilate the development into the lawful overflow car park. Whilst the EV chargers, fence and associated electrical infrastructure would still result in overground structures where there was previously none, having regard to the position of low level lighting bollards and EV chargers adjacent to existing parked cars, I consider that with the introduction of the soft landscaping scheme, overall the effect of the development on openness would be limited.

Setting of Hunton Park Hotel

8. 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.
9. 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

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

architects Hubbard and Moore and the home of Henry Robinson -Montague, 6th Baron Rokeby.

10. 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 within setting of the listed building.
11. The revised application, the subject of this appeal, would reinstate the unauthorised access into the overflow car park with grass and soft landscaping, and utilise its lawful access through the main car park. Thus, there would be no visual disruption of views along the driveway towards Hunton Park Hotel. The introduction of landscaping in that location would also screen the electrical equipment from views of drivers leaving the hotel and driving towards Essex Lane. In addition, the proposed native landscaping will reinforce the natural parkland setting of the Hotel. I am therefore satisfied that subject to the imposition of a condition to ensure the unauthorised access is reinstated with grass and soft landscaping is carried out, the development would preserve the setting of the listed building.
12. I conclude that the proposed development would preserve the setting of Hunton Park Hotel. There would be no conflict with the development plan or the NPPF including Policies CP1 and CP12 of Three Rivers District Council's Core Strategy, adopted 2011 (CS), 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 respect local distinctiveness and conserve and enhance buildings of special or historic interest.

Other considerations

13. 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 recognised and supported by local planning policies and the NPPF. This consideration thus weighs heavily in favour of the development.
14. In addition, the proposed landscape strategy would result in net gains in biodiversity which also weighs in favour of the development.

Green Belt balance

15. 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 a small amount of harm to the openness of the Green Belt. The impact of the development on the setting of the listed building would be neutral.
16. On the other side of the balance there would be substantial benefits from a reduction of carbon emissions, improving air quality and the growing need to make available electric charging spaces locally and nationally. In addition, there would be some moderate benefits to biodiversity through the soft

landscaping provision. In my judgement, the harm to the Green Belt would be clearly outweighed by the combination of other considerations which weigh in favour of the development and because the level of harm is at the bottom of the scale. Those considerations provide the very special circumstances necessary to justify the development. I conclude that there is no conflict 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 national policy.

Conditions

17. The Council has suggested a number of conditions which I have considered against the advice in the NPPF and Planning Practice Guide. As a result I have amended some for clarity and omitted others.
18. A condition specifying the approved plans is necessary to provide certainty. In the interests of visual amenity and to safeguard the setting of Hunton Park Hotel, conditions are necessary to ensure that the unauthorised access to the car park is closed and the approved soft landscaping scheme implemented and maintained. I have not imposed the suggested condition requiring any existing trees or hedgerows that die in the vicinity of the car park to be replaced as such a condition would be vague and unenforceable. The provision of the approved soft landscaping scheme is sufficient to preserve the setting of Hunton Park Hotel.
19. A condition is necessary to require the permitted EV chargers to be made available for public use to encourage sustainable transport modes.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal succeeds.

Decision

21. The appeal is allowed and planning permission is granted for installation of EV supercharging ports; Electrical Substation; associated equipment and landscaping at Hunton Park, Essex Lane, Abbots Langley, Hertfordshire WD4 8PN in accordance with the terms of the application, Ref 22/1591/RSP, dated 17 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CRM.3030.004.PL.D.001; CRM.3030.004.PL.D.002; CRM.3030.004.PL.D.003; CRM.3030.004.PL.D.004; CRM.3030.004.PL.D.005; 3038-001-ENZ-ZZ-00-DR-L-45-101 REV-P01 and Soft Landscaping Schedule ENZ.ZZ.00.SH.L.45.401.
 - 2) All soft landscaping works shall be implemented in accordance with the 'Landscaping and Planting Plan' referenced 3038-001-ENZ-ZZ-00-DR-L-45-101 REV-P01 and Soft Landscaping Schedule ENZ.ZZ.00.SH.L.45.401 and shall be carried out before the end of the first planting and seeding season following the development being first brought into use. If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced

with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

- 3) The development hereby permitted shall not be brought into use until the access has been constructed in accordance with approved plan 3038-001-ENZ-ZZ-00-DR-L-45-101 REV-P01. The existing vehicular access to the car park not incorporated in the development hereby permitted shall be closed within one month of the new access being brought into use.
- 4) The charging points hereby permitted shall be permanently made available to all electric vehicle users (for users both on and off site) and shall not be limited to staff and/or patrons of Hunton Park Hotel.

Elizabeth Pleasant

INSPECTOR