



Appeal Decisions

Site visit made on 17 July 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 30th October 2024

Appeal A: APP/N0410/W/24/3340108

Denham Mount, Blacksmiths Lane, Tatling End, Buckinghamshire UB9 4HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ahmed Al-Amood against Buckinghamshire Council.
 - The application reference is PL/23/1002/FA.
 - The development proposed is conversion and extension of the main country house and some of the listed and unlisted cottages and outbuildings to create a boutique hotel (Use Class C1) with new wellness centre, outdoor swimming pool, hot tub, 2 pickleball courts, outbuildings and associated parking, landscaping and alterations to entrance gates.
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Appeal B: APP/N0410/Y/24/3340124

Denham Mount, Blacksmiths Lane, Tatling End, Buckinghamshire UB9 4HW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Ahmed Al-Amood against the decision of Buckinghamshire Council.
 - The application reference is PL/23/1003/HB.
 - The works proposed are conversion and extension of the main country house and some of the listed and unlisted cottages and outbuildings to create a boutique hotel with new wellness centre, outdoor swimming pool, hot tub, 2 pickleball courts and associated parking and landscaping.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to listed buildings I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The site contains four Grade II listed buildings, known as "Denham Mount" (Ref: 1162165); "Mount Cottage, Denham Mount" (Ref: 1124490) (Mount Cottage); together with "Lodge, Denham Mount" (Ref: 1162200) and "Entrance piers and gates at Denham Mount" (Ref: 1332676) (the lodge and gates).

5. The description of the works for the listed building application is identical to that provided for the planning application. The description of the works includes items that are not works to the listed buildings. I have, therefore considered only those elements of the proposal that constitute works to listed buildings in determining the appeal against refusal of listed building consent.
6. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. Whilst not in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. As structures within the curtilage that have a principal and accessory relationship to the main building, Garden Cottage and the cart barn are also consequently listed.
7. As the gardens of Denham Mount contribute to its special interest, I have considered the asset as a whole which includes how the works would be experienced in relation to the principal building.
8. As the proposal has potential to affect bats, which are a European Protected Species, I have also had special regard to section 40(1) of the Natural Environment and Rural Communities Act 2006 (as amended) (the NERC Act), the provisions of the Wildlife and Habitats Act 1981 and Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) which seek to ensure that protected species and their habitats are safeguarded.
9. The appellant has submitted a signed and completed planning obligation in the form of a UU under Section 106 of the Town and Country Planning Act 1990. The UU seeks to provide a contribution towards monitoring a travel plan. The Council has had the opportunity to comment on the UU and I have taken its comments into account in my decision.
10. Following my site visit the government initiated a consultation on amendments to the National Planning Policy Framework. I have given the main parties the opportunity to provide comments on the draft policy document (the consultation draft) and have taken these into account in my decision. This notwithstanding, the document is currently in the process of consultation and the November 2023 version of the National Planning Policy Framework (the Framework) forms current Government Policy. Whilst the consultation draft may be indicative of a potential direction of travel of the government's planning policy to make best use of land, including land within the Green Belt, it does not yet constitute policy. For these reasons I have afforded very limited weight to this matter.

Background and Main Issues

11. The Council has confirmed that, had it been in a position to do so, it would have refused the planning application which is the subject of Appeal A and allowed the application for listed building consent which is the subject of Appeal B subject to a suite of planning conditions. As such, it is a point of common ground between the Council and the appellant that the works proposed under Appeal B are acceptable. However, the duties imposed under the Act now fall upon me as the decision maker. Further, interested parties have raised concerns and I have considered these in turn to ascertain whether they justify

the refusal of planning permission or listed building consent. On this basis the main issues are: -

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt; (Appeal A only)
- Whether the proposal would preserve the Grade II listed buildings known as "Denham Mount", "Mount Cottage, Denham Mount", "Lodge, Denham Mount" and "Entrance piers and gates at Denham Mount", and any of the features of special architectural or historic interest that they possess; (Appeals A and B)
- The effect of the proposal on the character of the site and surroundings; (Appeal A only)
- The effect of the proposal on biodiversity of the area; (Appeal A only)
- The effect of the proposal on transport networks; (Appeal A only)
- The effect of the proposal on the living conditions of occupiers of nearby dwellings, with particular reference to noise and disturbance; (Appeal A only)
- The effect of the proposal on the supply of housing in the area; (Appeal A only)

and: -

- Whether the 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 the proposal. (Appeal A only).

Reasons

Whether inappropriate development (Appeal A only)

12. There is no dispute between the parties that the land lies within the Metropolitan Green Belt. Policy GB1 of the South Bucks District Local Plan (1999, consolidated September 2007 and February 2011) (the Local Plan) establishes the extent of the Green Belt and identifies development that is not inappropriate within the Green Belt, including the change of use of buildings or land within the Green Belt and the construction of new buildings or extensions to existing buildings provided they maintain openness and do not adversely affect the character or amenities of the Green Belt and harmonise with the scale, form, and design of the original buildings.
13. Policy GB2 of the Local Plan allows for the reuse of buildings within the Green Belt provided that, amongst other things, the buildings to be reused are of permanent and substantial construction, are capable of conversion without major or complete re-construction and the proposed new use and any associated new uses of land surrounding the buildings to be reused do not detract from the open and undeveloped character of the Green Belt. Policy GB2 further requires that any new employment generating development should be small scale.

14. Paragraph 154 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include: -
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and: -
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
15. In regard to the 'original building' referred to above, this is the building as it existed on 1 July 1948, or, if built later, as it was originally built. The Framework does not define what is meant by 'disproportionate'.
16. The Planning Practice Guidance relating to Green Belt outlines that 'openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume'. The degree of activity generated by a proposed development may have an impact upon openness.
17. Policy T2 of the Local Plan makes provision for 'serviced accommodation' in the Green Belt, subject to certain requirements, including where it would secure the long-term future of the building and not involve the loss of permanent residential accommodation falling within class C3 of the Town and Country Planning Use Classes Order 1987. I will return to these matters later, but the proposal would remove four dwellinghouses and would thus fail to comply with Policy T2 in this regard.
18. Policy T2 also requires that the development should comply with Policy GB2 of the Local Plan in that a proposed hotel would need to have no greater impact on the openness of the Green Belt than the existing use and development.
19. Policies GB1, GB2 and T2 of the Local Plan are broadly consistent with the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development.
20. The proposal would convert Denham Mount and some of the associated cottages and outbuildings, which are both listed and unlisted to create a boutique hotel with a new wellness centre, outdoor swimming pool, hot tub, two pickleball courts, outbuildings and associated parking.
21. Denham Mount had an original floor area of 359m². At some time around 2010 this was increased by the construction of a 56m² extension¹. It was identified

¹ Council Refs: 10/00310/FUL and 10/00311/LBC.

by the Council that a conservatory of the same size had occupied the same location previously, until its demolition in the mid-20th century.

22. The appeal scheme would add a further 88m² in three extensions: a lightweight, glazed extension to the western end of the existing building for a restaurant, a new service corridor and associated plant and fire escape to the west of the main house linking the garage to it, and a glazed link to the south of the existing building. This would be a significant increase in floorspace over that of the original building and thus would decrease the spatial openness of the Green Belt
23. Given the lightweight and glazed nature of the restaurant and the link extensions which would reduce the perception of bulk of the structures, and that the service extension is surrounded by existing built form and planting, I find that the proposed extensions to Denham Mount would not appear disproportionate in scale to Denham Mount.
24. Moving on to Mount Cottage, the proposal would remove a 3m² lean-to extension to the north and create a new single-storey extension of 43m² projecting towards the cart barn. Again, this increase would reduce the spatial openness of the Green Belt.
25. The appellant identifies that original floor area of the cart barn is 141m². This would be increased by the addition of an extension towards Mount Cottage of 37m². This would be a significant increase in floorspace over that of the original building and decrease its spatial openness.
26. Further the existing large openings of the cart barn would be infilled to create bedroom accommodation for guests of the hotel. The overall effect of the two extensions would be to close up the gap between Mount Cottage and the cart barn and result in a more solid, bulkier-looking structure to the cart barn. For the above reasons, regardless of the proportional changes in floor area resulting from the proposal, in visual terms the bulkiness of the increased built form of the roof on the site would result in a loss of visual openness and thus appear as disproportionate additions to their host buildings.
27. Turning to Green Tiles Cottage, the proposal would add a single storey lean-to extension of some 18 m² to the existing 51m² and a porch. The extension would be single-storey and by virtue of its scale, subordinate in form to the main dwelling. The porch would be a relatively modest addition, but nonetheless would have a solid appearance and, taken together, there would be a reduction in spatial openness of the Green Belt. However, albeit that Green Tiles Cottage is, itself, a building of modest scale, I do not consider the proposed additions to be disproportionate.
28. There is no dispute between the parties that the proposed tennis courts, swimming pool, and hot tub would all provide outdoor recreation facilities in connection with the hotel and would therefore accord with paragraph 154b) of the Framework. On the basis of the evidence before me I find no reason to disagree with this.
29. Associated with these is a building accommodating facilities associated with the pool and pickleball courts. Paragraph 154b of the Framework and Policy GB1 of the Local Plan allow for some limited new built form in the Green Belt where it is in connection with an outdoor recreational use. Whilst the building

incorporates changing rooms, it also houses various other facilities, including a sauna, treatment rooms, an internal relaxation area and a juice bar. Thus, the building contains additional elements not necessary to facilitate the outdoor sports and recreational activities. The additional, unjustified building volume would reduce the spatial openness of the Green Belt. Whilst the building would be positioned either side of a garden wall in the approximate position of an existing greenhouse that would be demolished, the proposed building is substantially larger than the greenhouse. Further, the greenhouse is a lightweight, glazed structure and the proposed building would have a far greater volume and a significantly more substantial, bulky appearance.

30. Whilst the additional facilities would support the use of the site as a hotel, there is no evidence before me that their provision is essential and that without them the hotel business would fail, or that they could not be accommodated elsewhere in the site without an increase in built form.
31. In respect of the car park, Policy T2 of the Council's Local Plan supports the provision of hotels in the Green Belt provided any car parking and associated features wouldn't have an adverse impact on the visual amenities of the area or existing buildings.
32. The proposed car park is located to the west of the site adjacent to the existing access. The appellant identifies that it was previously occupied by a commercial nursery.
33. Currently this area is covered with hardstanding and, at the time of my site visit, occupied by a considerable number of commercial vehicles. The Council has said that it proposes enforcement action over the use for storing vehicles.
34. Whilst the current hardstanding covers much of the ground, the land was previously occupied by a number of greenhouses and polytunnels which occupied much of the area. Whilst these were lightweight structures, based on photographs and plans submitted by the appellant these reduced the openness of the land, both visually and spatially.
35. When compared to this former use, which occupied the land for a considerable period, the conversion of a part of the area previously occupied by built form with a landscaped carpark accommodating the quantum of cars proposed would not be detrimental to openness or visual amenities of the Green Belt. The occupation of the space would also preclude the reintroduction of some of the previous structures.
36. Bringing these matters together, it will be seen, above, that I have found that the proposal includes additional built form which would have a greater impact on the openness of the Green Belt than that of the existing buildings within the site and so it would have a detrimental effect on the openness of the Green Belt. The site is well-screened from the surrounding roads. However, the increase in built form would be clearly apparent to visitors and guests from within the site. Thus, the reduction in openness would be both visual and spatial.
37. I have also found that whilst the extensions to Denham Mount and Green Tiles Cottage would not be disproportionate to the original buildings, those proposed for Mount Cottage and the cart barn would be.

38. It will be seen below that the proposal will intensify the use of the site as a whole when compared to former uses. This would, therefore, visually decrease the openness of the Green Belt.
39. Thus, considered overall against the criteria set out in the Framework for proposals under paragraph 154d) and 154g), the appeal scheme would constitute inappropriate development. I note, however, that parts of the proposal would be considered not inappropriate against the criteria set out in paragraphs 154b) and c) if provided in isolation of the rest of the proposal scheme.
40. Inappropriate development is, by definition, harmful to the Green Belt and paragraph 153 of the Framework identifies that substantial weight should be given to such harm.
41. The Green Belt serves five purposes, including, amongst others, to assist in safeguarding the countryside from encroachment. The affected buildings would lie within the immediate vicinity of the dwelling. Given that the development would be contained within the existing site boundary and lie amongst or close to the existing substantial structures within the site I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
42. Taking the above into account, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework, and the effects on the openness of the Green Belt.

Heritage (Appeals A and B)

Denham Mount

43. Denham Mount was built in the early 19th century to the designs of Robert Lugar and is a country house built in the "Cottage Ornée" style, set within landscaped grounds for the enjoyment of residents and guests. The principal rooms have been set out to provide vistas over landscaped gardens for the enjoyment of its occupants. It is built of colour washed stucco, with a hipped Welsh slate roof. The house and grounds were used for external scenes during the 1945 film production of "Blithe Spirit". As such it exemplifies a concept of a period country retreat. Externally the building retains a great deal of its original detailing, including its prominent glazing. Also, internally, a very significant proportion of the building's fixtures and fittings remain, including windows, albeit that on the upper floors some of the original joinery has, over time, been replaced, especially in the lower status rooms.
44. The current context in which it is experienced comprises the group of historic estate buildings, some of which have fallen into disrepair or been converted into other uses, such as residential or offices, set in the remains of the landscaped gardens. The form of the ancillary buildings, set around the main house and lying within what remains of the landscaped gardens contributes to its legibility as a period country retreat. To the west the gardens have been used for a nursery, and accommodated several poly tunnels, sheds and portacabins. These have since been removed and hard standing laid to provide storage for commercial vehicles in association with a vehicle dealership which, as noted above, is currently the subject of enforcement action. Despite these losses, the remaining grounds still make a significant contribution to the special

interest of the building through the intended views and the verdant, bucolic character of its grounds.

45. The special interest of Denham Mount, in as much as it relates to these appeals, is primarily associated with the example it provides as a rare and celebrated illustration of a country house in the Cottage Ornée style of the Picturesque tradition, set within its landscaped grounds and supported by its functional estate buildings.
46. The proposal would convert this building into a hotel, providing a reception, lounges, restaurant, and meeting rooms on the ground floor. Seven ensuite bedrooms would be provided on the upper floors. Works internally are limited in scope to the creation of a few short lengths of partition wall, principally in association with upgrading fire resistance. In addition, a kitchen is to become a bar area, with a raised floor above the existing to provide a level access as the existing floor steps down in height. A replacement kitchen, along with office and staff facilities would be moved to the existing outbuildings west of the main house.
47. I find that the proposals would not harm the historic circulation of the building. Indeed, the conversion to a hotel would restore several reception rooms to communal use, more in keeping with their former function for the entertainment of house guests. The internal historic features of the rooms would be retained. However, some historic fabric would be removed to alter and create openings, which would be harmful.
48. No flues or vents, which would be typical features of a commercial kitchen have been indicated on the proposal drawings. The design of such features, could, however, be controlled through the imposition of a suitably worded condition on any permission.
49. The proposal provides no details of changes to internal finishes or the windows. Whilst finishes could also be controlled through an appropriate condition, I find that this would not be the case for potential window alterations as insufficient detail has been provided to enable me to determine the harm that might be caused to this prominent architectural feature.
50. As I have noted above, three extensions are proposed to the main house. The submitted Built Heritage Statement (BHS) identifies that the retained outbuildings were once within a walled yard which functioned as a service area. In enclosing this area, the proposals would reinstate this functionality and reestablish built form reflective of its former, enclosed, nature. Further, the proposal would remove an unsightly water tank and modern lean-to extensions to create a courtyard in a location identified as the previous location of a yard.
51. A second extension is proposed to the existing modern dining room to enlarge the restaurant area. This extension would have a lightweight, predominantly glazed, appearance. The BHS identifies that this area was once occupied by greenhouses and the lightweight, glazed, form of the extension would reference this. However, the creation of the extension would necessitate the opening of a new doorway in the southwest transverse wall of the restaurant. The BHS identifies that this would involve the removal of historic fabric, and, as identified above, this would be harmful.

52. The third, smallest extension provides a glazed link between the main stairwell of Denham Mount and the bar area and restaurant. This would involve enlarging an existing opening. Again, historic fabric would be lost, and this would contribute to the harm from the loss of historic material from the building.
53. A new terrace would be constructed in association with the restaurant extension. This would be a simple, paved area bound by a retaining wall. Whilst the verdant setting of the main house would be eroded, this would be balanced by the proposed landscaping works which I will consider later.
54. The change of use of the hotel, with restaurant and wellness centre would result in an intensification of the use of the site, with increased comings and goings, when compared to its existing as well as its historic use as a peaceful country retreat. As such, there would be some erosion of the original design intent which would consequently harm its special interest.
55. Given the above, I do not find that the heritage benefits that would arise from improvements to historic building circulation and removal of later, unsympathetic additions would outweigh the harm that would result from the loss of building fabric and the intensification of use. However, I do not find that any of the extensions would cause architectural offence or compromise the aesthetic or architectural value of the building and consequently find their effect to be neutral. Despite this fact, overall harm would result to which I attach considerable importance and weight.

Mount Cottage and the Cart Barn

56. Mount Cottage is an early 19th century stable block, now converted into offices with some storage on the ground floor and residential accommodation on the first. It was built in association with Denham Mount and has a simple, utilitarian form constructed of stock brick under a slate roof. Mount Cottage is closely associated with the cart lodge which is curtilage listed. It forms a functional group associated with the historic transport needs of the occupants of Denham Mount.
57. Mount Cottage has been significantly altered over time, yet outwardly retains its historic architectural style and functional appearance. This alteration notwithstanding, I find that the special interest of Mount Cottage, in as much as it relates to these appeals, is grounded in its simplicity of design and legibility as a service building, ancillary to Denham Mount.
58. The proposed development seeks to refurbish Mount Cottage to provide six ensuite bedrooms for hotel guests. In doing so, the cottage would be extended towards the cart barn and a lean-to extension would be demolished. The roofscape would also be altered through the introduction of two new dormer windows on the western slope and two conservation rooflights on the main eastern-facing slope. A new floor would be laid on the ground floor, overlaying existing setts, within the area currently used as a garage.
59. The prominent doors would be retained on the eastern façade of Mount Cottage but fixed back with inset glazing. These doors currently make a significant contribution to the legibility of the building as a former stable. The set back infill walls and glazing within the cart barn would have a similar effect.

60. The utilitarian surfacing in the yard between Mount Cottage and the cart barn, and around the area, makes a significant contribution to the way in which the buildings are experienced and this makes a positive contribution to the special interest of the cottage.
61. The cart barn would be reconfigured to provide three ensuite guest bedrooms. The building would be extended towards Mount Cottage to form a fourth guest bedroom. The roof of the cart barn would be altered to incorporate conservation roof lights, installed so as to provide daylight and ventilation within the new rooms.
62. It was apparent during my site visit that much of the fabric of the cart barn had deteriorated and a degree of intervention is needed to safeguard the future of the building. However, little detail has been provided regarding the scale of the renovation works and the proposal lacks a structural report to ensure the conversion is feasible without negatively impacting the existing fabric to an excessive degree. The scope of necessary repair or renovation works, scale of reconstruction and the quantum of historic fabric that would be removed are unknown. Under such circumstances and given that heritage assets are a finite resource given special protection in law and planning policy it would be inappropriate to use a planning condition to secure the works as their full effect on the asset is undetermined.
63. The BHS identifies that historically, the built form of Mount Cottage and the cart barn enclosed a courtyard, open to the south. At some point around 1950 part of the link between the buildings was demolished, creating a separation and opening up the courtyard. In extending the buildings to close the gap on the northern side the proposal would recreate the earlier built form. Thus, the extensions would create a sense of enclosure, improving the external legibility of the two buildings as a former stable, yard and carriage barn.
64. The proposed rooflights and dormers would introduce modern, domestic features and represent incongruous and inauthentic additions to the historic, utilitarian roofscape of these buildings. Their reflectivity, during the day, would have an intrusive effect, interrupting the traditional fabric of the roof, drawing the eye and providing a stark contrast with the surrounding slates. At night any illumination from within the building would attract attention to the installed features. Being located in a roof slope the illuminated area would be suspended above ground level, giving an awkward and inauthentic appearance to the simple form of the rural buildings. Thus, these elements would undermine the visual appreciation of the building's former use, having an increased visual appearance of domesticity with detrimental effects on the historic role as buildings that served a wider estate.
65. Further, whilst preserving the setts within Mount Cottage in situ, the installation of a new floor over the setts would obscure this historic fabric and consign it to something akin to an archaeological deposit rather than a clearly legible feature of a historic building that contributes to its special interest in terms of the use of traditional materials.
66. In summary the extensions would reference an earlier built form of Mount Cottage and the cart barn, reconnecting, visually, their functional linkage. An incongruous, modern addition, the existing lean-to extension, would be removed. There would, nonetheless, be a loss of historic material which would be harmful. Moreover, historic finishes, intrinsically linked to the functional

nature the buildings would be lost or concealed and incongruous elements would be introduced to the roofs of the buildings. This harm would not be outweighed by the beneficial elements of the proposed changes to these buildings.

Garden Cottage

67. Garden Cottage dates from the 19th century. Its location adjacent to the walled kitchen gardens suggests that it was likely to have provided accommodation for the head gardener of the grounds. It is a single storey cottage built of stock brick with a slate roof. Whilst its immediate setting has changed considerably since the loss of the walled garden in the 1970s, its location and its simple, utilitarian appearance and humble proportions still speak to its former role as an estate workers cottage. Furthermore, the cottage holds historic interest as a marker of the wealth and status of the principal house and gardens.
68. Given the above, in as much as it relates to these appeals, I find that the contribution that this makes to the special interest of the principal building is primarily related to the legibility of the building as a humble, estate workers dwelling as well as a signifier of the wealth and status of the wider estate.
69. The proposal would convert the dwelling into three guest bedrooms, each with a bathroom. Externally the building would be unaltered. Internally some existing doors would be infilled, thus disrupting the historic circulation of the building. However, the changes would not alter the legibility of the building as a dwelling for estate workers or its association with the principal listed building. The reinstatement of the formal gardens would, if anything, be an enhancement of its perceived historic role. As such, I find that the proposal would not erode the special interest of Denham Mount in this respect.

The Lodge and Gates

70. The gates and the lodge formed the historic access to the estate, through which residents and visitors would approach Denham Mount. Their significance, in as much as it relates to these appeals, is primarily associated with their design as a continuation of the Cottage Ornée theme and the contribution that this makes to the Picturesque design aesthetic of the estate and setting of the main house. Their role also reflects the status and importance of Denham Mount and its occupants.
71. No works are proposed to these buildings, nor would there be any material alteration to the landscape around them. The scheme would be entirely screened from the lodge and gates by intervening mature vegetation. The approach to Denham Mount from the lodge would be unchanged, retaining its bucolic character and appearance. Thus, the proposal would have no effect on the special interest of these assets, thus preserving their special interest.
72. There are several other listed buildings² near the proposal site. Given the visual enclosure of the proposal site and their spatial separation I find that the proposal would preserve their setting. I note that the main parties are in agreement that this would be the case.

² Zelly Cottage Ref: 1124486 (Grade II); Shawe's Cottage Ref: 1332677 (Grade II); Maltmas Green (Grade II) Ref: 1332679

The Grounds and Setting Effects

73. Green Tile Cottage is a one and a half storey dwellinghouse of white render with a gabled slate roof, built in the 1950s/60s. As a modern addition it is not curtilage listed or of any substantive historic value as a non-designated heritage asset. It is of simple design with overtly modern features, including uPVC double glazed windows and doors. Given its unsympathetic modern appearance and lack of any aesthetic relationship to the historic structures, the building in its current form is an incongruous modern intrusion.
74. The proposal seeks to convert this building internally to provide three ensuite bedrooms and a shared lounge area. The appearance of the building would be radically altered by the addition of vertical timber cladding, a small porch and a lean-to extension. This would provide the semblance of an agricultural barn.
75. Whilst the changes to the building's appearance would correspond to the design approach taken for the spa building, the detailing of the building would not reflect traditional materials or design features used elsewhere within the estate. Thus, the altered building would be an inauthentic pastiche and its effect on the setting of the heritage assets would be neutral.
76. A spa building would be constructed, set against the historic garden wall. It would be an overtly modern design, with a flat roof and vertical timber cladding. A similar style of cladding is proposed on Green Tiles. The building would incorporate full height glazing and a part sedum, part membrane roof that would accommodate solar panels. The proposal would plant hedge screening and, in combination with the building's location within a partial walled setting, the scale and design of the new spa would result in a subservient building that would not detract from the prominence of the heritage assets.
77. However, the building would be significantly larger than the greenhouse that it replaces and of a more solid appearance. This would undermine the openness of the estate around Denham Mount. This increase in the density of built form would harmfully erode the open nature of the setting of Denham Mount and this would be readily apparent to visitors and guests from within the site.
78. The replacement of the tennis courts with pickleball courts would obviate the need for perimeter fencing and would remove this element of visual clutter. The use of the area for recreational games would be maintained and the courts would reflect the historic use of this area within the grounds for such activity.
79. The proposed scheme proposes comprehensive landscaping throughout the estate, including a formal garden with an orchard and vegetable patch close to the western, service end, of Denham Mount. In so doing the proposal would reference the use of land within the estate in its earliest layout.
80. Further, the proposal scheme would include the reinstatement of plants and flowers recorded in 19th century sales catalogues; the reinstatement of historic paths and pleasure walks to improve connectivity and viewpoints to appreciate heritage assets; and new vegetable and herb gardens with pathways to reflect the former location of the walled kitchen gardens.
81. Notwithstanding that some of the area previously occupied by the nursery would be converted to a surface level car park (and this would incorporate screening soft landscaping), this would return some of the area previously

occupied by the nursery and its polytunnels and other buildings to a landscape function, enhancing the verdant setting of Denham Mount and its ancillary estate buildings.

82. This would increase the legibility of the historic estate and restore vistas from which the main house could be appreciated as intended by the architect, with consequent benefit to the significance of the heritage assets.
83. No details of external lighting have been submitted with the proposal. As this would have the potential to alter the Picturesque setting of the principal building as well as the bucolic, rural character of the wider estate I find that insufficient information is before me to determine the full effect of the scheme. Under such circumstances, the control of lighting through the imposition of a condition would be inappropriate.
84. Whilst there would be beneficial changes to the setting of nearby heritage assets, this would be balanced by the harm that would be caused by the increase in the density of the built environment as well as potential harm from inappropriate lighting. I therefore find that changes to the grounds would have a neutral effect on the setting of nearby heritage assets.

Heritage Balance

85. I have found harm to Denham Mount and Mount Cottage that would not be outweighed by the beneficial aspects of the proposal. Consequently it would fail to preserve the special interest of these listed buildings. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting. It makes clear that any such harm should have a clear and convincing justification.
86. Given the scope of the works, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
87. Notwithstanding the heritage benefits I have already considered, the appellant is of the opinion that the proposal would have some public benefit. This is because the proposal would secure an ongoing use for Denham Mount and its estate buildings and retain the estate as a single functional unit. It will be seen below that there is some doubt that Denham Mount would attract buyers as a residential use or that it would be sold for use as a single functional unit. Paragraph 203 of the Framework identifies the desirability of sustaining the significance of heritage assets and putting them to viable uses consistent with their conservation. However, such concerns are speculative and there is no conclusive evidence before me to demonstrate that, in the absence of permission, the current use of the building would cease. As such, this public benefit carries moderate weight. Overall, I do not find that the public benefits identified by the appellant are sufficient to outweigh the harm that I have identified in this instance.

88. Given the above, I conclude that the proposal would fail to preserve the special interest of Denham Mount and Mount Cottage, thus failing to satisfy the requirements of the Act, paragraph 206 of the Framework and contrary to Policy CP8 of the South Bucks District Council Core Strategy (2011) (the Core Strategy) and policy C6 of the Local Plan which together seek, among other things, to protect and, where appropriate, enhance, the District's historic environment and ensure that development will not detract from the intrinsic or architectural interest, character, appearance or setting of listed buildings.

Character (Appeal A only)

89. The current residential uses within the site are low density and generate few trips or comings and goings. This gives the site a peaceful, bucolic character.
90. The change of use of the hotel, with restaurant and wellness centre would result in an intensification of the use of the site, with comings and goings both at the access and within the site as vehicles manoeuvre and people access and use the facilities, when compared to its existing use as a private dwelling with staff accommodation. This intensification of movement would harmfully undermine the peaceful character of the site.
91. However, the former nursery would also have generated activity. Activity associated with that use would have been focussed on the west of the site, the polytunnels, and the western access, which is roughly similar to those where most of the intensification of movement associated with the proposal would occur. Nonetheless, the proposal would increase activity throughout the site.
92. I have found above that the proposal would adversely affect the openness of the site. This increase in built form and increase in activity would harmfully undermine the peaceful, bucolic character of the site.
93. I therefore conclude that the proposed development, taken as a whole, would have a harmful effect on the character of the site. The proposed scheme would, therefore, accord with the aims of Policies GB1, GB2, GB4, EP3 and H9, of the Local Plan, in as much as these seek, amongst other things, to ensure that development, including development within the Green Belt, does not adversely affect the character of the locality.
94. Whilst the Council cites Policy GB9 of the Local Plan in its putative reasons for refusal, this policy relates to diversification of use of land or buildings on agricultural holdings within the Green Belt and is not relevant to the case before me.

Biodiversity (Appeal A only)

95. The appellant submitted an Ecological Assessment Report prepared by Future Nature WTC (November 2023) with their application. This report identified that three species of bat, two of which are Species of Principal Importance for conservation (priority species) were roosting in the cart barn and Mount Cottage. Works are proposed on both of these buildings that would have potential to disturb the roosts. However, from the information provided, the surveys are insufficient to establish the extent of the colonies or the effect of the proposals on them and whether appropriate remediation is possible.
96. Further, the site contains priority habitat, and the suitability of bespoke mitigation measures needs to be identified. The evidence before me does not

provide sufficient information to ensure that there is no impact on protected species.

97. I am mindful of the advice provided in Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact on Planning that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”
98. Adopting a precautionary approach I therefore conclude that the proposal would have a harmful effect on biodiversity. It would, therefore, fail to satisfy the requirements of the NERC Act, and conflict with statutory duties under the Wildlife and Habitats Act 1981, the Conservation of Species and Habitats Regulations 2017 and with paragraph 180 of the Framework, in as much as this seeks to minimise impacts on biodiversity. For similar reasons the proposal would be contrary to the aims of Policy CP9 of the Core Strategy which, amongst other things, seeks to conserve and enhance the biodiversity resources within South Bucks by resisting development that would harm nature conservation interests.

Transport (Appeal A only)

99. The appellant submitted a Transport Statement³ and, following the receipt of comments by the local highway authority (LHA), a supplementary Transport Response⁴. It is a matter of agreement between the main parties that the development would generate additional traffic movements when compared to the use of the dwellings within the site.
100. Following receipt of these reports the LHA raises no objection to the proposal, subject to the imposition of suitably worded planning conditions to secure a safe access, parking provision, servicing provision, and a travel plan.
101. The pattern of trips generated by the appeal site would be changed by the proposal, and some of these trips would be late at night. It is likely that most trips by visitors to the appeal site would use Hollybush Lane to access the site as the access to the hotel would be located there and the road links to the national road network. There is no substantive evidence before me to demonstrate that this would result in congestion in the local villages or that the impact on the capacity of the network would be severe.
102. The proposal site lies in a rural area without convenient access to public transport. Further, the local roads are unlit, with no segregated pedestrian facilities. Whilst it has been demonstrated that vehicular speeds on Hollybush Lane are significantly below the permitted speed limit of 60MPH, and, given the constrained alignment of other nearby roads, speeds are likely to be similarly reduced, their nature is unlikely to encourage walking and cycling. Residential or guests attending functions or dining in the restaurant are unlikely to live

³ Transport Statement prepared by Glanville (March 2023)

⁴ Transport Response -Glanville (August 2023)

within walking or cycling distance of the appeal site nor would they be likely to be the mode of choice for such persons coming to the site.

103. Thus, it is likely that the proposed development would be a generator of trips through less sustainable modes of transport. The LHA identifies that this is not unusual for such uses as are proposed and I see no reason to disagree with this.
104. Whilst the former nursery would also have generated traffic movements, although the Transport Statement accompanying the application did not quantify the traffic associated with that use. Traffic movements associated with that use would have been focussed on the west of the site, the polytunnels, and the western access, which is roughly similar to those where most of the intensification of traffic movement associated with the proposal would occur.
105. It will be seen above that I find that the application site is not well served by public transport and trips made to and from the site by guests of the hotel and associated uses would therefore largely rely on private motor vehicles, but that would also have been the case with movements associated with the former nursery.
106. It is in the nature of country hotels to be in such locations and, if demand for these is to be accommodated in order to support a prosperous rural economy, an aspiration set out in paragraph 88 of the Framework, then such developments would engender exactly these issues. I am mindful of the guidance provided in paragraph 89 of the Framework that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found in locations that are not well served by public transport and that in these circumstances it would be important to ensure that development does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
107. To this end the provision of a Travel Plan seeking to identify and exploit opportunities for more sustainable travel for guests and employees could be secured through the imposition of a suitably worded planning condition.
108. The LHA has identified, however, that a Travel Plan would need to be monitored to be effective. To enable this the LHA has identified a sum of monies to enable monitoring for five years.
109. The UU submitted by the appellant would secure this payment and there is no dispute between the main parties that the UU would provide the required monitoring fee for a period of five years enabling the effectiveness of a Travel Plan to be monitored so as to mitigate any harms resultant from the development from the use of less sustainable modes of transport. The Council has confirmed that on the basis of such provision its third putative reason for refusal is addressed to their satisfaction.
110. On this basis, and on the basis of the evidence before me, I consider that the provisions of the UU are necessary to make the development acceptable in planning terms, directly related to those harms that would otherwise result from the proposed development and fairly and reasonably relate in scale and kind to those harms.
111. Denham Parish Council have raised concerns that the level of provision of car parking exceeds the required amount set out within Council policy and that

this reflects the private car-based needs of the development. I note that, whilst the proposal would provide a total of 43 spaces for the hotel and other facilities associated with it, only 24 parking spaces are required to accord with the Buckinghamshire Countywide Parking Guidance (2015) for hotels. However, the proposal also includes a restaurant and other facilities that would be open to non-residents. The LHA has calculated that these would generate a need for an additional 19 car parking spaces. On the basis of the evidence before me I have no reason to dispute these figures. Thus, the total demand for the proposed development would equal the 43 spaces provided. There is no substantive evidence before me to justify a view that this is over-provision, or that a lesser number of parking spaces would be justified.

112. I therefore find that the proposed development would not have an unacceptable adverse effect on transport networks and would, therefore, accord with the aims of Policy TR5 of the Local Plan in as much as this seeks to ensure that development would not exceed the operational capacity of the highway. The proposal would also be in accordance with the aims of paragraphs 89 and 114 of the Framework in as much as these seek to ensure that rural development does not have an unacceptable impact on local roads and exploits opportunities to make a development location more sustainable.
113. For similar reasons the proposal would accord with the Buckinghamshire County Council Highways Development Management Guidance: Managing the transport and travel impact of new developments (2018) in so far as these seek, amongst other things, to ensure that developments manage the transport impacts of development and provide safe and suitable access.

Living conditions of neighbours (Appeal A only)

114. Denham Parish Council and other interested parties have raised concerns that the proposal would result in noise and other disturbance to the occupiers of neighbouring dwellings. They identify that in addition to the guest bedrooms, the hotel development would include a restaurant that would accommodate outdoor customers, meeting and function rooms and a wellness centre with swimming pool and other facilities.
115. Whilst the current use of the buildings within the site would be expected to generate traffic during the day, particularly in the morning and evening for work trips, and at weekends, the wider leisure uses of the proposed development would be open to non-residents, and this would be until 11 o'clock at night.
116. The buildings housing the main communal facilities are located well within the application site, whilst the nearest neighbouring dwellings are some distance away and well screened by intervening planting. The application was accompanied by a Plant and Activity Noise Assessment Report prepared by Syntegra (February 2023). This assessed the noise and disturbance likely to be generated by activities in the communal areas of the appeal site. From the evidence before me I find no reason to disagree with the findings of this report, which concluded that the level of noise and disturbance to nearby residential uses would be acceptable.
117. I therefore find that, given the distance between the facilities and neighbour's dwellings, it is unlikely that the occupiers of those dwellings would experience unacceptable nuisance from noise or disturbance.

118. Whilst there would be likely to be an increase in traffic movements overall, when compared to those uses currently present on the site, the number of such movements would be limited and, on the basis of the evidence before me, unlikely to cause an unacceptable level of disturbance to occupiers of dwellings close to the surrounding roads.
119. I therefore conclude that the proposal would not have a harmful effect on the living conditions of neighbours. The proposal would, therefore, accord with the aims of Policies EP3, H9 and T5 of the Local Plan in as much as these seek to ensure that development proposals, including the additional traffic movements generated, would not have an adverse effect on the amenities of nearby properties.

Supply of dwellings (Appeal A only)

120. The proposal would result in the loss, through conversion, of four residential units. The appellant argues that the loss of a limited number of residential units and any resultant shortfall would be temporary, being addressed in future through the Council's emerging local plan. It is further suggested that such homes may be in a more sustainable location. Similarly, the appellant argues that other development would come forward to make up the loss. However, the housing to be provided through strategic planning policies is not intended to address potential loss of homes through proposal schemes, but from local growth in demand for homes and the adoption of the emerging Local Plan is some way off, in 2027 at the earliest. The Council is currently only able to demonstrate a 1.3-year supply of housing land. I have identified above that the proposal would be contrary to Policy T2 of the Local Plan in this regard.
121. Whilst the Council cite conflict with Policies EP3 of the Local Plan and CP8 of the Core Strategy, these relate to the compatibility of the land uses within the surrounding area. I find no conflict with these policies in this respect.

Other considerations and Green Belt balance (Appeal A only)

122. There is no dispute between the main parties that a hotel would make provision towards filling an unmet need in this area and help grow the local tourism sector. The Framework, at paragraph 88 supports the sustainable growth and expansion of all types of business in rural areas, including rural tourism through the conversion and re-use of buildings and through the provision of beautiful new buildings. The hotel business would create long-term local employment and jobs in the supply chain. However, given the scale of the proposal, the number of jobs and the level of overall economic activity, this is a public benefit which carries moderate weight overall in my deliberations.
123. At the time of my site visit I noted that traffic noise from the nearby motorway could be heard throughout the appeal site. The appellant further cites intrusive noise from aircraft. The appellant identifies that, during the recent marketing of the site, many potential buyers who viewed the property were deterred by its noisy environment and this view is supported by feedback to the marketing agents from potential buyers who viewed the site. The size, ongoing maintenance of the large house and grounds and limitations in use due to their listed status would be likely to further restrict potential buyers.
124. The marketing agent has also provided supporting information that, whilst the property was valued and marketed at £6.5m, offers for residential use were

very significantly lower, and the property finally sold to the appellant, for the prospective hotel use, at well below the asking price. I note that some residential use offers were only for part, or parts, of the estate. There is, therefore, some doubt whether the dwellings could be sold at a reasonable price for residential use or, if sold, the Estate would remain intact. The retention of the site in residential use may result in the fragmentation of the estate, whereby continuity of maintenance and landscaping improvements across the estate would be lost. However, such concerns are speculative, and this reduces the weight that I place upon them as public benefits to moderate.

125. The proposal would provide a modest social benefit to the public through the provision of a spa and restaurant that could be used by the community, and this carries limited weight in my deliberations in favour of the development.
126. The provision of a hotel would provide a long-term use for the site. Re-using existing buildings and repairing some of the unused and dilapidated structures on the site. This would help preserve the listed assets and grounds by providing a stable income for future upkeep and maintenance. However, the maintenance of the building is not the primary objective of the hotel business. Further, the owner has a legal obligation to maintain the heritage asset. Nonetheless, it will be seen from my reasoning above that the proposal would provide some public benefits to the special historic and architectural interest of the building. However, I have also found that, overall, the proposal would fail to preserve the significance of the heritage assets and I place great weight on such harm. There would also be harm to the character of the site, contrary to the aims of policies within the development plan.
127. As identified above, the proposal would result in the loss of four residential units. Given the Council's paucity of housing when measured against need I place moderate weight on the loss of the small number of dwellings that would result from the proposal.
128. It will be seen above that harm to biodiversity of the area would result from the proposed development. The Framework places great importance in conserving and enhancing the natural environment. Paragraph 180 seeks to ensure that development minimises impacts on and provides net gains for biodiversity, whilst paragraph 186 advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. I therefore place significant weight on the biodiversity harm that would result from the proposal.
129. Paragraph 152 of the Framework states that inappropriate development will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
130. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. There would also be significant harm to the openness of the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.

131. Accordingly, the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist. The proposal would therefore be at odds with section 13 of the Framework and Policies GB1, GB2, and GB4 of the Local Plan in as much as these seek to protect the Green Belt from inappropriate development.

Other Matters

132. The appellant has suggested that government seeks to encourage, rather than hinder, development in circumstances where Local Authorities do not have an up-to-date Local Plan and that the 'tilted balance' set out in paragraph 11d of the Framework should be applied under such circumstance. However, I have found harm to the Green Belt and designated heritage assets, which would disapply the tilted balance in this case.

Conclusion

133. Given the above and considering all other matters raised, the appeals should be dismissed.

I A Dyer

INSPECTOR