



Appeal Decision

Site visit made on 11 December 2024

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/K0425/W/24/3342903

Harleyford Golf Club, Harleyford, Marlow, Buckinghamshire SL7 2SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Harleyford Golf Club (Marlow) Ltd. against the decision of Buckinghamshire Council.
 - The application Ref is 23/06552/FUL.
 - The development proposed is the refurbishment and extension of 'The Tank House' at Harleyford Golf Club and conversion to offices.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Harleyford Golf Club (Marlow) Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to significantly affect the matters raised. It has not therefore been necessary to seek parties' views. Any references to the Framework in this decision are to the revised version.
4. The statutory duty under section 85 of the Countryside and Rights of Way Act 2000 as amended requires me to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. There is also a duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requiring me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. I have a further duty under Section 66(1) of the Act to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which the listed buildings possess. I have had regard to these duties in coming to my decision on this appeal.

Main Issues

5. The main issues are:
 - i) whether the proposed development would preserve or enhance the character or appearance of a conservation area, its effect on a registered

park and garden, and whether it would conserve and enhance the scenic beauty of a national landscape; and

- ii) the effect of the proposed development on biodiversity.

Reasons

Character and appearance

6. The appeal site comprises an outbuilding in use for storage in the Harleyford Estate, at the bottom of a sloping area of land to the rear of the golf club facilities. It sits within the Harleyford Manor Registered Park and Garden (the RPG) and forms part of the Harleyford and Whittington House Conservation Area (the CA).
7. The Framework requires applicants to describe the significance of any heritage assets affected, and states that Councils should identify and assess the particular significance of any heritage asset that may be affected by a proposal. The information before me in this regard is limited. However, from my observations, the RPG derives its significance as a laid-out landscape park and garden associated with the Grade I Listed Building of Harleyford Manor. It is surrounded by woodland and contains sparse single trees which create an attractive landscape that contributes to its listing. Similarly, the significance of the CA is founded in its historic association with riverside estates, with information before me referring to the open land of the golf course and woodland as features of this section of the CA.
8. The immediate section of the RPG and CA has an evident sylvan appearance. Particularly prominent is a horse chestnut tree in the western section of the site at the top of the slope. It is an imposing feature that makes a notable contribution to the wooded and pleasantly rural nature of this part of the estate. In its elevated position it is highly visible from key vantage points, including the estate road and public footpath. I further observed it to be part of a key view from the northwest, where it fills a gap in, and is framed by, the built form adjoining the car park. Accordingly, although it is a single tree, by being a notable part of the wooded character, it makes a clear positive contribution to the RPG and CA.
9. The proposal seeks to restore and extend the outbuilding at the appeal site for its use as an office associated with the golf club. The Council has confirmed that it has no objection to the use, design, form, or scale of the proposal, and welcomes the conversion and refurbishment of the structure. However, the works would necessitate the removal of the identified horse chestnut tree.
10. The appellant has provided an Arboricultural Memo in relation to the tree. It highlights features that will reduce its safe, useful life expectancy and states its retention may not be appropriate if decay was to develop in the lower stems. Nevertheless, an Arboricultural Impact Assessment, although finding the tree to be Category C, concludes that it has a good, healthy physiological condition and a fair structural condition, with its defects capable of being remedied. Nevertheless, there is little substantive evidence, either before me or observed on site, to suggest that the tree would not continue to contribute positively to the character and appearance of the surrounds.
11. Although other trees are present in the vicinity, due to the outlined prominence and contribution of the horse chestnut tree, its removal would significantly undermine the sylvan nature and appearance of the surrounds, resulting in visual harm. The

suggestion of replacement planting has been raised, including, among other things, through reference to a section 106 agreement and landscape management plan. While these documents are noted, the s106 agreement does not relate specifically to the scheme before me, which I must assess on its merits. Even noting the information before me, I cannot be certain as to what would replace the current tree and, in any event, replacement planting would be unlikely to effectively mitigate the visual harm caused for some time.

12. Through the loss of the tree, the proposal fail to preserve or enhance the character or appearance of the CA and harm the contribution the site makes to the significance of the RPG. As part of the significance of the RPG is the protection of the associated listed building, the proposal would also fail to preserve the setting of this building.
13. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset, including from development in its setting, should require clear and convincing justification. In the terms of the Framework I find the harm in this case to be less than substantial. Such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The proposal would result in a curtilage listed building being restored and put to a new use. In adding to the office accommodation of the golf club it would create a modest level of additional employment space, with associated economic benefits. It would improve the recreational value of the estate and have positive social wellbeing effects, albeit it to a modest degree. Replacement planting would also be a benefit but, for the reasons outlined, I give this limited weight.
15. The appellant also suggests that the proposal would ensure there is no further deterioration of the outbuilding. I observed the building on site and, while it is evidently aged, there is nothing substantive either before me or observed to suggest that its current use for storage is ineffective or that this is an 'at-risk' building. Overall, even when taken together, I do not find the identified public benefits would outweigh the harm I have set out, and the proposal would conflict with the Framework,
16. The appeal site falls in the Chilterns National Landscape (the CNL), designated for the natural beauty of its landscape. As one of the most wooded landscapes in England, trees are an important part of the scenic qualities of the CNL and contribute significantly to the wider landscape. The Framework is clear that great weight should be given to conserving and enhancing the landscape and scenic beauty in protected landscapes. The horse chestnut tree at the site makes an important contribution to the sylvan nature of this section of the CNL and, as such, to its scenic beauty. Having regard to my statutory duty, I find that the visual harm caused through the removal of the tree would not further the purposes of conserving and enhancing the natural beauty of the CNL, and would be contrary to Framework aims.
17. For the reasons given, the proposal would fail to preserve or enhance the character and appearance of the CA, and would have an adverse effect on the setting of the RPG. It would also fail to conserve and enhance the scenic beauty of the

landscape within the CNL. As such, it would conflict with Policies CP9, CP11, DM30, DM31, and DM35 of the Wycombe District Local Plan 2019 (the WDLP) where these policies seek to ensure development will conserve, and where possible enhance, the natural and historic environment.

Biodiversity

18. Policy DM34 of the WDLP states that all development should achieve a net gain in biodiversity. As the proposal relates to the removal of a tree, and given the lack of precise information relating to biodiversity, there is no certainty that such a net gain would be achieved. The development may not be subject to mandatory biodiversity net gains set out at a national level due to the date the application was made, and this issue may not have been raised during the application process. Nevertheless, it remains that the proposal would need to comply with this policy.
19. An Ecology Report has been submitted. However, this relates to the assessment of the outbuilding with regard to bats rather than setting out any biodiversity net gains. The appellant has referred to a Landscape Management Plan at the estate which has objectives to restore and develop mixed broadleaf Chiltern Woodland, some of which has been undertaken. However, such planting does not relate to the scheme before me and, in the absence of evidence to suggest otherwise, there is nothing to conclude that the aims of Policy DM34 have been met by the proposal itself.
20. For the reasons given, I cannot be certain that the proposal would not result in adverse effects on biodiversity. As such, it would fail to comply with Policy DM34 of the WDLP; Policy DM14 of the Wycombe District Council Delivery and Site Allocations Plan 2013; and the provisions on the Framework insofar as they seek to ensure development achieves a net gain in biodiversity.

Other Matters

21. The appellant has referred to pre-application discussions with the Council that informed the final design of the scheme. This has little relevance to my assessment of the planning merits of the appeal. Reference has been made to a previously granted planning permission for reuse of the outbuilding as offices. However, I have limited details before me regarding this permission which appears to have lapsed. Taken together, these matters would not alter my findings above.

Conclusion

22. The proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR