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## Appeal Decision

Hearing held on 25 February 2025

Site visit made on 25 February 2025

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> March 2025

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**Appeal Ref: APP/A1910/W/24/3353398**

**Ferrers Hill Farm, Pipers Lane, Markyate AL3 8QG**

- 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 Mr S Browne against the decision of Dacorum Borough Council.
  - The application Ref. is 23/01138/FUL.
  - The development proposed is the change of use from equestrian to residential; demolition of existing stables, removal of manège and construction of 1no. dwelling house within landscaped grounds and the creation of a new dedicated access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). The main parties were able to address matters arising from this, both in writing prior to the hearing, and orally at the hearing itself.
3. This version of the Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The amendment to paragraph 155 has not materially changed the policy set out in the Framework as published in December 2024.
4. The appeal site lies close to a Grade II listed building (Hill Farmhouse) and in the vicinity of other listed buildings. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. A signed and dated Section 106 Agreement, relating to the Chilterns Beechwoods Special Area of Conservation (SAC), was submitted by the appellant prior to the hearing. I will consider this matter later.

### Main Issues

6. The main issues are:
  - The effect of the proposed development on the special interest and significance of nearby designated heritage assets; and

- whether or not the proposal would be inappropriate development in the Green Belt and the effect on openness, having regard to the Framework and relevant development plan policies.

## Reasons

7. The appeal site lies to the south west of an historic farmstead group associated with Hill Farmhouse, a Grade II listed building (now called Stuart House and Restoration House). For clarity, I shall refer to this property as Hill Farmhouse. The associated farm buildings have been converted to several dwellinghouses, most of which share an access with Hill Farmhouse onto Pipers Lane. The whole farmstead group is referred to as Ferrers Hill Farm. The appeal site comprises a paddock with a range of timber-clad stable buildings, hardstanding and an associated manège. The buildings are of modest scale with a simple overall form and narrow gables. These and other structures are located relatively near to the farmstead group, partly separated from them by a hedge and other planting. They stand at the top side of the paddock which slopes down to Millfield Lane with the perimeter mainly surrounded by hedgerows and trees.
8. The proposal is for the replacement of the equestrian development with a part two storey and part single storey dwelling located in adjacent ranges with a connecting link. It would be roughly on the site of the hardstanding and have a new access on to Millfield Lane.

## Significance

9. The list description for Hill Farmhouse (Ref.1348052) mentions, amongst other things, that the farmhouse is early 19<sup>th</sup> century, constructed in brick with brick detailing, has a plaster eaves cornice and a steep, red tile roof. It mentions that it is a tall, two storeys with attic, and describes the arrangement of openings and its architectural detailing.
10. The building is set back from Pipers Lane by a front garden and its historic, former agricultural outbuildings are mainly arranged in a U-shape to its rear, forming a courtyard with the farmhouse. The farmstead group is set on relatively high ground amid an expansive agricultural landscape. Hill Farmhouse is seen from Pipers Lane, and glimpses of it and the farmstead buildings can be obtained from the public footpaths in the surrounding fields which follow the perimeter of the site.
11. The special interest and significance of Hill Farmhouse, for the purpose of this appeal, is derived in part from its age, historic fabric, form, function and its relationship to its former agricultural outbuildings. These outbuildings along with the surrounding fields, hedgerows and groups of trees are the wider environment in which Hill Farmhouse is experienced and appreciated. Collectively, they reinforce its agricultural context and thereby its special interest and significance.
12. The evidence before me indicates that the Hill Farmhouse site was historically associated with Markyatecell Park, a Grade II registered park and garden (Ref.1000915). This lies some distance to the south west of Hill Farmhouse and is separated from it by a large agricultural field and a belt of trees lining Millfield Lane. The official list entry mentions, amongst other things, that it is an early 19th century landscaped park surrounding a country house with an early 20th century formal garden. The landscape, however, dates back to a former Priory. The estate comprises gardens and pleasure grounds, park and kitchen garden which serve

Cell Park House, a Grade II\* listed building. There is also a range of other listed structures associated with the registered park and garden. In relation to this appeal, the significance of the registered park and garden derives from its age and changes over time, the design of the constituent parts including other listed buildings, its function, and association with various influential architects and owners. Both parties suggest that owing to this historic association, Hill Farmhouse is architecturally grander than would normally be expected of similar buildings in the area. I agree that it has a striking presence which suggests a building of status, and this is reinforced by its position on high ground and its relative isolation from other development.

13. Whilst the main access to Hill Farmhouse and most of the converted farm buildings is a relatively recent introduction, the creation of this access has resulted in the appeal site now having a closer visual relationship with Hill Farmhouse. Views of the appeal site and its equestrian buildings and facilities are readily seen at close quarters on the approach to the historic farmstead and they now form part of the immediate, agricultural environment in which the farmstead is experienced and appreciated. Whilst the equestrian facilities are a rather rambling complex of relatively modern, functional structures, they are not unexpected or obtrusive given the historic use of the site and its rural location. Consequently, they do not detract from the contribution that the appeal site makes to the building's significance.
14. The Council suggests that the appeal site also contributes to the significance of Markyatecell Park and its associated designated heritage assets as it lies between it and the Hill Farmhouse complex and were formerly in one ownership. Having visited the Hill Farmhouse site and walked the surrounding footpaths, I was not able to see any discernible part of the registered park and garden, and at the hearing both parties confirmed that there was no obvious intervisibility. Therefore, whilst I recognise that there may be an historic association between the two heritage assets, the appeal site makes only a very limited contribution to the significance of Markyatecell Park as part of its extended, rural setting.
15. I have studied the proposal carefully and considered all aspects of the appellant's lengthy design journey. The analysis of the Hill Farmhouse farmstead group and that of other isolated building groups in the area has been a useful exercise in understanding building hierarchy, layout and siting. In the case of the Hill Farmhouse complex, the analysis identifies Hill Farmhouse as the principal, Tier 1 building, with the former outbuildings identified as subordinate Tier 2 and 3 buildings to the rear, arranged in a relatively compact cluster and characterised by a more informal design. This has fed through to the siting, form and arrangement of the proposed buildings on the appeal site. It is suggested that these are representative of Tier 2 and 3 buildings.
16. Despite this analysis, it appears to me that the proposed dwelling, because of its height, massing and design would be more reflective of a Tier 1 building. It would look like a large, imposing, formal dwelling of distinct identity and status rather than an intended subordinate and informal building associated with Hill Farmhouse. The footprint and form of the main two storey element may be based on the simple form and massing of 'The Barn' (No.5 Ferrers Hill Farm) but the proposed additional storey, stepping outwards of the first floor and more distinctive architectural treatment would result in a very different building. Even by setting part of the building into the bankside, it would appear as a large, imposing structure

which would read as a Tier 1 principal building, rather than a Tier 2 or 3 structure associated with the farmstead.

17. Whilst the proposed building would have a new, independent access and would benefit from enhanced landscaping to limit external views, I saw on site that the new development would be seen from the existing approach to Hill Farmhouse. There is a close pinch-point between the two sites and despite the proposed landscaping, the buffer area is simply too narrow to effectively mitigate views of the scale and spread of the proposed buildings. The details therefore suggest that the development would be very apparent when viewed from the entrance drive, and it is likely that glimpse views of the ridge would also be visible from parts of the more immediate setting of Hill Farmhouse. Its presence would be clearly felt in this context.
18. Despite the well-considered design and all the positive and worthwhile attributes of the scheme, nevertheless, it would read as a large, imposing and unexpected dwelling which would be a confusing and distracting feature on the approach to the historic farmstead and its sense of relative isolation. It would read as a principal dwelling with its own ancillary structures and be a separate entity with little to associate it with the farmstead. This would undermine and weaken the rural setting of the listed building complex. The proposed access track would further emphasise the visual separation of the appeal development.
19. Whilst I find clear harm to the rural setting of Hill Farmhouse, I see little to suggest that the proposal would be a harmful feature within the extended setting of Markyatecell Park. It is simply too far away, and the planting around the appeal site would largely contain external views in this direction. I also see no adequate reason why it would lessen any legibility of the connection between the two. Likewise, having reviewed all the evidence, I have no reason to consider that the significance of any other designated heritage assets would be detrimentally affected by the proposal.
20. I have considered an appeal at Further Lane, Blackburn<sup>1</sup> which the appellant suggests confirms that change within the setting of a heritage asset is not always analogous with harm. However, each case must be considered on its merits. Whilst in many cases development can be successfully accommodated near to heritage assets, based on the details submitted, I am not persuaded that the circumstances of this appeal are directly comparable to the proposal before me.
21. An independent Design Review Panel (DRP) has considered the proposal on two occasions and concluded that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. However, the feedback mentions little about defining the significance of the heritage assets and impacts of the proposal on that significance. Nevertheless, even had a more detailed analysis been presented, I am entitled to come to a different view and, aware of my statutory duty, I have concluded that harm to a designated heritage asset would arise.
22. Considering the above, although I find no harm to the setting of Markyatecell Park or other designated heritage assets, the proposal would have a harmful impact on the contribution that the setting makes to the special interest and significance of Hill Farmhouse. Therefore, the expectations of the Act are not met. Paragraph 212

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<sup>1</sup> Appeal Ref. APP/T2350/W/24/3339770

of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the asset or from development within its setting and any harm should have a clear and convincing justification.

23. I find the harm in the context of the significance of the designated heritage asset, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. The appellant is of the opinion that the proposal would be beneficial because it would help raise the standards of design generally in rural areas, considering that it is of exceptional design quality, meeting the requirements of Framework paragraph 84 e). It suggested that the proposal would provide training in sustainable construction skills and allow research into building performance. It is further suggested that the development would deliver significant habitat gains which would lead to supporting wildlife on a larger scale, it would be beneficial to landscape character and scenic beauty and would improve land drainage and flood resilience measures.
25. In support of the scheme, it is explained that the building would be adaptable to suit lifestyle changes and would care for the occupant's changing needs, including caring for elderly parents and other dependents. It is considered that it would allow multiple generations to live together and make efficient use of housing stock.
26. However, whilst all these public benefits would be worthwhile, it is likely that they could be achieved in association with an alternative design solution which may not cause the identified harm to the designated heritage asset. This therefore limits their weight as public benefits.
27. The development would provide a dwelling which would contribute towards housing land supply, and in an area where there is a very poor level of identified land. A boost to housing supply is an important Framework consideration, especially taking advantage of previously developed land. The Framework is also supportive of small and medium sized sites, such as this, which are often built out relatively quickly. The development would also have some social and economic benefits during construction and occupation and would contribute to local services and facilities. However, these benefits would be limited given that it would only deliver one dwelling and I therefore attribute them limited weight.
28. Taking the above points together, I find the public benefits in this case to cumulatively be of moderate weight. Great weight should be given to the conservation of designated heritage assets. I therefore find in this case that the public benefits, although wide ranging and beneficial, would not outweigh the harm to the significance of the designated heritage asset.
29. Through development within the setting of the Grade II listed building there would be harm to significance. Furthermore, having regard to the Framework, I conclude that the public benefits would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would not comply with this important policy requirement in the Framework. In

addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. Accordingly, the proposal would fail to comply with Policy CS27 of Dacorum's Local Planning Framework, Core Strategy 2013 (CS) which, in relation to this proposal, seeks to ensure that all new development protects, conserves and if appropriate enhances the setting of designated heritage assets.

*Whether inappropriate development*

30. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also provides some exceptions to development that is not inappropriate development. CS Policy CS5 confirms that the Council will apply national Green Belt Policy to protect the openness and character of the Green Belt. It allows small-scale developments, including the redevelopment of previously developed sites, and I am satisfied that the policy is in overall accordance with the Framework's approach to development in the Green Belt.
31. The parties broadly agree that the site is 'previously developed land' for the purposes of local and national Green Belt planning policy. Paragraph 154 g) of the Framework sets out that development which comprises the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt, is considered 'not inappropriate development'. 'Substantial harm' to the openness of the Green Belt is not defined in the Framework and this, therefore, is a matter of judgement based on the circumstances of the case.
32. The concept of openness has both spatial and visual dimensions. There is no doubt that the proposed dwelling with all its domestic accoutrements, would have a considerably increased footprint, scale/bulk and massing which would spatially have a much greater impact on the openness of the Green Belt than the existing buildings and structures on the site. Whilst the removal of the manège would result in a reduced footprint of development overall, this would have little spatial effect on the openness of the Green Belt as this is essentially a low-lying structure.
33. In relation to the visual impact on the openness of the Green Belt, the removal of the manège and the consolidation of the proposed development to the top corner of the site would limit the spread of development. Setting parts of the building into the bankside and the careful selection of materials and colours would also help the development blend into its surroundings. All this would limit the visual impact of the development from the surrounding roads and fields. This visual permeability would be further limited by bolstering the existing level of planting around the site with a comprehensive landscaping scheme. It was discussed at the hearing that conditions could be attached to any approval to ensure that visual screening was maintained for some time. In this respect, the overall visual impact on the openness of the Green Belt arising from the proposal would be at a relatively low level. However, this should be qualified to state that when viewed from the existing access to Hall farmhouse and from the proposed new site access, the more open views of the development from these points would have a much greater visual impact on the openness of the Green Belt.

34. Drawing all this together, having regard to the existing development and its degree of dispersal on the site, I consider that the appeal proposal would have a much greater spatial impact on the openness of the Green Belt but a relatively limited visual impact. Given this assessment, although the volumetric built form of the proposed buildings would be much greater than the existing, the development as a whole would not amount to the high bar of causing substantial harm to the openness of the Green Belt. Therefore, I consider that it would meet the exception outlined in paragraph 154 g).
35. The revised Framework in December 2024 introduced further developments that should not be regarded as inappropriate. For the avoidance of doubt, regarding paragraph 155, Annex 2 of the Framework explains that 'greybelt' excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Therefore, had I assessed the proposal against the exception in paragraph 155 of the Framework, for the reasons explained above, I would have concluded that my findings on heritage would mean that the appeal site could not be regarded as 'greybelt'. The development would not therefore comply with the exception in paragraph 155, and it is not necessary to consider the proposal against the Golden Rules.
36. As I have found that the proposed development would comply with the exception outlined in paragraph 154 g) of the Framework it is not necessary for me to take into account other identified considerations. I conclude, therefore, that the proposal would not be inappropriate development in the Green Belt and would comply with the Framework and CS Policy CS5.

### **Other Matters**

37. The information indicates that the appeal site lies within the Zone of Influence for the Chilterns Beechwoods Special Area of Conservation (SAC). The SAC is an attractive and accessible site of regional significance for recreation. Residential development within this area is expected to result in further recreational pressure from the increased number of people using it. Natural England objected to the proposal, considering that further information was required to enable the significance of the impacts to be understood and the scope for mitigation.
38. The appellant's completed Section 106 Agreement aims to overcome the identified harm and was discussed at the hearing. The Council commented that their legal department had not reviewed the Agreement but acknowledged that it was based on a similar development that had been approved by them elsewhere.
39. I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the proposed development on this designated site. However, as I have identified harm in relation to the significance of a designated heritage asset it is not necessary for me to undertake an appropriate assessment, as even if no harm to the SAC was identified or any harm could be successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal. In these circumstances, it is not necessary to consider these matters further in my decision.
40. I have taken account of the appellant's concerns about the considerable length of time taken by the Council to progress the proposal, and the variety of feedback

received, including during the pre-application process. These matters, however, are for the Council and do not alter my findings on the main issues.

41. The appeal site lies close to the Chilterns National Landscape, previously referred to as Areas of Outstanding Natural Beauty, which have the highest status of protection. The Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes. Both parties broadly agree that the appeal proposal would have no harmful effect on the National Landscape, and I have no reason to disagree with their findings. I have therefore not needed to consider this matter further.

### *Planning balance*

42. I have found that the proposed development would not constitute inappropriate development in the Green Belt. However, I have identified harm to the significance of a designated heritage asset and that this harm would not be outweighed by the public benefits in this case. Furthermore, great weight should be given to an asset's conservation.
43. At the hearing, the Council confirmed that it was unable to demonstrate a Framework compliant housing land supply, currently identified as being less than a 2-year supply. However, in accordance with Footnote 7 of the Framework, the policies in the Framework that protect designated heritage assets provide a strong reason for refusing this development. The presumption in favour of development as set out in paragraph 11d) of the Framework is, therefore, not engaged and the scheme should be determined under a normal planning balance.
44. The appellant considers that the development complies with paragraph 84 e) of the Framework, representing a design of exceptional quality which would justify an isolated home in the countryside. This was confirmed by the most recent DRP. Paragraph 138 of the Framework advises that Council's should have regard to the recommendations of DRPs and paragraph 139 b) considers that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*.
45. The analysis and findings of the DRP are valuable considerations, pointing out many of the exceptional features of the scheme, and I have taken these into account. However, the harm to the significance of a designated heritage asset means that the development would not fit in with the overall form and layout of the surroundings and therefore the scheme would not meet the requirements of paragraph 139 b) of the Framework. For the same reason, I find that it would not be sensitive to the defining characteristics of the local area and would not therefore comply with Framework paragraph 84 e).
46. To its credit, the scheme would not be inappropriate development in the Green Belt and the addition of a dwelling to the stock when there is such a poor housing land supply is particularly worthwhile. I have had regard to the other considerations in this case which include the public benefits previously considered, and which cumulatively should attract moderate weight. I have also noted the appellant's additional comments which include providing satisfactory amenity levels for occupiers, causing no harm to neighbouring amenities, and parking and access would be acceptable. These are matters to be expected of any development proposal.

47. I have taken account of the personal circumstances of the appellant's family and the wish to create a multi-generational home. I am, however, mindful of the advice contained in the Planning Practice Guidance<sup>2</sup> that in general planning is concerned with land use in the public interest. I am also aware that there may be other ways of providing suitable accommodation without incurring harm to the designated heritage asset. For these reasons, although there are social benefits with this proposal, and I have had regard to the personal circumstances, they carry limited weight.
48. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless carry only moderate weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts to the designated heritage asset that I have identified. That harm would be very significant and permanent and should be attributed great weight.

### **Conclusion**

49. For the reasons given above, the proposal would conflict with the development plan, when considered as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

*G Bayliss*

INSPECTOR

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<sup>2</sup> Paragraph 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                     |                           |
|---------------------|---------------------------|
| Mr S Browne         | The Appellant             |
| Mr D Gender-Sherry  | Axiom Planning Ltd        |
| Mr R Hawkes         | Hawkes Architecture Ltd   |
| Ms K Hannelly-Brown | Stone and Meadow Heritage |
| Mr D Parfitt        | DPLC                      |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|               |                                      |
|---------------|--------------------------------------|
| Mr N Gibbs    | Planning Officer                     |
| Dr James Moir | Lead Conservation and Design Officer |
| Mr N Gibbs    | Senior Planning Officer              |

### **INTERESTED PERSONS WHO SPOKE AT THE HEARING**

Mr Brewster: 5 Ferrers Hill Farm  
Mr J Cowie: 4 Ferrers Hill Farm