



Appeal Decisions

Site visit made on 20 May 2025

by **Mr JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal A: APP/J0405/W/24/3356186

Mentmore Towers, Mentmore, Buckinghamshire LU7 0QH

- 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 Simon Halabi of Mentmore Towers Limited against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/02005/APP.
 - The development is described as the retention of existing single storey outbuilding.
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Appeal B: APP/J0405/Y/24/3356187

Mentmore Towers, Mentmore, Buckinghamshire LU7 0QH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Halabi of Mentmore Towers Limited against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/02006/ALB.
 - The works are described as the retention of existing single storey outbuilding.
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Decisions

Appeal A: APP/J0405/W/24/3356186

1. The appeal is dismissed

Appeal B: APP/J0405/Y/24/3356187

2. No further action to be taken.

Main Issues

3. In relation to Appeal B, the main issue is whether the works before me require listed building consent.
4. In relation to Appeal A, the main issues are whether the works
 - a) fail to preserve the setting of the Grade I listed Mentmore Towers, and/or fail to preserve the character or appearance of the Mentmore Conservation Area and/or cause harm to the Grade II* registered park and garden, and harm the significance of any or all these designated heritage assets and
 - b) result in damage to or loss to protected or priority species or their habitats.

Reasons - Appeal B

Is listed building consent required?

5. These appeals concern an outbuilding that now stands within the grounds of, but separate from, the Grade I listed Mentmore Towers (the Towers). The electricity and water supplies to the outbuilding run from the Towers. The Council contends that, to facilitate these services, alterations to the Towers' fabric have been needed and these, of themselves, require listed building consent. However, whether or not that is the case, the appellant has emphasised these alterations do not form part of the appeal before me, and to my mind they are not so fundamental as to mean any judgement of the scheme subject of Appeal B would not be possible in their absence. I have therefore not considered the merits or implications of any works to the Towers resulting from the provision of services as part of this appeal.

Conclusions – Appeal B

6. Consequently, as the works before me are not to demolish, alter or extend a listed building, then, having regard to section 7 of the Act, I conclude they do not require listed building consent. I shall therefore take no further action on this appeal.

Reasons - Appeal A

Effect on the heritage assets

7. Mentmore Towers is an exceptionally impressive large mansion, dating from the 1850s, which was built in the Jacobethan style. In the years following the construction of the house, extensive grounds were laid out around, and are now designated as a registered park and garden. These originally comprised formal gardens by the house, pleasure grounds, a kitchen garden, parkland and woods, although much of the parkland is now used as golf courses.
8. Insofar as this appeal is concerned, and considering the significance of these 2 designated heritage assets, the Towers continues to display its original historic and architectural integrity when seen from the land around and, with the absence of other buildings nearby, it still reads as a single cohesive entity. Moreover, the various parts of the registered park and garden generally still continue to reflect the different purposes and roles that were behind their original layout.
9. The significance of each of these 2 designated heritage assets are also very much entwined. The setting of the main house, within the registered park and garden, allows its visual impact to be truly appreciated unchallenged. It also shows it to be a dwelling of the highest status by reason of, among other things, the long views that are possible, and the presence of extensive and ornamental surroundings for recreation. At the same time, the house provides a context to appreciate and understand the registered park and garden. Overall, the combined effect of the Towers and its surrounding lands mean the nature, magnitude and scale of this Victorian estate is still readily apparent.
10. The house and grounds are also within the Mentmore Conservation Area. The significance of this, and its character and appearance, lie partly in its focus on the Towers and its surrounding registered park and garden. However, outside the Towers' grounds many of the buildings now present also contribute positively to the significance of the conservation area, as they were purpose-built in the second

half of the 19th Century to serve the main house, with their rustic Arts and Crafts style and their arrangement around a village green reflecting a rural arcadia.

11. The outbuilding measures some 18m by 10.8m, and is 5m high to the top of its central ridge. It has timber-clad walls with a metal roof and what appears to be a timber frame, and sits on a levelled piece of land, albeit, I was told, without a concrete base. I estimate it is about 90m from the main house, at an appreciably lower level. It is located just within what I understand to be Big Wood, a large area of woodland in the registered park and garden that runs off westwards from the house and was intended to be for the enjoyment and use of its residents.
12. In the Design and Access Statement it was said the building was to be for a temporary period only, but that was not in the description of the development. Whilst its method of construction means it may well be relatively easy to remove in due course, the appellant is not suggesting it is to be there for a specified timescale only. Consequently, I have not assessed the appeal on the basis that any impact it has would be temporary. The suggested use of the building has also varied since the application was first made, with the submissions saying, at different places, that it is to be used to store equipment whilst filming is taking place, it is to store furniture and other fixtures from the house whilst it is renovated, and it is to be used for grounds maintenance/ workshops. When I visited it was being used for the storage of maintenance equipment, fixtures and fittings from the house, and golf carts. I have therefore considered it as being an ancillary store and workshop for the house, which could be used variously depending on the needs at the time.
13. Considering the effect of the appeal scheme on the setting of the Towers, from within the house, or next to it, the outbuilding is generally not visible. As this high level of concealment is due to a great extent to a tall yew hedge around the formal garden, the separation from the Towers and the difference in land levels, it will not be a seasonal occurrence but will be all year round. Similarly, views of the Towers from around the outbuilding are very restricted, There may be a few places from where it can be glimpsed, but these views would be so fleeting as to mean there was no harm to the setting of the Towers.
14. The outbuilding is not within the formal gardens that are around the house, and is not visible from them to any appreciable degree. Indeed when account is taken of the separation involved, the yew hedge, and the difference in ground levels, there is little awareness of the outbuilding from the garden or terrace to the west of the Towers. Furthermore, its location within a woodland means it would be substantially concealed when looking from the surrounding parkland. As such, the experience of the registered park and garden from these areas would not be diminished.
15. Clearly though there is an awareness of it when walking in Big Wood and, noting the interrelationship between the Towers and the registered park and garden, its presence has the potential to affect how both assets are experienced. To my mind though it is not unreasonable to see an ancillary outbuilding of such a scale on an estate of this size, and, in this relative sense, the building is not unduly large. Indeed, as a general principle it is a reasonable approach to conceal such a building in an area of woodland or similar, rather than locate it in a more open position or in the immediate environs of the house where its relationship with the main building would be more apparent. Moreover, whether within Big Wood or

approaching from the Towers, the outbuilding's scale and timber finish do not appear alien and the use of wood on the elevations, along with its relationship to adjacent trees, serves to soften its appearance and integrate it into the woodland. Whilst included in this appeal are 6 lights around the building that are for purposes of security, health and safety, the precise manner in which these are operated could be controlled by condition to avoid any harmful light pollution. As such, this building does not adversely affect the registered park and garden or the setting of the Towers, or harm their significance.

16. The appellant said that the Council had no evidence to show that trees had been felled, and hence the registered park and garden had been damaged, when constructing the development. That though is hardly surprising given the scheme had been built without planning permission in a woodland in the depths of a private estate. However, even if one or more trees had been removed, I am not in a position to find that was of a scale or magnitude to cause harm to the registered park and garden's significance.
17. The Council suggested that the development's role and purpose could be satisfied by buildings or rooms on the site already. I saw none though that provided the same volume of space or a comparable access and I understand that there is no other building on the estate that serves a similar purpose.
18. Finally, mindful that I find the scheme would not harm the setting of the listed building or the registered park and garden, for the same reasons I consider there would be no adverse effect on the character or appearance of the conservation area or its significance.
19. As such, I conclude that the development does not fail to preserve the setting of the Grade I listed Mentmore Towers, does not fail to preserve the character or appearance of the Mentmore Conservation Area, does not harm the Grade II* registered park and garden, and does not cause harm to the significance of any of these designated heritage assets. As such, it does not conflict with Policies BE1 and NE4 in the *Vale of Aylesbury Local Plan*, which seek to conserve heritage assets in a manner proportionate to their significance and have regard to landscape character. It also does not conflict with guidance in the *National Planning Policy Framework* (the Framework).

Biodiversity

20. The site is within what is defined as a Deciduous Woodland Priority Habitat. Given this, Local Plan Policy NE1(g) says that where there is a reasonable likelihood of the presence of protected or priority species or their habitats, development will not be permitted until it has been demonstrated that it will not result in adverse impacts on these species or their habitats. This position is broadly reflected in the Framework and the duties laid down in recent legislation. Although I have little to support the site being so identified, I also have little to contradict it or to consider it otherwise. In the light of that, and given the nature and character of the context, I have to assume there is a reasonable likelihood of protected or priority species around the site.
21. The appellant states that this is a small outbuilding and a typical addition to a garden. However, while it might be small relative to the overall grounds, in absolute terms I do not agree that an outbuilding with a footprint of nearly 200sqm can be reasonably described in that way. It is also said that the building had been

carefully planned and located in an ecologically-sensitive manner, with works undertaken to improve the health and stability of local trees and enhance their contribution to local biodiversity. It is then subsequently contended that the outbuilding has a negligible impact on the surrounding habitat and does not result in its harm. There is little though to support these views. In my judgement, what has been submitted in response to its potential habitat impact fails to show the scheme does not have, or has not had, a detrimental effect on any protected or priority species likely to be present. While I accept the building might well have been sited in a clearing, that to my mind does not mean it would necessarily have avoided habitat harm.

22. Although Policy NE1 accepts development that adversely affected a Protected Habitat may be acceptable in certain instances, I am not aware any such instances have been shown to apply in this case.
23. Local Plan Policy NE8 also seeks buffers between woodlands and development for the benefit of wildlife. Although the scheme is closer to trees than stated in that policy, given the open nature of the understorey and its relationship to the tall canopies of the surrounding mature specimens, I consider the reduction of this buffer would not be harmful.
24. Accordingly, as it has not been demonstrated that the development will not result in adverse impacts on priority species or their habitats, I conclude the development to be contrary to Local Plan Policy NE1 and the Framework.

Conclusions – Appeal A

25. Although I have noted the reasons that have been presented for the building, I consider the benefits of these do not outweigh the harm I have identified and do not justify a decision otherwise than in accordance with the development plan.
26. Accordingly, given my findings in relation to the issue of biodiversity, I conclude that the development subject of Appeal A conflicts with the development plan when taken as a whole, and so the appeal is dismissed.

JP Sargent

INSPECTOR