

PLANNING COMMITTEE - 21 OCTOBER 2021

PART I - DELEGATED

13. 21/1618/FUL: Change of use from golf course land to residential gardens and erection of open metal fencing at Land at MOOR PARK GOLF COURSE, BATCHWORTH HEATH, MOOR PARK, RICKMANSWORTH, WD3 1QN (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 27.10.2021

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee regardless of officer recommendation as it has attracted both support and objections from consultees. It raises issues relating to impact on the Green Belt, Moor Park Conservation Area and the historic listed gardens.

1 Relevant Planning History

- 1.1 No relevant planning history relating to the application site. However, there have been numerous historic applications relating to Moor Park Mansions and the Golf Course.

2 Description of Application Site

- 2.1 The application site is located within the Grade II* Registered Park and Garden of Moor Park.
- 2.2 The application sites consist of three separate parcels of wooded vegetation which provide a buffer between the Golf Course and the residential development of Moor Park. The first parcel is located to the side of no.1 Anson Walk, with the second being to the rear of no.32-26 Astons Road. In addition, a separate parcel is located to the rear and between no.16-20 Astons Road. The woodland comprises mainly of Oak, Beech, Birch & Sycamore, with an understorey of native shrub species, and some Laurel and Rhododendron. The site slopes down from no 1 Anson Walk to the north towards no.20 Astons Road. Astons Road is located at a lower land level to the Golf Course. An existing fence acts as a boundary treatment between the existing rear boundaries of properties on Astons Road, and the adjacent Golf Course.
- 2.3 The rear boundary of the sites are located adjacent to the Moor Park Conservation Area. Parts of the site are also located within the Metropolitan Green Belt, with the areas to the rear of no 16, 20, 26 and 28 Astons Road and to the side of 1 Anson Walk all being within the Green Belt. The areas immediately to the rear of no.32 and 30 Astons Road and the area between no.16 and 20 Astons Road are not located within the Green Belt.
- 2.4 It is noted from the Planning Statement submitted by the applicant that some of the land to the side of No.1 Anson Walk and to the rear of No.30 Astons Road are already in residential use. In addition, it was observed at the time of the site visit, that some children's play equipment including a tyre swing was visible in the woodland, although this would not constitute a change of use of the existing land in itself.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the change of use from golf course land to residential gardens and the erection of open metal fencing.

- 3.2 As set out, the land is currently part of the Golf Course but has a wooded character. The applicant is seeking to change the use of the land to garden land for the use of properties fronting Astons Road and Anson Walk. In order to facilitate the proposed change of use, the applicant is proposing to erect a new metal fence which would be erected along the rear of the properties on Astons Road and to the flank boundary of no.1 Anson Walk. This would be a dark coloured metal rail fencing and would be open in character, ranging in height from 1.8-2m. The submitted plan does not indicate that there would be new boundary treatment between no.20 and 16.
- 3.3 An amended Planning Statement has been submitted during the course of the application in order to address concerns from statutory consultees including Historic England. In addition, a location plan was submitted to further indicate areas in control of the applicant.

4 Consultation

4.1 Statutory Consultation

4.1.1 Moor Park 1958: [Objection]

The Directors of Moor Park (1958) Limited wish to raise the following material planning objections, issues and principles in response to this application with a request that they be fully taken into account by the Council in its assessment and determination of the proposed development.

All of the land in question (apart from the narrow finger of land running between what appears nos. 18 and 20 Astons Road) is designated as being within the Metropolitan Green Belt to which both local and national Green Belt planning policies stand to be applied.

The National Planning Policy Framework (NPPF) under the heading of "Protecting Green Belt land" advises that, inter alia:-

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are its openness.... "

In addition, the NPPF makes clear that there are five purposes served by the Green Belts; one of which is:- "...to assist in safeguarding the countryside from encroachment....."

The essence of the current application is both (i) to enclose the existing parcels of the Green Belt with approx.. 2m high fencing (irrespective of its design) and (ii) to enable the seven residential curtilages in question to all be extended in a manner that encroaches into the Green Belt. We submit that this a form of urban sprawl that adversely affects the openness of the Green Belt and that is both inappropriate and harmful.

Furthermore, we can see no obvious "very special circumstances" in this case that are of such weight and magnitude as to outweigh the normal application of national and local Green Belt policy. Consequently, we believe that there are good reasons to suggest that the application is contrary to Green Belt policy and therefore material planning grounds exist for permission to be refused.

2. The location of the proposed change of use from golf course to residential gardens falls within land which is both (i) part of the grounds of a Grade I listed building and also (ii) part of the wider landscape of a registered Grade II* Park and Garden of Special Historic Interest. We believe these are material planning considerations that the Council will wish to take fully into account in the assessment and determination of this application. If there are found to be any adverse impact(s) on either (i) or (ii) above we believe that they would be good and reasonable grounds for planning permission to be refused.

3. The location of the land that is proposed to change from golf course to garden curtilages is also on the boundary of the designated Moor Park Conservation Area. As a result the impact of the proposed change of use upon the setting of the Conservation Area is a material planning consideration.

While we acknowledge that the application advises that there is proposed to be (i) no (or minimal) impact on, or direct loss of, trees in the areas of the changes of use of the land and (ii) that the selected fencing is of an open (“see through”) style/ design, we nevertheless wish to register our material concerns on the grounds that if either of these are not able to be achieved, either in the short or long term, (e.g. that trees and general screening vegetation is widely removed and/or that the style of fencing is infilled or replaced with solid fencing in the future), then we consider that the edge of the Conservation Area will be compromised by an unacceptable and inappropriate “urbanising” impact that will be visually harmful and that will thereby adversely affect the setting of the Conservation Area. We believe that this would be a further sound and reasonable ground for objecting to the change of use, and as a basis for the Council to refuse the application.

NOTE - We submit that the above (three) issues are material “in-principle” planning considerations, and we wish to make clear that none of the remaining issues we raise (as below) should be taken, or construed in any way, that undermines the planning issues that we have highlighted above

4. We consider that either a robustly worded planning condition, or preferably a unilateral legal agreement, to be entered into by the applicant and all seven householders, will be necessary to ensure that the height and open style/design of the proposed fencing shall remain as exactly per the application in perpetuity, in order that both the integrity of the openness of the Green Belt and the existing predominantly natural, verdant edge of the Conservation Area along these boundaries can be properly and legally preserved and maintained.

5. We consider that either a robustly worded planning condition, or preferably a unilateral legal agreement, to be entered into by the applicant and all seven householders, will be necessary to ensure that no trees or substantial planting/vegetation can be removed, either as part of the implementation of the change of use nor at any time in the future, without specific and express planning permission, in order to protect the existing landscaping and to reduce the adverse impact of the encroachment of residential curtilages into the adjacent Green Belt.

6. We consider that a robustly worded planning condition will be necessary to introduce (and retain/maintain) planting on the golf course side of the proposed fencing to ensure that the natural features of the existing landscape of the registered Grade II* Park and Garden of Special Historic Interest and the interface between the golf course and the Moor Park Conservation Area is not harmed, undermined or prejudiced by the change of use of the land.

7. We are very conscious that the scale and extent of development within individual plots in the Moor Park Conservation Area is a key planning issue that is covered by the “plot coverage” criteria, as per the provisions and objectives that are set out in paragraph 3.4 of the approved MPCA.

Consequently we wish to express our material objections and concerns over situations that might occur in the future when the individual plots are extended in size in the short term as per the current application, purely in order to create a much larger overall plot that then enables/supports much more extensive residential development (in the form of extensions etc) than would otherwise previously have been allowed under the maximum 15% plot coverage criterion, only then to find that the change of use is subsequently “reversed” at a later date! It is unclear to us how the current planning system can best serve to prevent this

from happening, but nevertheless would wish to bring our concerns to the attention of the Council on this point in its assessment of the change of use application. As a result of the above, we would respectfully invite the Council to counter-act what would undoubtedly be a materially harmful and detrimental outcome in the Conservation Area as a key aspect of its determination of the application.

8. Despite what the applicant highlights in para 5.3.1 of the submitted Planning Statement, we consider that a unilateral legal agreement and/or Section 106 Agreement, to be entered into by the applicant and all seven householders, will be necessary to ensure no building works or indeed the introduction of any other form of residential garden “paraphernalia”, such as garden structures, sheds/shacks, garden rooms, tree houses, football goal posts, swimming pools, clothes lines etc, shall be allowed to be erected, built or placed on any of the land that is subject to this proposed change of use of land. In our opinion, such an agreement needs be more than a “binding (private) covenant” between the current and future private land owners in order that any future breaches are bound, pursuable and/or preventable in planning law by means of formal, local authority enforcement proceedings.

9. Finally, and in addition, we consider that ALL classes and categories of residential permitted development should be removed from all of the land outlined in red by planning condition.

In our opinion, such legal and planning condition safeguards (as referred in paragraphs 4 – 9 above), are required to fully and demonstrably protect and preserve the character and openness of the Green Belt land and the Moor Park Conservation Area in perpetuity.

4.1.2 Batchworth Community Council: [No objection]

Batchworth Community Council is willing to support this transfer subject to the following:

1. In addition to the covenant in the transfer deed that any future development on the original houses is restricted to a maximum of 15% coverage of the original site area prior to the transfer (in line the Conservation Area appraisal)
2. Prior to the transfer taking place that a full tree survey is undertaken and any trees that requiring protection have a TPO placed on them.

4.1.3 Landscape Officer: [Object]

Refusal: The site is located on the Moor Park Golf Course, a Grade II* registered Park and Garden, within the grounds of Moor Park Mansion, Rickmansworth. It comprises of two strips of mixed broadleaved woodland that run north/south along the eastern boundary of Moor Park Golf Course and the neighbouring Moor Park housing estate. The woodland comprises mainly of Oak, Beech, Birch & Sycamore, with an understorey of native shrub species, and some Laurel and Rhododendron. The strip of woodland to the north, has several streams running through it towards the east, and the woodland to the south contains an impressive veteran Oak tree. The woodland forms a vital buffer and screen between the landscaped grounds of the golf course and the housing estate. The canopy and shrub layer of the woodland are integral to creating a verdant backdrop to the Park, preventing intrusive views of built structures to the east.

The submitted plans indicate that the two woodlands would be sub-divided with fencing, and ownership would be transferred to the various properties that back onto the woodland, with each woodland parcel being incorporated into the properties existing garden space. However, the tree/landscape report and supporting information is inadequate and doesn't fully consider the landscape impact of the sub-division of the woodland and the fencing, in the context of the Grade II* registered Park and Garden.

Regardless, the fragmentation of the woodland would be highly damaging to its integrity and importance as a landscape buffer. The various owners are likely to impose different management treatments to their piece of woodland, potentially with trees and scrub removed and cut back; areas of lawn and planting beds created; and garden rooms; sheds, Barbeque areas and other common garden features being installed. Some evidence of this already exists with children's play equipment (a zip line and rope swing) encountered during a site visit. In addition, the proposed fencing would be intrusive, giving the location a feeling of containment, rather than the more open, utopian landscape originally envisaged for the Park.

The local authority has the powers to place a Tree Preservation Order on the woodland, and the appropriate type of TPO would be a Woodland designation. This could very much restrict what residents could do in terms of turning the area into domestic gardens, as all existing, and future tree and shrub species named on the order would be protected from removal. However, the Fragmentation of ownership between neighbouring properties would still risk parts of it being used as domestic garden, and even with a TPO, it would be difficult for the LPA (Local Planning Authority) to police, to prevent degradation of the woodland over the longer term.

Whilst it could be argued that statutory protection by TPO would give the LPA the ability to prevent degradation of the woods, in refusing this planning application the LPA would be exercising those powers to prevent damage. In this case protection of the woodland and the landscape would be most effective by maintaining the woods, unfenced, and in single ownership, rather than by protection by TPO.

In conclusion, the fencing and sub-division of the woodland would lead to the degradation of this vital landscape screen, and result in damage to the Moor Park Grade II* registered Park and Garden.

4.1.4 Historic England: [Object]

Moor Park is a grade II* Registered Park and Garden. Of primary importance to its significance is the surviving elements of historic planting which saw the involvement of the great landscape architects of their day; Lancelot 'Capability' Brown, Humphrey Repton and Thomas Mawson have all either designed or implemented schemes at Moor Park.

In the early 1900's the site was purchased by Lord Leverhume who started to lay out the golf course and sell off areas of land for development. The development around Astons Road has been laid out in a typically 'Metroland' style with large houses set within substantial plots around tree lined wide avenues. The whole creates a sense of openness. The Moor Park Conservation Area Appraisal is adamant that the trees are a positive contributor to the significance of the area as a whole and create a verdant setting for the development.

This 'Metroland' development is sat adjacent to the Registered Park and Garden which was added to the register in June 1987 and the area of land which is the subject of this application, sits wholly within it but outside of the Conservation Area.

Impact of the Proposed Scheme

The applicant's heritage assessment indicates that while within the Registered Park and Garden, the woodland in this area has been encouraged by the Golf Course management to provide screening. The area of the historic perimeter planting now lies underneath development on Astons Road. Historic map evidence available on line would seem to indicate that this is the case, that Astons Road once formed the boundary with the Moor Park Estate. The area which is currently scrub woodland would seem to have been marked as open space with sporadic planting on the OS map of 1864.

This being said, the applicant's heritage statement states that this area of planting contributes to the significance of the grade II* registered park and garden.

It is proposed to erect a 1.8-2m high estate style fence around the boundaries of the proposed gardens which, while rather tall and out of keeping with the scale of estate fencing is an acceptable style. What has not been explored by the application documentation is the impact of residential paraphernalia within a grade II* registered park and garden. The impact of children's toys, formal gardens ie: flower beds, hedging sheds and other items reasonably to be expected within gardens, could have a negative impact upon the character and the significance of the registered park and garden through further intrusion into what would have been the agricultural edge of the former parkland. This has not been adequately covered within the documentation and further consideration needs to be given to this.

Policy Context

- Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance.
- Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be).
- Paragraph 200 of the NPPF states that any harm to or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme.

Historic England's Position

Historic England considers that the documentation provided with the application has not gone far enough in considering the impacts upon the grade II* registered Park and Garden through the implications of this scheme. Granting a change of use of this land to residential curtilage could fundamentally alter its character and significance and result in a further reduction in size of the historic area of parkland thereby introducing possible harm to the grade I listed building at Moor Park Mansion through truncation of its setting. The application does not therefore meet the information requirements as laid down in paragraph 194 of the NPPF.

Moor Park is a Grade II* Registered Park and Garden and as such is recognised as one of our nation's greatest designed landscapes. The impact upon it and presumption in favour of its conservation is required by paragraph 199 of the NPPF. There is as yet no clear justification provided for this scheme which outweighs the possible harm to the Registered Park and Garden thereby not complying with paragraph 200 of the NPPF.

Historic England therefore consider that this application would result in a low level of less than substantial harm to the character and significance of Moor Park Grade II* Registered Park and Garden. It is for your local planning authority to consider the planning balance in line with paragraph 202 of the NPPF.

Recommendation: Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 199, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Officer Comment: An updated Planning Statement was submitted to address the comments made by Historic England and the following comments were received:

Thank you for your email and the attached documents. We have reviewed these attachments and can confirm that while we appreciate that a removal of permitted development rights would go some way to alleviating the concerns with regards to built environment encroaching into this area, it cannot alleviate the harm from the things that do not require permission such as noise, as per our previous comments.

This is also a concern in terms of cumulative impacts. There has been no evidence provided by the applicant that, in heritage terms justifies the change of use of this land. The disposal of part of this park and garden sets a trend for other back gardens to be extended in the same way. Over time, this erodes the edges of the Registered Park and Garden and gradually decreases its significance.

We therefore maintain our view that there will be a low level of less than substantial harm to the grade II* Registered Park and Garden through this change of use for the reasons given in our previous letter. We consider that your local planning authority should undertake the planning balance as required by paragraph 202 of the NPPF.

4.1.5 Conservation Officer: [Objection]

The application site is within the Grade II* listed Moor Park (list entry: 1000251). The planned landscape was design by Lancelot Brown c 1753. A plan for the pleasure grounds was also produced by Charles Bridgeman c. 1720, although it is not known how much of this plan was executed.

I would raise an in-principle objection to the proposed transfer of land. The proposal would result in part of the historic Park and Garden being incorporated into the rear gardens of residential dwellings along Astons Road.

The proposal would result in a fundamental change in the use of the land and its character which would undermine the significance of the registered Park and Garden through carving off part of its boundary. The boundary of the Grade II* listed park would likely have intentionally been drawn to include all areas of the planned landscape which contribute to the heritage assets significance, resulting in a distinct boundary between Moor Park and the residential development beyond. I give no weight to the argument of the covenant as this would not escape the fundamental harm caused to the heritage asset through the change in the use and character of the land to domestic gardens. The proposal does not consider the environmental impact such as domestic paraphernalia, noise, light and general disturbance.

With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199. Any harm to, or loss of, the significance

of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification as per paragraph 200.

Officer Note: An updated Planning Statement has been submitted and the Conservation Officer was re-consulted. The following comments have been received:

This application is for change of use from golf course land to residential gardens and erection of open metal fencing. The application site is within the Grade II* listed Moor Park (list entry: 1000251). The planned landscape was design by Lancelot Brown c 1753. A plan for the pleasure grounds was also produced by Charles Bridgeman c. 1720, although it is not known how much of this plan was executed.

Initial built heritage advice was provided 03/08/2021, additional information has since been provided to further justify the change of land use. This letter contains advice in response to the additional information.

Previous heritage advice raised an in-principle objection to the transfer of land resulting in 'less than substantial' harm to the designated heritage asset making paragraph 202 of the NPPF relevant. Advice stated:

The proposal would result in a fundamental change in the use of the land and its character which would undermine the significance of the registered Park and Garden through carving off part of its boundary. The boundary of the Grade II listed park would likely have intentionally been drawn to include all areas of the planned landscape which contribute to the heritage assets significance, resulting in a distinct boundary between Moor Park and the residential development beyond. give no weight to the argument of the covenant as this would not escape the fundamental harm caused to the heritage asset through the change in the use and character of the land to domestic gardens. The proposal does not consider the environmental impact such as domestic paraphernalia, noise, light and general disturbance.*

The alterations to the boundary of number 30 are not considered to set a precedent to allow for further erosion of the Park and Gardens boundary. The land was obtained without planning consent or conservation advice and is yet to obtain a certificate of lawful development. The proposal would result in cumulative harm to the designated heritage asset through the gradual erosion of the parks boundary. The existing boundary provides a clear and distinct boundary between the Park and Garden and the residential development as part of the Conservation Area. Incorporating sections of domestic gardens within the Historic Park and Garden will not only undermine the boundary of the Conservation Area, it will also fundamentally alter the use of land within the Park and Garden. Both resulting in 'less than substantial' harm to designated heritage assets and detract from the relationship of the heritage assets.

The removal of permitted development rights bears no weight when considering the harm caused to the heritage asset as this cannot mitigate harm caused by visual considerations and the way we experience the asset, such as domestic paraphernalia, lighting and noise.

Additionally, a main approach enters the park off Batchworth Heath and through a Grade II listed entrance arch and two lodges (list entry: 1173387), the properties along Astons Road are located to the east of this pathway. The existing wooded area reinforces the how we can experience and appreciate the historic approach and heritage asset as a pleasure ground and landscape park of an eighteenth-century country house. Encroaching domestic boundaries closer to this historic entrance and driveway will have an adverse impact on the Park's appearance and scale, resulting in harm to the Grade II* listed Park and Garden.

The additional information submitted is limited and does not provide justification for the resulting harm to the heritage asset, contrary to paragraph 200 of the NPPF. All previous

advice remains relevant, which found level of harm to the significance of the heritage asset would be 'less than substantial' as per paragraph 202. The proposal would also fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.1.6 The Gardens Trust: [No objection]

Thank you for consulting The Gardens Trust of which HGT is a member.

Whilst we have no objection in principle to the transfer of the land described in this proposal, we consider that several conditions be attached to this transfer. The land in question is part of the II* registered landscape of Moor Park and setting of Grade I Moor Park Mansion and lies within the green belt.

The conditions required to protect this area should be

1. A survey of the land in this application and the trees, with TPO being applied to any which merit it in the LPAs expert opinion
2. The fence to be kept at the level agreed in the planning permission (if given) and no higher than that in this application.
3. Covenants on the land transferred to prevent any development of this part of the Moor Park landscape. This should include converting this ground to garden ground as opposed to woodland. If these conditions are applied we would have no objections to the land transfer as described in this application.

4.1.7 Herts Ecology: [Objection].

Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. The application site falls within Moor Park Golf Course, which is designated as a Local Wildlife Site (LWS) for its mixed grassland interest; however there are other habitats present including woodlands, scrub, scattered trees, ponds, ditches, etc. The whole golf course was selected as a LWS in 1997 as a management unit and covers 130.52ha. The application site takes up small areas totalling approximately 0.68ha on the eastern side of the LWS.

Of course, there is a presumption in favour of avoiding development on LWSs (within NPPF and the Three Rivers Local Plan) and we support this. Thus, in principle we do not sanction the loss or fragmentation of LWSs as a result of development, including change of use. However, because a very small proportion of this extensive LWS will be affected, the LWS designation on the proposal site does not in itself mean that Herts Ecology recommends refusal in this instance.

The proposal would result in a fundamental change in the use of the land, which would be at the whim of the owners of the residential gardens and could easily result in a loss of biodiversity and introduction of ornamental species and artificial lighting. Although no impact to the LWS within the application site is proposed, there will be a loss in overall area of the LWS. In this respect, there will be a loss affecting a locally designated site (this has been answered No in the Biodiversity Checklist).

The LWS citation describe the site as: Large area of old parkland now used as a golf course. In addition to amenity grassland, the area supports a range of habitats. These include unimproved species-rich neutral grassland in the north, acid grassland with remnant patches of Heather (*Calluna vulgaris*) and Gorse (*Ulex europaeus*) scrub in the south, plus patches of scrub/broadleaf woodland and some scattered veteran Pedunculate Oak (*Quercus robur*). A chalk pit and pond add further habitat diversity. The site is important for orthoptera and bats and other protected species have been recorded. Wildlife Site criteria:

Grassland indicators.

The application site is described by the Arboriculturist as woodland with mature trees and established understory. Native species are listed in the Arboricultural Report. Notwithstanding the above, no ecological survey information has been submitted to describe the site and crucially its connection to the LWS status. Although the habitat surveys we have on file from the 1980s and '90s demonstrate good botanical interest in the grassland, the data is now at least 25 years old; and we have limited specific data for the woodland parts of the LWS.

I advise an ecological survey of the application site (at least, but ideally the whole LWS boundary if possible?) is undertaken, which takes account of the LWS status of the golf course. Recognised Hertfordshire LWS survey guidelines and criteria exist, and further information can be sought from the LWS Officer:

Carol Lodge, Local Wildlife Sites Officer, Herts & Middlesex Wildlife Trust
T: 01727 858901 x235
E: carol.lodge@hmwt.org

The survey should be undertaken during Spring for woodlands (and Summer if grasslands are to be included). Any survey should evaluate the impact of the proposed change of use on the loss of LWS area to domestic garden. If the survey shows that the land affected still merits LWS status or is of other significant interest, a Management Plan should also be provided that describes how the existing interest can be maintained by the homeowners for the foreseeable future. One component of this should seek to ensure the woodland habitat is managed as such and remains as a dark corridor for use by wildlife and could include restrictions on garden lighting. The Management Plan, if required, should be secured by condition.

If the survey shows that the area does not now merit LWS status, then it will be officially removed from the LWS boundary by the LWS Ratification Panel at the next annual winter meeting. This approach will ensure the outcome will be based on sufficient survey data to enable an informed decision to be made.

I note the Planning Statement on page 16 states: "The new boundaries will be strengthened by the planting of additional trees and shrubs within the park." Any new planting within the golf course should be with native species known to thrive in the area, and this should be secured by condition should permission be granted.

I support the advice of others that any trees suitable for TPOs should be secured.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13 No of responses received: 1

4.2.2 Site Notice: Expiry: 30 September Press notice: Expiry: 06 August.

4.2.3 Summary of Responses:

- If any change of use from golf course land to residential gardens were to take place, we would wish to see the trees protected by Tree Preservation Orders.

5 Reason for Delay

5.1 To allow the applicant to submit further information to address the concerns of statutory consultees.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM13 and Appendix 5.

The Moor Park Conservation Area Appraisal (2006).

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Introduction

7.1.1 As set out in the site description, the application sites are made up of woodland to the rear of the properties on Astons Road and to the side of no.1 Anson Walk. The area forms a visual buffer between the built up residential area of Moor Park and the Grade II* Registered Park and Garden beyond.

7.1.2 The Planning Statement submitted by the applicant notes the following at section 7.1.2:

It is also important to note, as set out above, that this change in use of the land has already been implemented to the side of No.1 Anson Walk and to the rear of No.30 Astons Road for 10+ years, therefore is immune to any enforcement action, although a lawful development certificate is yet to be formally obtained by the owners.

7.1.3 Officers acknowledge that some change of use does appear to have taken place in these locations with the fencing having been re-sited. In addition, at the time of the site visit, officer's noted the provision of children's play equipment including a tyre swing within one of the sections of woodland within the application site; however, such equipment would not in itself materially alter the use of the land in planning terms. However, whilst the applicant specifies that the use of such areas is lawful and immune to enforcement action, the Local Planning Authority is not in receipt of any application for a certificate of lawfulness. It is therefore viewed that at the present time that the use of the land as residential curtilage is not lawful and it is not considered that that any weight can be applied to the existing uses at no.30 Astons Road and no.1 Anson Walk.

7.2 Green Belt

7.2.1 Parts of the application sites are located within the Metropolitan Green Belt, with the areas to the rear of no 16, 20, 26 and 28 Astons Road and to the side of 1 Anson Walk all being within the Green Belt. The areas immediately to the rear of no.32 and 34 and the area between no.16 and 20 are not located within the Green Belt.

7.2.2 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 National Planning Policy Framework sets out that Green Belt serves five purposes:

- o *To check the unrestricted sprawl of large built-up areas;*
- o *To prevent neighbouring towns merging into one another;*
- o *To assist in safeguarding the countryside from encroachment;*
- o *To preserve the setting and special character of historic towns; and*
- o *To assist in urban regeneration by encouraging the recycling of derelict and other urban land.*

7.2.3 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 provides further detail on forms of development which may not be considered as inappropriate, stating the following:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order*

- 7.2.4 Policy CP11 of the Core Strategy relates to Green Belts and is largely reflective of National Policy. Policy DM2 of the Development Management Policies LDD provides further guidance on development within the Green Belt. More specifically, it states the following with regard to extensions to residential curtilages:

The Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported.

- 7.2.5 In this case, the development would constitute a material change of use of the existing land from woodland to residential gardens. The applicant considers that the development would represent an appropriate form of development falling within e) of paragraph 150 of the NPPF; as the proposed change of use would not have an impact on openness nor conflict with the purpose of including land within it. The Planning Statement sets out that the proposed change of use would not result in the erection of any new buildings as there will be binding covenants ensuring that the land will not be built on and only used as a residential garden. In addition, there would not be a cumulative increase in the quantity of boundary treatments as the existing boundary treatments would be removed with new boundary treatment positioned further back into the site than existing. The applicant also states that the proposed areas are not visible from public view.
- 7.2.6 Whilst the above comments by the applicant are noted, the Local Planning Authority considers that the proposed change of use would have an impact on the openness of the Green Belt and would fail to protect the countryside from encroachment, thus conflicting with the purposes of including land within the Green Belt. As such, the proposed development would constitute an inappropriate form of development which is by definition harmful to the Metropolitan Green Belt. At present, the woodland forms a visual buffer between the built form of Astons Road and the open Golf Course beyond. The existing land is not enclosed at present and appears spatially and visually open. Furthermore, areas of woodland and scrub land are common features of the Green Belts and form part of the open countryside, contributing significantly to the character of these rural areas. Consequently, the change of use to residential garden would result in the spread of urbanising development into this important visual buffer. As set out above, the applicant has specified that there would be no buildings within the gardens and it is acknowledged that the Council could seek to remove permitted development rights or enter into a legal agreement to ensure that this would be the case. However, it is likely that the use of the land as gardens would give rise to domestic paraphernalia such as seating areas, lighting and children's play equipment encroaching into these areas and that this would be a reasonable expectation of present and future occupiers of the properties on Anson Walk and Astons Road. It is considered that the provision of domestic paraphernalia within this wooded area would lead to it having a domestic appearance which would be harmful to the openness and rural character of the Green Belt. In addition, the use of this area for gardens would mean that there would be greater maintenance of the land including the reduction of the existing undergrowth which again would result in a more domestic appearance, thus materially altering the character of the land to the detriment of the Green Belt. The additional noise and disturbance which would stem from residential use of this area would also result in harm to the Green Belt. Whilst the applicant specifies that the site is not publically visible, this would not be reason to approve an otherwise unacceptable form of development.
- 7.2.7 The applicant has noted that the provision of boundary treatment would not result in a cumulative increase in built form within this area, as the existing boundary treatment to the rear of the properties on Astons Road would be removed. Whilst the provision of fencing may not be unnecessarily harmful within a woodland setting, it would still create a sense of enclosure and would be further indicative of a domestic use in this location.
- 7.2.8 In summary, it is acknowledged that a material change of use of land can be considered as an exception to inappropriate development so long as it does not result in any harm to the openness of the Green Belt or conflict with the purposes of including land within it. In this

case, however, it is considered that the proposed development would result in an urbanising encroachment into this significant visual buffer. The re-siting of boundary treatment in closer proximity to the open area beyond would result in an urbanising sense of enclosure which would detract from the open character of the Metropolitan Green Belt. The proposed development would thus conflict with one of the key purposes of the inclusion of land within the Green Belt; that is to assist in safeguarding the countryside from encroachment. The proposal would therefore be contrary to Policies CP1 and CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD. The NPPF sets out that inappropriate development is by definition harmful to the Green Belt except in very special circumstances. The onus is on the applicant to put forward any very special circumstances that may outweigh the identified harm and this shall be explored in the analysis below.

7.3 Impact on Heritage Assets.

7.3.1 Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be). Paragraph 200 of the NPPF goes on to state that any harm to or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

7.3.2 Policy DM3 of the Development Management Policies LDD advises that development affecting heritage assets 'will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment'. More specifically in relation to development involving Historic Parks and Gardens, Policy DM3 states the following:

'Planning permission will not be granted for proposals that would cause unacceptable harm to historic parks or gardens (both registered and unregistered), their settings or public views into, out of, or within them'

7.3.3 The site is also located adjacent to the boundary of the Moor Park Conservation Area. Policy DM3 of the Development Management Policies LDD advises that development should 'not harm important views into, out of or within the Conservation area'.

7.3.4 The application site consists of areas of woodland on the edge of the existing Golf Course. The applicant's Heritage Statement sets out these areas have been encouraged by the Golf Course management in order to provide screening. The site is wholly located within the Grade II* Registered Park and Garden of Moor Park which is recognised as one of the nation's greatest designed landscapes. Of primary importance to its significance is the surviving elements of historic planting which saw the involvement of the great landscape architects of their day; Lancelot 'Capability' Brown, Humphrey Repton and Thomas Mawson have all either designed or implemented schemes at Moor Park. In addition, the site is immediately adjacent to the boundary with the Moor Park Conservation Area. Historic England note that the adjacent *'development around Astons Road has been laid out in a typically 'Metroland' style with large houses set within substantial plots around tree lines wide avenues. The whole creates a sense of openness. The Moor Park Conservation Area Appraisal is adamant that the trees are a positive contributor to the significance of the area as a whole and create a verdant setting for the development'*.

7.3.5 It is considered that the existing woodland area is an important landscape feature that forms part of the existing Grade II* Registered Park and Garden. This is acknowledged by the applicant's Heritage Statement which notes that this area of planting contributes to the significance of the Grade II* Registered Park and Garden. Furthermore, the backdrop of the wooded area can be glimpsed from Astons Road and thus is a positive contributor to the setting of the Conservation Area.

- 7.3.6 The proposal would result in a fundamental change of use to the land and would significantly alter its character, thus undermining the significance of the Registered Park and Garden. The Conservation Officer notes that 'the boundary of the Grade II* listed park would likely have intentionally been drawn to include all areas of the planned landscape which contribute to the heritage assets significance, resulting in a distinct boundary between Moor Park and the residential development beyond'. The proposal would thus result in cumulative harm to the designated heritage asset through the gradual erosion of the park's boundary and by fundamentally altering the use of land within the Park and Garden. Furthermore, Historic England raise concern in relation to cumulative impacts, stating that the disposal of this part of the park may set a trend for other gardens to be extended in a similar manor. These changes over time would diminish the significance of this Grade II* Listed Historic Park and Garden.
- 7.3.7 Both Historic England and the Conservation Officer raise significant concern regarding the spread of domestic paraphernalia into the boundaries of the Historic Park. As already outlined above, present and future occupiers of the site may reasonably expect to utilise these new areas by creating seating areas, adding lighting and children's play equipment and generally utilising this additional space for their personal enjoyment. Historic England and the Conservation Officer are unanimous in attaching little weight to the provision of a legal agreement or the removal of permitted development rights, as these cannot alleviate the harm from the things that do not require permission such as noise and general use by residents.
- 7.3.8 As already set out, paragraph 200 of the NPPF states that any harm or loss of significance to a designated heritage asset should require clear and convincing justification. The Planning Statement notes that '*The revenue from the land transfers would generate some much needed revenue for the Club to use on maintaining and enhancing the Mansion and the surrounding park and gardens to the benefit of members, visitors and the public*'. It is acknowledged that Moor Park Mansion requires significant expenditure for its upkeep and that significant finances have been invested historically. The supporting Planning Statement sets out that the Golf Club has experienced a downturn in income streams in recent years through losing existing members; and with annual subscription rates being frozen due to the pandemic. Furthermore, there has been a downturn in income streams from events and weddings for a number of reasons such as couples seeking other alternative venues and a general decline in people getting married. Whilst the Planning Statement does provide some figures, the application has not been accompanied by a detailed financial appraisal which demonstrates that the upkeep of the Mansion is dependent upon the sale of the land. However, notwithstanding this, it is not considered that this alone would require a clear justification for the loss of significance to this nationally important landscape.
- 7.3.9 Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme. In this case, it is not considered that any public benefits have been demonstrated which would outweigh the harm to the heritage assets. As such, the proposal is considered to be unacceptable and would be contrary to Policy CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'
- 7.4.2 In this case, the proposed change of use would result in the creation of further garden space for occupants of dwellings within Anson Walk and Astons Road. The additional garden space would be located to the rear of the existing residential curtilages. Given the size of the existing plots, it is unlikely that the change of use of the existing land would have a

negative impact on the residential amenities of nearby neighbouring dwellings. The proposal would therefore be acceptable in this regard.

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. Policy DM6 of the Development Management Policies LDD also advises that

a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:

- i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and
- ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

d) Development must conserve, enhance and, where appropriate, restore biodiversity through:

- i) Protecting habitats and species identified for retention
- ii) Providing compensation for the loss of any habitats
- iii) Providing for the management of habitats and species
- iv) Maintaining the integrity of important networks of natural habitats, and
- v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.

7.5.3 Moor Park Golf Course is designated as a Local Wildlife Site (LWS), for its mixed grassland interest, although other habitats are present including woodlands, scrub, scattered trees, ponds and ditches. There is presumption in favour of avoiding development proposals in the LWS and Herts Ecology emphasise that in principle they do not sanction development that would result in the loss or fragmentation of the LWS. However, in this case, Herts Ecology note that because a very small proportion of this extensive LWS would be affected, the designation on the proposal site would not in itself mean that Herts Ecology would automatically recommend refusal of the application in this instance.

7.5.4 The proposed development would result in a material change of use of the land, with Herts Ecology raising concerns that the proposals could easily result in a loss of biodiversity and introduction of ornamental shrubs and landscaping. Herts Ecology also note that the application has not been accompanied by an ecological survey which describes the site or note its connection to the LWS. Due to the designation of the area, Herts Ecology consider that an Ecological Survey of the application site should be undertaken which takes account of the LWS status of the golf course. The survey should be undertaken during Spring for woodlands and Summer if grasslands are to be included. Any survey should clearly

evaluate the impact of the proposed change of use on the loss of the LWS area to domestic garden. If the survey indicates that the land merits its LWS status, a management plan should also be undertaken to demonstrate how the existing interest can be maintained by homeowners. One of the key components of a management plan would be to ensure that the woodland habitat is managed as such and remains as a dark corridor for use by wildlife and this could include restrictions on artificial lighting. Alternatively, if the submitted survey demonstrates that the area does not now merit LWS status, then it would be officially removed from the LWS boundary the LWS Ratification Panel.

7.5.5 In summary, in the absence of an Ecological Survey, it has not been demonstrated that the proposed development would not have an impact on the Local Wildlife Site and that existing biodiversity and wildlife interest would not be adversely affected. As such, the proposal is considered to be contrary to Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD relates to trees and woodlands and advises the following

- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.6.2 Policy DM7 of the Development Management Policies LDD is also relevant and relates to Landscape Character. This states the following:

In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. The Council will support proposals that:

- i) Lead to the removal or a reduction in the impact of existing structures and land uses that are detrimental to the visual quality of the landscape

7.6.3 The application site consists of two strips of mixed broadleaved woodland that run north/south along the eastern boundary of the existing Moor Park Golf Course, a Grade II* registered Park and Garden. The woodland consists mainly of Oak, Beech, Birch and Sycamore with an understorey of native shrub species. It is acknowledged that the woodlands are not currently protected, with the site falling outside of the Conservation Area. However, the Landscape Officer notes that that the woodland forms a vital buffer and screen between the landscaped grounds of the golf course and the housing estate. The canopy and shrub layer of the woodland are integral to creating a verdant backdrop to the Park, contributing to the overall sylvan character of the locality as well as, preventing intrusive

views of built structures to the east which would be likely to be harmful to the setting of this registered Park and Garden.

7.6.4 The Landscape Officer considers that the fragmentation of the existing woodland would have a significant adverse impact on its integrity and importance as a landscape buffer. It is highly likely that the varying owners would impose different management treatments to their pieces of woodland, which would potentially result in the removal of the existing trees/shrubs which would be to the detriment of the visual amenities of the registered Park and Garden. Owners may seek to introduce areas of lawns and other forms of planting, BBQ and seating areas which would appear inappropriate and incongruous within this woodland setting. It is noted that there is some evidence of this at present, with an existing zip line and rope swing visible during recent site visits. The Landscape Offer also raises significant concern that the introduction of fencing would be intrusive, giving the location a feeling of containment, rather than the more open, utopian landscape originally envisaged for the Park. It is therefore considered that the proposed development would result in significant harm to this important landscape buffer, resulting in the removal of existing trees and shrubs which would result in significant harm to the registered Park and Garden.

7.6.5 As noted above, the woodlands are located outside of the boundaries of the Conservation Area and thus are not afforded protection by virtue of this designation. In addition, the woodlands are not protected through an existing Tree Preservation Order. It is acknowledged that the Local Authority does have the power to impose such an order. The Landscape Officer notes that the designation of a Woodland Order would restrict what residents could do in terms of turning the area into domestic gardens, as all existing, and future tree and shrub species named on the order would be protected from removal. However, the fragmentation of ownership between neighbouring properties would still risk parts of it being used as domestic garden, and even with a TPO, it would be difficult for the Local Planning Authority to police, to prevent degradation of the woodland over the longer term. There would likely be pressure for significant topping, lopping or felling to enable residents to manage their areas of woodland and to enable them to be able to utilise these areas for their private enjoyment. This would be contrary to Policy DM6 of the Development Management Policies LDD. As a result, it is considered that the protection of the woodland and the landscape would be best achieved by maintaining the woods, unfenced, and in single ownership.

7.6.6 In summary, the proposed development would lead to the degradation of the existing woodland, thus resulting in harm to the existing landscape buffer which forms the setting of the Registered Park and Garden. This would be contrary to Policy DM6 of the Development Management Policies LDD.

7.7 Highways, Access and Parking

7.7.1 Policy CP10 of the Core Strategy relates to highways and access and advises that 'all development should be designed and located to minimise the impacts of travel by motor vehicle on the District' and that all development should provide a safe and adequate means of access. In addition, Policy DM13 of the Development Management Policies LDD advises that development should benefit from sufficient off street car parking provision.

7.7.2 In this case, the proposed development would not result in any alterations to existing vehicular accesses to either the existing residential properties or to the Golf Course. Likewise, there would be no impact to existing car parking provision and the development would not increase the requirement for off street car parking. As such, no objection is raised in this regard.

7.8 Very Special Circumstances

7.8.1 As set out above, it is considered that the proposed development represents an inappropriate form of development which would be by definition harmful to the openness of

the Green Belt. The proposed development would result in actual harm to the openness of the Green Belt by introducing an urbanising form of development into the Green Belt and thus would fail to protect the countryside from encroachment, one of the key purposes of including land within the Green Belt.

7.8.2 In addition to the harm to the Green Belt, it has been demonstrated that the proposed development would result in further significant harm to the Grade II* Registered Park and Garden, to the landscape character of the existing woodland, harm to existing trees and furthermore it has not been demonstrated that the development would not result in harm to the existing designated Local Wildlife Site. The proposed development is therefore viewed to result in a significant level of actual harm and thus would be contrary to Policies CP1, CP9, CP10, CP11, CP12 of the Core Strategy and Policies DM2, DM3, DM6 and DM7 of the Development Management Policies LDD.

7.8.3 The NPPF sets out that inappropriate development is by definition harmful to the Green Belt except in very special circumstances, with the onus being placed on the applicant to put forward any very special circumstances. In this case, the applicant states that there are financial justifications for the development. The Golf Club has experienced a loss of income in recent years, and the sale of the land would allow them finance to invest in the upkeep of the existing Mansion 'as well as well as providing the Golf Club with some vital 'breathing space' as they continue to recover from the impacts of the COVID-19 pandemic and the wider ongoing structural changes in golf'. However, whilst the financial constraints on the Club are acknowledged, the Planning Statement has not been accompanied by a full financial appraisal which demonstrates the sale of land is relied upon by the Club for the upkeep of the Mansion. It is acknowledged that the circumstances put forward can be afforded some limited weight as the additional finances would help to maintain the Listed Building. However, it is not considered that this in itself would provide justification to outweigh the harm to the Metropolitan Green Belt and the significant level of harm which would arise from the harm to the Grade II* Registered Park and Garden, the landscape character of the area, the existing trees, and the potential harm to the existing Local Wildlife Site.

7.8.4 In summary, it is not considered that the very special circumstances presented would be of sufficient weight to outweigh the harm to the openness of the Metropolitan Green Belt and the other harm identified above. The proposal is therefore viewed to be unacceptable and contrary to Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy and Policies DM2, DM3, DM6 and DM7 of the Development Management Policies LDD.

8 Recommendation

8.1 That PLANNING PERMISSION is REFUSED for the following reason(s):

R1 The proposed change of use to garden land including the erection of fencing would represent an inappropriate form of development resulting in the spread of urbanising development into the Metropolitan Green Belt. The introduction of domestic paraphernalia in this location would have a significant impact on the openness of the Green Belt which would be detrimental to its rural character and would be in conflict with the purposes of including land within the Green Belt. This would be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 The proposed change of use to garden land including the erection of fencing would result in a fundamental change in the use of the land and its character which would undermine the significance of the Grade II* Registered Park and Garden. The introduction of domestic paraphernalia would be detrimental to the character of the land and how this land is experienced. The proposal would result in less than substantial harm to the heritage asset and no public benefits have been presented which outweigh this harm. This would be contrary to Policy CP12 of the Core Strategy

(adopted October 2021), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

- R3 The proposed development would lead to the degradation of the existing woodland, thus resulting in harm to the existing landscape buffer which forms the setting of the Registered Park and Garden. This would be contrary to Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).
- R4 In the absence of an Ecological Survey, has not been demonstrated that the proposed development would not have an impact on the Local Wildlife Site and that existing biodiversity and wildlife interests would not be adversely affected. As such, the proposal is considered to be contrary to Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informative:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.