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Waller Planning
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Dear Mr Waller

**Repair, refurbishment and conversion of Northaw House, Ballroom Wing and Gardener's Cottage and erection of new dwellings to create a total of 24 residential units
Northaw House, Coopers Lane, Northaw**

I refer to the above enquiry which is a follow up meeting from a previous meeting held in August in connection with the above. The letter should also be read in conjunction with my previous letter dated 28 September.

Our meeting held on 2 December was predominantly associated with the impact of the proposals on the heritage assets. Nevertheless, with regard to the principle of the development, as previously set out the site is located in Green Belt where Northaw House is a Grade II listed building. You have outlined that the proposed development is associated with development which will result in money to fund the repairs that are necessary for Northaw House. The proposed houses are inappropriate development in the Green Belt, where there will be additional harm to the openness, purposes and visual amenity of the Green Belt and the proposals are therefore clearly contrary to planning policy. You would therefore need to consider whether there are any other considerations that outweigh the harm to the Green Belt which would warrant the very special circumstances necessary to justify setting aside the harm.

Your previous enquiry outlined in a single paragraph that; *'We believe that the significant need for funding to refurbish and secure the future of these nationally important building provides the necessary justification for the proposed development, as was the case with the previous proposals'*.

The proposed development would not normally be allowed and the issues in this instance becomes one of whether the new houses are nonetheless acceptable as enabling development, which could be considered to be a very special circumstance necessary to overcome the harm identified and allow for the refurbishment of Northaw House.

The term enabling development generally refers to development that would otherwise be considered harmful is considered acceptable because it would facilitate (or enable) benefits that outweigh that harm. Typically the benefits in question are the generation of funds that will be used to pay for work to be done to a listed building or other heritage asset that is in pressing need of substantial repairs, which you have outlined that your argument would be based upon.

English Heritage have issued their own enabling development policy which was last updated in 2008 and whilst that guidance was based on PPG15, which was then superseded by PPS5, which was superseded by paragraph 140 of the NPPF that guidance still stands for now.

Paragraph 140 of the NPPF states:-

Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

That policy is expressed as a straightforward balancing exercise: will the proposal do more harm than good. The English Heritage policy is much more stringent than this and requires enabling development proposals to meet 8 criteria if they are considered to be acceptable. It is therefore more than a good v. harm balancing exercise.

Enabling development cases are rarely straightforward, unlike your letter seems to suggest. As a matter of public policy, enabling development should not provide an easy way out for owners of listed buildings. Generally therefore enabling development should be seen as a long term solution of last resort with proposals coming forward when other solutions have been tried but have failed. It is for this reason that the English Heritage's practical guide remains a vital policy tool and has a useful role to play to justify proposals such as this.

From the information provided I am uncertain if there is a case for the amount of development you are likely to propose and I am unable to give an officer's view if the principle of the proposal will be considered acceptable. This is a fundamental issue. I note from our meeting and your letter, that you do not wish to use English Heritage's policy and this is entirely up to you and your client to decide. Nevertheless, to gain a recommendation for approval, the case that you will need to put forward needs to clearly show that the proposals put forward are a last resort and outline the case of other considerations which when considered together or individually, have the ability to be able to set aside the Green Belt policy.

It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): "*It is of the essence of very special circumstances that the applicant establishing them is in a very special category.*"

The financial information will be vital to show that the amount of development proposed is the minimum necessary to resort the heritage assets. Please be aware, if detailed financial information is provided with any application that is submitted, it would be likely that the local planning authority would obtain professional specialist advice on this matter to ascertain whether the information provide an accurate assessment and appraisal. Please be advised that you would have to pay for the Council's costs in this matter

Harm to Heritage Assets

The significance of an asset is defined in the Framework as its value to this and future generations because of its heritage interest. Significance derives not only for a heritage asset's physical presence, but also from its setting.

In assessing the substantive nature of the harm, it is outlined in the National Planning Policy Guidance that what matters in assessing if a proposal causes substantial harm in the impact on the significance of the heritage asset. As the Framework makes clear significance derives not only from a heritage asset's physical presence, but also from its setting. Whether a proposal causes substantial harm will be a judgement for the decision taker, having regard to the circumstances of the case and the policy in the Framework. In general terms, substantial harm is a high test so it generally does not arise in many cases. An important consideration would be whether the adverse impact seriously affects a key element of its special architectural historic interest.

In this instance, whilst my previous letter did conclude that there would be substantial harm to the heritage asset, it is considered that on reflection this would be 'less than substantial harm'. However, even when there is less than substantial harm, the default position should be a refusal by the Local Authority. The onus would be clearly on the applicant to demonstrate sufficiently powerful material considerations necessary to justify the harm, including that alternative options have been explored and ruled out.

Impact on Listed Building

The proposal is for the refurbishment of Northaw House and its surroundings. Northaw House and the adjacent Stable Block at Northaw House are both statutory designated heritage assets in the form of two Grade II Listed Buildings. There are several further curtilage listed buildings and structures within the site.

The proposed development includes the creation of 24 residential units. This would include the;

- conversion of Northaw House into seven units;
- conversion of the Edwardian wing into three units;
- the repair of the Stable Block into a single dwelling;
- construction of a dwelling within the walled garden;
- conversion of the ballroom wing into two dwellings;
- construction of two detached dwellings adjacent to Northaw House;
- construction of two buildings in an agricultural style to form four dwellings;
- two new gate lodges at the entrances to the Estate;
- construction of two new dwellings on the eastern driveway; and
- conversion of the Gardener's cottage to a single dwelling.

For ease of reference I have separated the discussion below to the separate areas of the proposal.

Repair, refurbishment and conversion of Northaw House into 7 apartments and removal of Edwardian extension at south west corner

No details have been submitted regarding the conversion and conservation of the house for comment and therefore my comments within the previous letter remain.

The Edwardian extension is proposed to be retained and this is acceptable in principle although no details have been provided. Further information is required to assess the potential impact of these interventions on heritage significance.

Ballroom Wing

No details have been submitted and the comments remain from the previous letter.

Stable Block

The Stable Block, which is listed in its own right, is recognised as being in a very poor state of repair and it is accepted that intervention is needed in the near future to secure the building. Detailed proposals will need to be reviewed for further comment.

The images provided as part of the enquiry suggest that the existing cart store will be removed and rebuilt. Further details will need to be provided regarding the form of this rebuild, the impact upon the historic fabric and the understanding of this structure. The design will need to consider the heritage values which contribute to this building's significance and retain and enhance these values through sympathetic intervention. The proposals will need to consider the impact of interventions on both the fabric of the building and its setting.

The proposal now seeks to retain the small square plan ancillary building at the north east corner of the stable curtilage. It is suggested that this could provide some of the secure parking for the proposal, reducing the amount of new build.

Walled Garden

The construction of a large single dwelling, as proposed, within the walled garden is considered to detract from the setting and understanding of this feature. The large dwelling will make the garden wall a secondary feature (as a boundary wall) to a large dwelling which is not in keeping with the wider landscape context. This space will also be separated from the rest of the site to the east and detract from the understanding of the holistic composition. Efforts, through design, should be made to retain a relationship between the walled garden and the rest of the property to the east, as division of the site will cause some harm to its setting.

The walled garden has always been an ancillary area and subservient to the main house. The proposals should seek to retain this understanding in the wider setting which is not considered to be the case in the current design.

It was suggested that more than one dwelling within the walled garden could be achieved, which could be designed to be much smaller in scale and massing than that currently proposed, enabling the setting and understanding of the wall to be retained. This could also enable a communal area/courtyard area within the walled garden. It is advised that these suggestions should be fully considered and explored.

Land at West (Between House and Walled Garden)

The latest designs of new buildings in this area are improved, relative to earlier design iterations. However, further consideration is needed with regard to the specific individual building design and the spaces between buildings as the proposals have predominately only altered the detailed design of the buildings rather than their layout. A courtyard design was discussed at the meeting with properties facing into the courtyard in a communal space, which would be something more appropriate for this area. This area of the site forms a junction between the existing main house and walled garden. The design will need to reflect this area's relationship with the adjacent assets as to preserve or enhance the setting. Further consideration should be given to regional character defining features of agricultural buildings and types, which may enhance the quality of the buildings in this area.

In order to retain relationships, it would be beneficial to create linkages between this space and the walled garden, which was discussed at the meeting.

The retention and repair of the Gardener's Cottage would be a beneficial element of the scheme. Further details of the design will be required for detailed consultation. Proposals for the Gardener's House should preserve or enhance its understated vernacular character.

Dwellings on Eastern and Western Drives

The proposed dwellings to the east of the main house form part of the setting (although no direct visual relationship) of the designated heritage asset (Northaw House) and this will need to be considered. The proposed buildings are influenced by historic building typology and it is therefore recommended that research be undertaken into estate type houses to identify character defining features which would be appropriate to influence the design here. The scale of the buildings will be a main consideration.

Subject to further details, the construction of the two new gate lodges is not considered to detract from the heritage value of the site if they are of an appropriate scale and design. It was suggested that the gate house on the eastern driveway is moved to be more in line with the existing property at the entrance into

the site. The design of that property should be noted and any appropriate architectural features repeated within the proposed gate houses.

Conclusion

As it stands, it is considered that the proposals do not adequately conserve or enhance the significance of the heritage assets. Clearly in this instance, there is a strong presumption against the grant of planning permission.

It is considered however that an appropriate proposal has the potential to suitably conserve and in some regards enhance, the significance of the heritage assets within this site. This will be subject to sympathetic intervention to the heritage assets as well as new build proposals of appropriate scale, siting, design and character. The advice from our recent meeting, together with advice in both this letter and my previous letter should be considered to seek to overcome the concerns in relation to the impact of the development to the heritage assets.

However, I would like to reiterate that the principle of the development has not been addressed, which is a fundamental issue. Therefore, a proposed scheme may be able to be put forward which officers consider would adequately conserve or in some regards even enhance the heritage asset, however the onus is clearly on the applicant to provide a detailed justification in support of the application to warrant the very special circumstances required given the proposal is inappropriate development within the Green Belt. In the absence of a convincing case, objections would be raised to the principle of this development.

I trust the above information is of assistance, however the above represents my personal professional opinion and is given without prejudice to the decision of this authority in respect of this enquiry or any future application which may be submitted. This advice is given based on the policies/requirements in operation at the date of this letter. These are likely to change in the future.

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Smith". The signature is written in black ink and is positioned below the typed name.

Sarah Smith
Principal Planning Officer