



GOVERNMENT OFFICE  
FOR EASTERN REGION

Messrs Ottaways  
The Mansion  
1 St Peter's Street  
ST ALBANS  
Herts AL1 3DJ

Your ref: DAR  
Our ref: E1/A1910/2/4/03

5 December 1994

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 -  
SECTION 12  
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) RULES 1992  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988  
PROPOSED CHANGE OF USE AND EXTENSION OF SHENDISH HOUSE, LONDON  
ROAD, APSLEY, HEMEL HEMPSTEAD, HERTS

Deputy Director, Planning

Room 124  
Heron House  
49/53 Goldington Road  
Bedford MK40 3LL  
GTN: 3013 6124  
Tel: 0234 276124  
Fax: 0234 276341

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr S Marks MA FSA RIBA, who held a local inquiry from 5 - 8 July 1994 into applications by P B H Properties III Ltd for planning permission for development comprising extension and change of use to a country house hotel (application reference 4/0456/93FL) and by Shendish House Conference and Leisure Centre for listed building consent for alterations and extensions (application reference 4/1087/93LB), all at Shendish House, London Road, Apsley, Hemel Hempstead, Hertfordshire. The Secretary of State directed in pursuance of Section 77 of the Town and Country Planning Act 1990 and Section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the applications be referred to him for decision instead of being dealt with by the local planning authority.

2. A copy of the Inspector's report is enclosed and a copy of his conclusions is annexed to this letter. He recommended that, in view of the considerations expressed in paragraphs 15.1 to 15.8 of his report, planning permission and listed building consent should be refused. The Secretary of State has given very careful consideration to all the arguments for and against the proposal, to the Inspector's report and to all other representations received.

3. Section 54A of the Town and Country Planning Act 1990, introduced by the Planning and Compensation Act 1991, requires the planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. The Secretary of State notes that the adopted Dacorum District Plan dates from 1984 and, although it remains part of the statutory development plan, no longer comprises an up-to-date statement of development control policies for the area. He is aware that the Dacorum Borough Local Plan, as modified, is awaiting formal adoption. He therefore agrees with the Inspector that it is appropriate to assess the planning application against this document and that it should carry significant weight in his consideration of the application.

4. The application site lies within the Green Belt and a designated Landscape Development Area. It comprises Shendish House, its walled garden and its parkland setting and is largely surrounded by fields and woodland. The proposed development would consist of an hotel with 57 bedrooms, conference facilities, golf clubhouse, restaurant, bar and car park. It would involve the demolition of various buildings, alterations to the main house and existing golf clubhouse and the erection of bedroom blocks and a conference block. Against this background, the Secretary of State considers the main issues to be determined in this case to be:-

- i. the relationship of the proposals to policies in the development plan and the emerging Dacorum Borough Local Plan, in particular those relating to the Green Belt;
- ii. the effect of the proposals on the Grade II listed Shendish House and its setting;
- iii. the impact of the proposed development on the local highway network; and
- iv. whether there are very special circumstances which would justify allowing development for purposes not normally appropriate in the Green Belt.

5. The Secretary of State has examined firstly the question whether the proposed development would be appropriate in the Green Belt. He notes that hotels are not specifically identified in Planning Policy Guidance Note 2 (PPG2) as a use suitable to the Green Belt. He also notes the acceptance by all parties that the proposed development is not in accordance with the policies of the development plan relating to the Green Belt. He has given consideration, however, to the applicants' argument that the proposal might be acceptable in the Green Belt under the provisions of DBLP policy 85 (as modified). The second sentence of paragraph 2 of that policy states that "conversion of listed

buildings to hotel use may be acceptable provided it secures the retention of the building and does not materially affect its character, appearance and historic features". The applicants argued that the reasoning given in the document to support that policy extended its applicability, drawing particular attention to the words "Hotels and guest houses are not normally appropriate Green Belt uses, but there may be circumstances such as the protection of a listed building where a new use and/or a well-designed extension could be justified". However, the Secretary of State agrees with the Inspector that the stated reasons for a policy are not themselves part of that policy, and so cannot be used to import an exception for which the policy does not provide. The Inspector concludes that, although the conversion of the existing house to hotel use could be acceptable under the second sentence of the second paragraph of DBLP policy 85, the policy as a whole is against the development, particularly the substantial extensions proposed. He also draws attention to the advice in paragraph 14 of PPG2 that policies relating to the Green Belt should make no reference to the possibility of allowing other development in exceptional circumstances.

6. The Secretary of State agrees with the Inspector's conclusions on the absence of support from DBLP policy 85 and places particular weight on the lack of accord with PPG2. He therefore agrees with the Inspector that the case for the proposed development must depend on whether very special circumstances exist that would justify the granting of permission for a development not normally appropriate in the Green Belt. In considering whether there are such special circumstances, the Secretary of State has taken account, in the light of development plan policies, of the need for hotel accommodation in the locality and the availability of alternative sites; the impact of the proposals on the Green Belt itself, the Landscape Development Area, Shendish House and its setting, and the local highway network; and the benefits of the proposals.

7. On the provision of hotels the Inspector acknowledges that there are policies and other documents which encourage development for tourism. He observes, however, that DBLP policy 84 recognises towns and villages as appropriate hotel locations, while policy 85 excludes new buildings and extensions for hotel purposes in the Green Belt; and he has already formed the view that the proposed conversion and extension of Shendish House does not fall within policy 85. In the Inspector's view the DBLP indicates that hotel needs should be met elsewhere than in the Green Belt, and he concludes that the need for hotel space in the Borough does not constitute a very special circumstance. The Secretary of State accepts that there is a need for additional hotel/guest house provision in the area, but concludes that it has not been demonstrated that potential sites which would accord with policy 84 of the DBLP have been exhausted. He takes the

view, therefore, that the need for hotel accommodation is not in itself so compelling as to amount to very special circumstances justifying inappropriate development in the Green Belt.

8. The Secretary of State notes that the application site has been in use as a conference and leisure complex for many years. The applicants consider that DBLP policy 3, which refers to the use of existing large residential buildings for hotel purposes as acceptable in the Green Belt, can be applied to Shendish House. The Inspector concludes that this policy does not support the application because it refers only to buildings whose existing use is residential. In his view the existing use of Shendish House does not constitute a very special circumstance justifying the development. The Secretary of State agrees with the Inspector that the argument put forward here by the applicants can carry no weight.-

9. The Inspector considers that the increased floorspace and use of the premises would lead to a substantial increase in activity on the site and a material increase in the effect on the character of the surroundings and on the Green Belt. He does not agree with the applicants that the impact would be limited or with their claim that this constitutes a very special circumstance justifying the proposed development. The Secretary of State agrees with the Inspector's assessment. In his view the impact of the extended buildings, the intensified use of the premises, and the resulting increase in activity on the site, would constitute significant harm to the Green Belt purpose of safeguarding the countryside from further encroachment.

10. The Secretary of State agrees with the Inspector that the proposals would enhance the landscape surrounding the appeal site, which would be in conformity with policies in the DBLP relating to the Landscape Development Area. However, in the view of the Inspector there was no urgent need for improvements to be carried out. The Secretary of State agrees that the potential benefit to the landscape can carry only limited weight in favour of the application.

11. Turning to the issue of the effect of the proposals on Shendish House, the Secretary of State notes that there was no dispute that the house justified its status as a listed building and he endorses the Inspector's view that it and the immediate landscape are worth every appropriate effort being made to preserve them. He notes the Inspector's view that the principal benefit of the proposal would be that the house would be put into first-class order. However, in considering the need for any enabling development that might provide financial support for work on the house and its grounds, he has taken account of the Inspector's observations that the house was not in poor condition nor the grounds in need of urgent attention. That lack of urgency must, in his view, limit the weight in favour of granting

permission for any enabling development that would not itself be appropriate in the Green Belt.

12. In respect of the impact on the character and setting of Shendish House the Inspector notes that the proposed new two-storey buildings and single-storey link, although lower and less ornate than Shendish House, would establish a substantial mass with a greater floorspace than the main building. He comes to the view that the proposed new works would diminish the independence of the main house and substantially affect its dominance. He concludes that the proposals would significantly harm the character and appearance of the listed building itself by its excessive size, detracting from the dominance of the main structure, and from the formal appearance of the walled garden and thus also from the setting of the house. He considers that permission should not be given unless there is some overwhelming reason to outweigh the harm. The Secretary of State is in full agreement with the Inspector's conclusions on this issue.

13. On the issue of impact on the local highway network, the Inspector's view is that the main traffic problem lies within the site on private land. He concludes that the provision for car parking in the application was inadequate, that an additional 35 spaces would be appropriate, and that their disposition should be considered at the outset as an integral part of the design. With regard to the access from London Road he considers that, although the design would be substandard in terms of Annex D to the 1994 revision of PPG13, the volume of traffic using London Road has fallen since the opening of the Kings Langley and Berkhamsted bypasses in 1993. He is therefore satisfied that the local road network is capable of absorbing the small increase in traffic. The Secretary of State agrees with the Inspector's conclusions on these issues and is satisfied that there is negligible harm arising on these counts.

14. The Secretary of State has accepted the Inspector's conclusions on the issues set out above, and agrees with him that no individual issue constitutes very special circumstances justifying inappropriate development in the Green Belt. He has also considered whether the proposals offer advantages which would amount to very special circumstances when taken together, but has concluded, taking all relevant matters into account, that they do not outweigh the harm which the proposals would cause to the Green Belt and to Shendish House and its setting. The Secretary of State is therefore persuaded that he should not grant planning permission or listed building consent.

15. The Secretary of State has also taken account of the Inspector's assessment of whether the proposals represent the minimum development necessary to secure the future of the listed building. Had he been minded to grant permission he would have wished to be assured that the development was in fact the minimum

necessary. In view of his conclusions on the other issues set out above he does not find it necessary to reach a conclusion on that matter. So far as he takes any view on that part of the Inspector's report, he considers that it leads to a degree of doubt that the proposal is viable. If he had taken this matter into account alongside his conclusions on the other issues, he considers that it would have strengthened his view that in this case permission should be refused. The Secretary of State takes no view, however, on the appropriate scale or nature of any enabling development that may be put forward as part of any future applications.

16. For the reasons given above, the Secretary of State agrees with the Inspector's recommendations and accordingly he hereby refuses to grant:

(a) planning permission for development comprising extension and change of use to a country house hotel; and

(b) listed building consent for alterations and extensions,

all at Shendish House, London Road, Apsley, Hemel Hempstead, Hertfordshire. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of State's decision on the planning application may be challenged by the making of an application to the High Court.

Yours faithfully

*Caroline Bowdler*

MRS C BOWDLER

Authorised by the Secretary of State for  
the Environment to sign in that behalf



## PART III : GENERAL CONCLUSIONS & RECOMMENDATIONS

### 15 GENERAL CONCLUSIONS

15.1 In the light of all the evidence put before me, the submissions made both at the inquiry and in writing, my observations of the site and its surroundings, and the detailed comments I have already made, I have reached the following conclusions on the matters which were identified by the Secretary of State.

#### a. Green Belt and Landscape Development Area (see sections 6 and 9)

14.2 The proposal is contrary to the development plan policies and the guidance of PPG2 for the green belt. This is not disputed. With regard to the landscape development area, the proposal would not in itself be contrary to policy since it would involve the renovation, improvement and maintenance of the landscape surroundings of the appeal site.

#### b. Very special circumstances (see para 5.2 and sections 7-11)

15.3 The applicants put forward five matters which they considered to be very special circumstances. The council considered that only one of these, the matter of enabling development, was a very special circumstance. I have concluded that there are no very special circumstances which would justify the proposed departure from the policies for green belt.

#### c. Effect on the listed building and its surroundings (see section 12)

15.4 While I consider that there would be some benefits to the listed building and the landscape, I conclude that the proposal would cause substantial harm to the setting of the listed building. The works to the listed building itself, for which listed building consent has been granted and which I have not examined in detail, appear to be acceptable in general, although one principal room will be spoiled by the insertion of a lift shaft.

#### d. Minimum development necessary to secure the future of the listed building (see section 8)

15.5 As I am not satisfied that the development as now proposed would itself be viable, I cannot accept it as securing the future of the building, nor reach a conclusion that it is the minimum development necessary for that purpose.

#### e. Impact on the local highway network (see section 13)

15.6 The main traffic problem lies within the site on private land, and not on London Road. I am satisfied that the failure of the access to comply with the visibility requirements of PPG13 southward in London Road is acceptable in the circumstances of this case and that the local highway network is capable of absorbing the small increase in traffic without affecting the free flow of traffic or the safety of other users of the public highway.

### Conclusion

15.7 In view of my conclusions set out above and my detailed comments made earlier I consider that it would be wrong to grant either planning permission or listed building consent, and I shall recommend accordingly.

15.8 If it is decided that planning permission and listed building consent should be granted, it will be necessary to impose conditions. The conditions proposed by the council appear to be generally appropriate. As stated by the applicants, listed

*General conclusions*

building consent would not be needed for temporary structures, tents or marquees if these are free-standing (condition 7); however, the corresponding condition on the planning permission (condition 12) should be retained, since these could have a significant effect on the setting of Shendish House, but the condition should be modified to include the words 'without the written approval of the local planning authority'. A noise condition would be appropriate, but none was put forward. With regard to the car parking, it seems to me, as already indicated (para 13.15), that 125 spaces should be provided at the outset; the condition should be rephrased to refer to the provision of a total of 125 spaces including those already existing or proposed.





## DEPARTMENTS OF THE ENVIRONMENT AND TRANSPORT

### RIGHT TO CHALLENGE THE DECISION

Under the provisions of Section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in Section 288 of the Act; they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1992 (SI 1992 No 2038), which relate to the procedure on cases dealt with by the Secretary of State.

A person who thinks he may have reasons for challenging the decision should seek legal advice before taking any action.

### RIGHT TO INSPECT THE DOCUMENTS

Under the provisions of Rule 17(3) of the Town and Country Planning (Inquiries Procedure) Rules 1992 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the Inspector's report, whichever is the later, for an opportunity of inspecting any documents, photographs and plans appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given if possible.

DACORUM BOROUGH COUNCIL

APPLICATION FOR PLANNING PERMISSION

by

P B H PROPERTIES III LIMITED

and

APPLICATION FOR LISTED BUILDING CONSENT

by

SHENDISH HOUSE CONFERENCE AND LEISURE CENTRE

Inspector	Stephen Marks MA FSA RIBA
Date of inquiry	5-8 July 1994
File Nos	E1/A1910/2/4/03

## CONTENTS

0	Preamble	page	1
PART I: BACKGROUND			
1	The site and its surroundings		4
2	The proposed development		7
3	Planning policy		8
4	Planning history of the site		9
PART II: ARGUMENT & INSPECTOR'S COMMENTS			
5	Summary		11
6	Green belt		12
7	Existing use of Shendish House		14
8	The financial case for enabling development		14
9	Landscape development area		23
10	Impact on the character of the area		23
11	Need for hotel space		24
12	Effect on Shendish House and its setting		25
13	Impact on the local highway network, and car parking		28
14	Conditions and agreements		30
PART III: GENERAL CONCLUSIONS & RECOMMENDATIONS			
15	General conclusions		32
16	Recommendations		33
APPENDICES			
I	Appearances		34
II	Documents		35

Tollgate House  
Houlton Street  
BRISTOL BS2 9DJ

August 1994

To the Right Honourable John Gummer MP  
Secretary of State for the Environment

Sir

0.1 I have the honour to report that on 5-8 July 1994 I held an inquiry at the Civic Centre, Hemel Hempstead, into two applications relating to land at Shendish House, Apsley, Hemel Hempstead. These are as follows:

- 1 an application for planning permission made by P B H Properties III Ltd for the extension, change of use and new leisure building to form a country house hotel [the leisure building has since been omitted: see para 4.5] (council's reference: 4/0456/93FL); and
- 2 an application for listed building consent made by Shendish House Conference and Leisure Centre for alterations/extensions to Shendish House, golf clubhouse and garden wall to provide a bar, conference rooms, reception and hotel bedrooms (council's reference: 4/1087/93LB).

0.2 The applications were made to Dacorum Borough Council and were called in for decision by a direction made on 18 January 1994 under Section 77 of the Town and Country Planning Act 1990 and section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the grounds that because the proposal affects land within the Green Belt as defined in the Dacorum District Plan (1984) the applications are ones which the Secretary of State considers he should decide for himself.

0.3 In the direction letter the Secretary of State identified the following matters as ones on which he particularly wished to be informed:

- a the relationship of the proposals to policies contained in:
  - i the approved Hertfordshire County Structure Plan, and in particular those policies relating to the Green Belt and Landscape Development Area;
  - ii the adopted Dacorum District Plan and the proposed modifications to the Dacorum Borough Local Plan, and in particular those policies relating to the Green Belt and Landscape Development Area;
- b the extent to which there are very special circumstances which would justify allowing development for purposes not normally appropriate in the Green Belt;
- c the effect of the proposals on the Grade II listed Shendish House and its setting;
- d whether the proposals represent the minimum development necessary to secure the future of the listed building; and
- e the impact of the proposed development on the local highway network.

0.4 Shendish House Conference and Leisure Centre is owned by Streetneat Ltd, who purchased it from Titchfield Developments Ltd, a wholly owned subsidiary of Streetneat Ltd, in February 1994; both companies have the same directors. Titchfield Developments purchased it from P B H Properties III Ltd in June 1993; this was one of a number of companies which acquired various properties from the Dickinson Robinson Group ('DRG'). The planning application was made during the ownership of P B H Properties III Ltd. The applicants' agent, by letter dated 9 August 1993, asked the council to change the name of the owner from P B H Properties III Ltd to Shendish House Conference and Leisure Centre (doc 6).

0.5 At the inquiry Dacorum Borough Council supported the applicants; Mr Ian Lawrie, a former Chief Executive of Dickinson Robinson Group, also spoke in favour of the proposals. The proposals were opposed by Kings Langley Parish Council, represented by counsel, by Mrs Lynne Head, Mrs A C Hunt, and Dr Ian Anderson, County Councillor, speaking on behalf of the Hertfordshire Conservation Society and others, and by Mr and Mrs G S Coulter, who were also represented by counsel with one witness. Written representations are in document 3; the majority of these are opposed to the development; the substance of the planning matters raised in them is covered by the representations made at the inquiry.

#### *The planning application and its drawings*

0.6 The applicants sought to include in their planning application (4/0456/93FL, certain works to Shendish House for which they have obtained listed building consent (application 4/0826/93LB), namely the formation of a door in place of a window at basement level on the east façade (I refer to this as the 'north basement door'), the enlargement of another door, also at basement level of the east façade (the 'south basement door'), and the formation of a door and window at ground floor level on the west façade. These are all shown on the drawings submitted for that listed building consent (doc 5). In my opinion, the terms of the planning application are clear: there are two items, the erection of an extension, and the change of use to form a country house hotel. I consider that the application is not capable of including alterations to Shendish House itself. The applicants did not contend that the removal of two external fire escapes, which is proposed, came within the planning application.

0.7 The drawings originally received by the council in relation to the planning application and the substitutions made subsequently are not clearly recorded. From a list of drawings prepared by Mr Knapp (council) as those which were originally received, and from the documents submitted by Mr Lane (applicants), I have determined that the drawings which relate to the planning application as considered at the inquiry are those which are included in document 4, and that the drawings submitted for the listed building consent which has been granted (doc 5), though not forming part of the planning application itself, were submitted to the council shortly after the planning application, were placed before the council's committee on 9 September 1993 when the planning application was considered, and should be regarded as illustrative plans for the planning application. The same two sets of drawings (doc 4, 5) should be regarded as relevant for the application for listed building consent now before the inquiry.

#### *Legal submissions*

0.8 Mr Fookes, counsel for Mr and Mrs Coulter, considered that there were two points on which the decisions might be challenged in the High Court; he therefore gave notice at the inquiry. These were: first, the changed name of the applicants for planning permission; and secondly, the failure of the council to have copies of all plans available on the statutory register.

0.9 The original application had been made by a subsidiary of the Dickinson Robinson Group; it was not clear from the evidence which of the bodies represented

by Mr Raine were third parties, and there had been no formal withdrawal and re-submission of the application. Only the original applicant could pursue an application unless it was formally taken over; there was nothing on the register; the notification from the Department referred to P H B Properties III Ltd. There had, therefore, been no evidence from the applicants.

0.10 Section 69 of the Town and Country Planning Act 1990 required, *inter alia*, applications to be placed on the statutory register. On Friday 1st July, when Mr Savage, having been instructed on the preceding Tuesday, had inspected the planning register, it had not contained all the drawings relating to the planning application: some had been missing, there had been no schedule, and therefore no precise knowledge of the previous state of the application. There was no criticism of the process of negotiation and substitution, but it was essential, especially when this happened, that third parties should be able to find out precisely what was being considered at any point, and even more important where the council took a supporting rather than a neutral role.

0.11 The applicants made counter-submissions, but it is not necessary to report them here beyond the contention that there had been no prejudice to anyone. Having recorded these legal matters, I shall prepare my report on the assumption that the applications remain valid.

#### *Arrangement of the report*

0.12 My report is divided into three main parts. Part I (Background) includes a description of the site and its surroundings and of the proposed development, and a brief account of the planning policies and the planning history of the site. In Part II (Argument & inspector's comments) I have started with a brief summary of the arguments, followed by the material points in the argument on each subject in more detail and the suggested conditions; I have set out my conclusions, based on the evidence and submissions made at the inquiry and in writing, at the end of each section. Part III comprises my general conclusions leading to my recommendations on the two applications. Attached to the report are lists of appearances and documents.

0.13 The following abbreviations are used in the report:

DDP	Dacorum District Plan, approved in 1984
DBLP	Dacorum Borough Local Plan, in preparation (see para 3.1)
HCSP	Hertfordshire County Structure Plan Review incorporating Approved Alterations 1991
DRG	Dickinson Robinson Group
KLPC	Kings Langley Parish Council

## PART I : BACKGROUND

### 1 THE SITE AND ITS SURROUNDINGS

1.1 Shendish House is a country house, built in 1854-6, standing in an estate of some 43 ha;<sup>1</sup> it lies about 2 km south of the town centre of Hemel Hempstead. With the numerous buildings which formed the farmstead of the estate, it was built on level ground at the top of the south-western slope of the valley of the river Gade which lies between Hemel Hempstead and the estate. Much of the farmstead, Apsley Manor Farm, now no longer in the same ownership as the main house, has been converted to residential use, including another listed building, the former farmhouse. The valley, running north-west to south-east comprises a transport corridor with the Grand Union Canal alongside the river Gade, the main railway line from London to the north-west, with Apsley station nearby, and London Road (A4251), formerly the A41 and now superseded by the Kings Langley by-pass (A41(T)), opened in May 1993.

1.2 Shendish House and its immediate surroundings of lawned areas, gardens, woodland and specimen trees, which comprise the application site of about 8.5 ha,<sup>2</sup> together with the farmstead area, are enclosed by fields and more extensive woodlands; all these elements provide a parkland setting for Shendish House. To the north-east is a golf course, at present of nine holes, established in 1988, but with planning permission for extension to 18 holes (see para 4.9); to the north are two fields used for cricket and football.

1.3 The remainder of the fields to the west, south, and east is in agricultural use, either arable or pasture; the new A41 cuts through the land 120 m to the west of the application site. Further north lies the dense residential area of Manor Estate, a part of Apsley, while to the south lies the more generously developed residential area lying along the north side of Rucklers Lane. There are substantial shelter belts or woodlands on the west, south and south-east sides of the application site which provide almost complete concealment from outside the site, and there are other shelter belts, woodlands and individual trees, many on the golf course, throughout the estate. The estate, though not the house, is prominent in views from the eastern side of the Gade valley.

1.4 Vehicular access to all the properties on and adjoining the estate is gained from a private drive off London Road, where a 30 mph speed limit is in force; it climbs sharply from London Road, turning immediately behind a row of houses facing the road, to rise to cross, with another sharp turn, the railway by a brick-parapeted bridge. The road is generally wide enough for two vehicles to pass, except at the bridge where two cars can pass but not a car and any larger vehicle; forward visibility is restricted by the high brick parapets. This access serves Shendish House, the golf course and clubhouse, and other activities on the estate, the houses on the former farmstead, a small group of cottages further north, and a small group of buildings between the drive and Rucklers Lane. Apart from the last group, which has access also from Rucklers Lane, there is no other access from public roads. About 100 m north-west of the site access there is a roundabout constructed as part of a redevelopment of the area. There are several public footpaths running generally north to south from Apsley to Rucklers Lane; these skirt the application site.

#### *Shendish House*

1.5 Shendish House itself, an attached walled garden, and an octagonal summer-

---

1 . The present extent of the estate is shown by red line on document 10.

2 . Shown on document 4, plan 6383/41.



house, are described in the list of buildings of special architectural or historic interest (doc 8, App 1).<sup>1</sup> The description appears to be reasonably accurate as far as it goes, but it does not refer to the west or north façades or the former coach-house and stables, and the 'Jacobethan' fireplace in the entrance hall is dated 1628 and appears to be a genuine Jacobean work imported into the house, perhaps as part of the original fitting out. I would not describe the house as L-shaped.

1.6 Small additions to the east façade are modest in scale and confined to the ground floor at the southern end, all in matching style; thus, the east façade (photo 1) almost retains its original near-symmetry about the central axis, and the southern façade appears unaltered apart from the inconspicuous flank wall of the addition to the east façade (photo 2). The roof on both façades, however, has been significantly affected by the introduction of conspicuous rooflights of various sizes to rooms which were formerly lit only by the widely spaced ornamental stone gabled dormers. The west façade is more irregular in conception, since it carries round the scale and ornamentation of the east and south façades for less than half its length, dropping to lower storey heights in what appear to have been service areas, with no accommodation in the roof over it (photos 3, 7).<sup>2</sup> There is a metal fire-escape stair on the west façade (photos 3, 4). The north façade consists of staggered gable ends, chimneys, and a short single-storey wing, with a second fire escape, also from first floor (photo 5).

1.7 The principal rooms of the house are concentrated in the southern half, and comprise all those reached from the central hall or lounge (doc 20b), including the ornamental staircase with its high mullioned window; these contain all the elements of distinctive character in the house. On the first floor the fitting out of the southern part and the front range of rooms is plainer but decent, while on the top floor, the former servants' quarters, the joinery is entirely plain.

1.8 The walled garden encloses an area of over 90 by 38 m. The south face of the southern wall, which runs from the north-west corner of the house, is built of the same grey bricks as the house, but the northern face and the remainder of the structure is of red bricks, as are a number of the ancillary buildings nearby (photo 3 (east half), 6 (from the west), 7 (internal face of south wall), 8 (eastern gateway)); a short section of the inside face of the northern wall has been rendered (photo 9). The southern wall has a formal symmetrical arrangement of a central gateway with a cast-iron gate and a gateway near each end, all with pointed arches, the central one being surmounted by a multiple-stepped coping (concealed under ivy); the wall itself steps up very gently in height twice from each end at piers in the brickwork.

1.9 Abutting the south-west corner of the walled garden is the octagonal summer-house (photo 6), terminating the vista from the house. Except for its rear wall, which appears to be in rendered brickwork and attached to the wall, the summerhouse is built of stone. Five of its eight sides are open, as it was, presumably, designed. It has lost its roof.

1.10 The walled garden has the remains of hard tennis courts over most of its area, with some formal planting in a central strip (photo 10). In the north-east corner there is a large white marquee linked to the former coachhouse (see below), used for functions. There is a small range of comparatively modern single-storey brick structures within the eastern wall (photo 7). On the line of the east wall

---

1. The house is well illustrated in the council's album of photographs (doc 25). An aerial photograph of the house and grounds taken from the east more than twenty years ago is at document 33c; this shows the grass tennis courts to the west of the house and the hard courts within the walled garden which have since been removed. References in this description to photographs are to those in document 25.

2. The marquee showing in this photograph has been moved elsewhere.

and outside the area of the walled garden there are two other old buildings facing a courtyard to the east, one a former coachhouse, the other a small two-storey out-building with a decorative brick gable (photos 11, 12). This gable matches others on the former stable building (see below), but has had windows inserted without regard for the original design. Outside the north wall of the walled garden there is a long enclosure containing numerous open and enclosed sheds on both sides of a dirt roadway, those on the south side abutting the walled garden; this roadway leads to a smaller walled garden to the west of the main walled garden, 56 by 28 m in extent and containing several glasshouses.

1.11 The courtyard to the east of the walled garden is enclosed on its eastern side by the former stables, now golf clubhouse, with a high central bay of three storeys flanked by short single-storey ranges. It is also of brick matching that of the house, with some rendering to the rear, and has ornamental gables at front, back and both ends in keeping with the character of the main house (photo 12 (south side), 13 (east), 14 (west and north)). This building, related to the courtyard which lies north of the house, is set well in advance of the building line of the house itself.

1.12 The main drive approaches on the axis of the northern bay of the house, and would have given a good open view of the house before the high-hedged bowling green was established directly in front of the main façade. A turn to left or right would have led in front of the house or directly into the courtyard with its stables and coachhouse. Formal car parking is provided in front of the golf clubhouse for about 35 cars; there are also some 20 spaces opposite the main façade of the house, adjoining the bowling green.

1.13 The present use of the house is as a conference and leisure centre, with a restaurant and bars. Substantial parts of the house, especially on the top floor, are not in active use. The walled garden is disused except for the erection of the marquee. The former stable building is now the golf clubhouse, with the pro's shop, while the former coachhouse is used as a function room; the small gabled building (whose original purpose was not known) is the ladies' bowls clubhouse.

1.14 The condition of the main house appears to me to be generally good. It is evident, as was pointed out by the applicants, that they have carried out much redecoration and internal repair work; various alterations have also been carried out, though not all those for which listed building consent has been granted by the council (see para 4.6). There are signs of slight differential or tilting movement at the junction of the single-storey addition (entrance and lobby) at the south-east corner of the house, and the east face of this addition shows some cracking, but it does not appear to affect the stability of the house to any material degree.

1.15 The walls of the walled garden appear to be reasonably sound, although much of the top courses is in need of pointing; the only significant defect is a short stretch of missing copings and some associated damage to the north-west corner of the enclosure. The condition of the surviving structure of the summerhouse is fair; there is no sign of settlement, but there has been a little bit of movement in the arches, where the bottoms of joints have opened up fractionally.<sup>1</sup> However, it remains vulnerable to frost damage with the upper surface of the stonework apparently unprotected; it is closely overhung by a very large copper beech, which may actually provide some protection from rain and frost. I did not inspect the interior of the golf clubhouse, but from an external view it appears to be fair, with minor repairs required to the brickwork, parapets and copings.

---

1. This is erroneously referred to as cracking of the stonework in the report attached to the evidence of Mr Parker (doc 16a).

## 2 THE PROPOSED DEVELOPMENT <sup>1</sup>

2.1 The proposed hotel would have 57 bedrooms, conference facilities, restaurant, and bars; an 18-hole golf course (already permitted: see para 4.9) within the estate but outside the application site would have clubhouse facilities within the main house. The proposal comprises several main physical elements: the demolition of various buildings lying between the house, the walled garden, and the stable building; the conversion of the house itself; the conversion of the former stable building (now golf clubhouse); the erection of two linked bedroom blocks within the walled garden; the erection of a conference suite with bedrooms over it outside the walled garden; and the provision of a car park. In addition there would be a landscaping scheme; it is intended that a landscape management plan should be drawn up (none was provided or described at the inquiry).

2.2 The extent of the proposed demolition is shown on document 20; it includes the former coachhouse and ladies' bowls clubhouse, the single-storey brick building within the south-east corner of the walled garden, and several other small buildings to the north. A separate application for listed building consent for this demolition is in abeyance (see para 4.7). In addition, the two metal fire-escape staircases would be demolished; this demolition is included in the listed building consent already granted, but is not included in any application for planning permission, but clearly it would be beneficial on architectural grounds.

2.3 The ground floor of the house would contain meeting and function rooms, and the golf clubhouse facilities; the first floor would be converted into six hotel suites, and the second floor into staff bedrooms; the basement has already been converted to two bars with bar storage. Other significant alterations to the main house are the insertion of a lift serving all floors, rising through one of the principal rooms on ground floor (doc 5, plan 6368/21), new north basement door and enlarged south basement door, and new door and window at ground floor in the west façade.<sup>2</sup>

2.4 Within the eastern part of the walled garden, just short of half its length, there would be erected two parallel two-storey blocks of bedrooms, all facing into a central landscaped courtyard slightly less than half the width of the walled garden. The blocks would be built clear of the garden walls with the space in between serving as corridors; the ground-floor corridors would be top-lit by sloped glazing below the top of the garden walls, and the upper corridors by sloped and vertical glazing. The roofs, with equal slopes of 30° up to the ridge, would be covered with slate. Drawing 9323/04 (doc 4) indicates that part of the vertical glazing, and the whole of the upper glazed slope and the roof would be visible over the south garden wall, so that rather more than half the total height of the proposed building would be visible above the garden wall.<sup>3</sup>

2.5 The proposed conference block would consist of a single divisible space on ground floor with eleven bedrooms over it. Its western wall would replace a part of the western wall of the coachhouse, which encloses the walled garden, and extend northwards of the walled garden the same distance as the existing buildings which would be demolished. It would be slightly higher than the bedroom blocks, with twin-gabled end elevations.

2.6 The present golf clubhouse would become the main entrance to the hotel, and

---

1 . This account is based on the submitted drawings (doc 4, 5) and on the applicants' evidence.

2 . Listed building consent granted (see para 4.6); planning permission not required for internal works.

3 . The coloured sketch in the evidence of Mr Meacher (doc 13) shows the whole structure 1 m higher, before amendment.

would be linked to the main house by a single-storey flat-roofed structure occupying the space between the main house, the former stable block (to include the new hotel entrance), and the new bedroom and conference blocks. The new reception area under the flat roof would lead directly to the new bedrooms, the conference block and bedrooms over, and a restaurant partly within the former stables; access to the main house, including the golf clubhouse, would be through a bar off the reception area. While service access for the restaurant kitchen is at the northern end of the new building, it appears that supplies and removals from the main bar would be taken either through the reception area or right round the southern end of the house.

2.7 The car park in front of the golf clubhouse would be enlarged to provide 64 spaces, bringing the total of existing and proposed spaces to about 90, reduced from 125 on the application plan, providing car parking at 1.6 spaces per guest bedroom.

### 3 PLANNING POLICY <sup>1</sup>

3.1 The development plan comprises the Hertfordshire County Structure Plan Review incorporating Approved Alterations 1991 ('HCSP') and the Dacorum District Plan 1984 ('DDP'). The Dacorum Borough Local Plan ('DBLP') is at a late stage in its preparation, having been put on deposit in 1991, considered with modifications at inquiry in May 1992, and amended following the receipt of the inspector's report in February 1993; it has been approved by the council for development control purposes.<sup>2</sup>

3.2 The provisions of the HCSP referred to at the inquiry include policies 1 (green belt), 7 (landscape development areas), 16 (leisure activities), and 56 (historic buildings), and intention 68 (buildings of architectural or historic interest).

3.3 The Dacorum District Plan of 1984 was generally considered to be out of date; however, it remains part of the statutory development plan until it is superseded on the formal adoption of the DBLP. While it is appropriate, because of its advanced state, to give great weight to the later plan, section 54A of the Town and Country Planning Act 1990 does not apply to it until it has been adopted.

3.4 The main policies of the DDP referred to include 1 (green belt), 13 (buildings of special architectural or historic interest), 18/66 (environmental guidelines for new buildings), 19 (parking provision), 20 (country houses), 24/27 (landscape), and 75 (leisure proposals).

3.5 DBLP policies referred to include 3 (green belt), 9 (environmental guidelines), 67 (land for leisure), 68 (provision of leisure space in towns and large villages), 83 (tourism), 84 (hotels and guesthouses in towns and large villages), 85 (hotels and guesthouses in the green belt and other rural areas), 91 (landscape development areas), and 108 (development affecting listed buildings). Shendish House and its grounds are included in the landscape development areas. Environmental Guidelines No 13, referred to in the DBLP, covers development in conservation areas or affecting listed buildings (doc 13, para 5.1).

3.6 Policy 85 has been revised, following the comments of the inspector for the Local Plan, to make a clear distinction between development in the green belt and development in other locations. The succeeding explanatory paragraph refers to circumstances in which well-designed extensions to hotels in the green belt could be

---

1 . This section is based on the evidence of the parties and on the policy documents  
2 . Extracts from the HCSP, the DDP, and the DBLP Written Statement composite version 1994 are in document 22c. The most convenient reference to policy 85 is in document 31: App 1, extract from the committee report; App 2, policies 84 and 85 as originally proposed; App 3, extract from inspector's report; App 4, policy 85 as modified.

justified; it was pointed out by objectors that such an explicit suggestion is contrary to the advice of PPG2, paragraph 14, and Mr Knapp stated that he had discussed this point with the council's officers dealing with the Local Plan.

3.7 Reference was made to PPGs 1, 2, 7, 17 and 21, to Circular 8/87 and to 'Tourism Strategy for the Thames and Chilterns', published by the Thames and Chilterns Tourist Board, 1989.

#### 4 PLANNING HISTORY OF THE SITE <sup>1</sup>

4.1 Shendish House was added to the list of buildings of special architectural or historic interest in 1986, and placed in Grade II. The listing description (doc 8, App 1) refers to the house, to the walled garden, especially its south wall, and to the summerhouse. It is stated to have group value. Shendish House is not located in a conservation area.

4.2 A tree preservation order was made on 28 July 1993 (doc 8, App 9) It refers to an area covering the whole of the application site together with the sports ground to the north-east and woodlands surrounding the sports ground (doc 10).

4.3 There is no record of any planning application prior to 1987. In 1987 planning permission was granted for the formation of a 9-hole golf course, and planning permission and listed building consent were granted for the conversion of a shop to residential use (doc 22, App D: 4/1453/87, 4/1475/87LB). In 1989 listed building consent was granted for the refurbishment and conversion of the Clock House (former stable building) to changing rooms and pro shop for the golf club (App D: 4/0485/89LB).

4.4 The present applications are part of a series of applications which have been submitted by the Shendish House Conference and Leisure Centre or other associated applicants during an extended period of discussion with the council's officers (doc 23; section 3; doc 7, pp 10, 11, 15, 16).

4.5 The present planning application (4/0456/93FL) was submitted on 23 March 1993 by predecessors in title as specified in paragraph 0.1 above (doc 8, App 2); one element of the proposal, a new leisure building, was omitted during the course of amendments before the proposal was considered by the council. The agent's accompanying letter refers to two simultaneous applications for listed building consent, but these, referred to in the letter as listed building consent applications 1 and 2, were submitted by other agents on 2 April 1993.

4.6 Listed building consent application 1 (4/0826/93LB) (doc 8, App 5; drawings in doc 5; described in doc 7, para 4.3-4.8) was primarily for internal works, but also included the northern basement door, the southern basement door, the new door and window on the west façade, and the demolition of two external fire-escape staircases. Listed building consent was granted on 28 October 1993.

4.7 Listed building consent application 2 (4/0843/93LB) (doc 8, App 6; doc 7, para 4.9-11) is for the demolition of structures on the site of the proposed new buildings (shown on doc 20a). This application is in abeyance until the applications before the inquiry have been determined.

4.8 The present listed building consent application (4/1087/93LB) was submitted to the council on 9 August 1993 as specified in paragraph 0.1 above (doc 8, App 4); separate drawings were not submitted. This application and the application for planning permission were considered by the council's committee on 9 September 1993

---

1 . This section is based on the evidence of the council and the applicants.



(doc 8, pp 2/56-62); the proposal was recognised as a departure from the development plan, referred to the Secretary of State, and called in on 18 January 1994 as indicated above. The council gave its planning officer authority to approve the proposal if it was not called in.

4.9 An application for planning permission for the extension of the existing 9-hole golf course to 18 holes (4/0774/93) was approved on 9 September 1993; it included landscaping requirements (doc 8, App 7; doc 7, para 4.12-16). The application states that 125 car parking spaces are proposed in place of the 50 existing; there is no condition relating to parking. This permission has not been implemented.

4.10 An application for planning permission for the installation of foul drainage to serve the estate in general (4/1146/93) was approved on 5 October 1993 (doc 8, App 8; doc 7, para 4.15-16). This work has been carried out.

## PART II : ARGUMENT & INSPECTOR'S COMMENTS

### 5 SUMMARY

5.1 While change of use to an hotel in itself was not considered by the council to be a fundamental departure from current policies, it was considered and accepted by all parties that the proposal was not in accordance with the policies of the development plan relating to green belt and that the development was not appropriate development in the green belt; notwithstanding this, the applicants argued that there was sufficient flexibility in policy 85 of the DBLP as now proposed to allow the present proposal to be considered within its terms. There was no disagreement that the onus was on the applicants to show very special circumstances to justify their proposal. I deal with the green-belt issue first. I have then addressed each of the very special circumstances identified by the applicants, the most significant being the second, followed by the effect of the proposal on Shendish House as a listed building and on its setting, and then the highway issue. I have set out my conclusions in each section, followed by my general conclusions in Part III by reference to the matters identified in the Secretary of State's call-in letter.

5.2 The very special circumstances put forward by the applicants were as follows, as set out by Mr Lane (doc 7, para 6.2):

- 1 the existing use of Shendish House as a conference and leisure centre;
- 2 the listed building status of Shendish House and the need for enabling development to repair and maintain the building and its grounds;
- 3 the location of Shendish House within a Landscape Development Area;
- 4 the limited impact of the proposal on the character of the area;
- 5 the need for hotel bedspaces in Hemel Hempstead.

5.2 In the applicants' view, these were such special circumstances that their proposals should be treated as an exception to normal green-belt policy, and the development would not conflict with the main objectives of the green belt.

5.3 The financial case of the applicants (in the first place P B H Properties III Ltd, then Shendish House Conference and Leisure Centre) was presented in a variety of documents and evidence, including a substantial report prepared by Horwath and Horwath in 1988 (doc 28) and submitted for the consideration of the planning application, another large report by Mr B Dunne (doc 17a, dated June 1994) prepared this year for the applicants, and the evidence of four witnesses. The council's support for the development was entirely based on the financial case which the applicants had made to the council in connection with the planning application; it regarded the proposal as the only means by which the house and its setting could be secured. Mr Fookes produced no financial evidence himself, but examined parts of the applicants' evidence in detail and considered that it was seriously flawed: contrary to the applicants' contention, it showed that the proposed hotel would not be viable.

5.4 At my request, both the applicants and the council provided an assessment of the architectural and historic interest of Shendish House (doc 13a, 23a); they considered that it was properly placed in Grade II and that it was not exceptional. Both considered the setting important. The applicants took the grading on its face value; the council considered that the walled garden was architecturally interesting and unusual due to the way in which it was used to define the formal landscape immediately beyond the house, terminated by the summerhouse. Mr Savage, for Mr and Mrs Coulter, had at short notice found published material relating to the design and



the designer of the garden (doc 33a, 33b); he considered that the house almost merited being placed in Grade II\*.

5.5 The applicants contended that the proposed development, being largely placed in the walled garden and to the rear of the house, would be appropriate and would have a limited impact on its surroundings, and on the listed building or its setting. The council had reservations about the impact of the proposal on the listed building and especially its setting, considering that the latter would be compromised. Mr Savage considered that it would do great harm.

5.6 At my request, alternative uses were examined by the applicants and the council, but not in detail (doc 7a, 21a); the council had not carried out any studies, and the applicants had purchased the property for the proposed purposes. Both considered that none would be appropriate or effective, in many cases also requiring substantial extensions. The applicants considered that as the building was already in a quasi-hotel use, this was the favourite, in effect simply intensifying the existing use of a 'hotel without bedrooms'. Mr Fookes contended that the onus was on the applicants to prove that no other use was possible or viable, and that they had not done so.

5.7 For the council, Shendish House represented a considerable resource at a time when public demand for such needs continued to grow; considerable value attached to the status of Shendish House as a grade II listed building set in extensive landscaped grounds, but there were also very strong policy arguments against such development in the green belt. In this case, there was a very fine line to be drawn between acceptance and rejection, but the council had accepted that it was essential to ensure viability; these proposals could do so without resulting in an unacceptable breach of policies.

5.8 With regard to the local highway network, both the applicants and the council considered that there would be no significant impact; they pointed out that the long drive was a private road, so that it was not the concern of the highway authority. Mr Fookes elicited information from both that showed, in his view, that if the standards of PPG13 (1994) were applied to the access from London Road visibility to the south would be seriously deficient; widening of the access would not assist visibility.

5.9 Car parking was not fully resolved at the inquiry, with some 50-60 spaces existing for the existing facilities, and provision being made to enlarge this to about 90. The applicants and the council considered that further parking could be provided if necessary; space would be available to the north of the walled garden. The council considered that 125 would suffice, a figure reached also on behalf of Mr and Mrs Coulter.

## 6 GREEN BELT <sup>1</sup>

6.1 The applicants argued that the latest version of policy 85 of the draft DBLP (doc 31, App 4) included sufficient flexibility to allow the present proposal to be considered within its terms. The first paragraph did not apply, since their proposal was not a 'new building' but an extension to the listed building and long-established facilities, and therefore did not prevent this proposal. The second paragraph allowed for the conversion of listed buildings to hotel use in circumstances which applied here. The third paragraph appeared to preclude the extension of Shendish House, but the council's true intention was indicated in the reasons set out in the paragraph following the policy, which concluded: 'Hotels and

---

1 . References in square brackets indicate paragraphs relied on in making my comments; references are not given for my own observations.

guest houses are not normally appropriate Green Belt uses, but there may be circumstances such as the protection of a listed building where a new use and/or a well-designed extension could be justified.'

6.2 On behalf of Mr and Mrs Coulter, it was submitted that policy 85 of the DBLP appeared to create exceptions to the main green-belt policy in conflict with the advice of paragraph 14 of PPG2. Policy 85 did not support the proposal because it required development in rural areas to be small in scale: this was not small in scale. There was a clear statement that new buildings for hotel use would not be permitted in the green belt; while conversion of listed buildings might be acceptable, there was no reference to extensions; extensions to hotels were not allowed in the green belt. The reasoning was not policy and should not outweigh policy, although it might indicate what the council was trying to achieve; s 54A referred to policies not reasoning.

6.3 Dr Anderson pointed out that the site was in a very narrow corridor of green belt, which had been extended from the Rucklers Lane boundary to protect it from Hemel Hempstead. The development was more a freestanding and separate building than an extension. For Mrs Hunt PPG2 contained a commitment to reinforce the green belt, to save the countryside from encroachment.

*Inspector's comments*

6.4 I am satisfied that the draft DBLP is the right document to consider in conjunction with the HCSP, although it has not yet reached adoption. However, it seems to me that the application of the policy and its reasoning, as suggested by the applicants [6.1], is not correct. In the first place, I take the view that the reasoning cannot import into a policy an exception which is not provided for in the policy, especially as in this case the sentence relied on by the applicants goes against the sense of the third paragraph of the policy. Secondly, this sentence in the reasoning is in conflict with paragraph 14 of PPG2 which advises that 'Structure and local planning policies should make no reference to the possibility of allowing other development in exceptional circumstances.'

6.5 While I understand that the amendment of the policy arises from the Local Plan inspector's recommendations, I consider that this sentence cannot carry any material weight; the council's planning witness was himself somewhat surprised at its inclusion. The policy itself, without this misleading commentary, unequivocally, in my view, precludes the proposed development. The conversion of Shendish House to hotel use could be acceptable under the second sentence of the second paragraph of the policy, but the other paragraphs are against the development. While the development is described as change of use and extension, it seems to me that the extension is so extensive<sup>1</sup> and visually so nearly independent, being linked by a flat-roofed single-storey structure, that it is in effect a new building to provide hotel accommodation. Under the third paragraph, proposals to extend existing hotels would not normally be permitted, so that, if under the second paragraph the conversion to hotel were permitted and it was then regarded as an existing hotel, the third paragraph would preclude extension. Thus, whether the new accommodation were regarded as new buildings or as an extension to an existing hotel, it would be in conflict with policy 85. Accordingly, the case for the development has to be made entirely on the basis of the very special circumstances put forward by the applicants and supported in part by the council.

6.6 The applicants referred to several appeal decisions relating to other cases of enabling development and extensions to hotels (doc 8, App 11; doc 7, para 6.29) and to court judgments holding that the benefits of enabling development could be a

---

1 - New floor area 2,683 sq m; retained floorspace 2,087 sq m (see doc 7, para 3.10).

material factor.<sup>1</sup> I have considered the present applications on the basis that one of the very special circumstances put forward relates to the financial case for allowing enabling development in order to secure the future of Shendish House, thus taking account of the judgments and comparable cases cited.

## 7 EXISTING USE OF SHENDISH HOUSE

7.1 The applicants pointed out that the site was not a green-field site but an existing and long-standing conference and leisure complex, originally the sports and social centre of DRG since 1937. It was an intensive D1 and D2 operation, but its continuation was uneconomic, hence the proposed enabling development. Preliminary refurbishment and renovation work had been done in the house, and the uses would continue if they were economically viable. The present use as a leisure and conference facility was equivalent to a hotel without bedrooms; it was heavily in favour of the proposal, which was not a new use but an intensification in new form of the present use. The site was already in public use; this would continue if the proposal, providing the necessary enabling development, were approved.

7.2 Policy 3 of the DBLP permitted the re-use of existing large residential buildings standing in extensive grounds for educational, institutional and hotel purposes, and under policy 85 not only was the conversion to hotel acceptable but also 'there may be circumstances where a new use and/or well-designed extension could be justified.' These policies, therefore, allowed the re-use of the existing building for hotel use and its extension where these would result in the protection of the listed building.

7.3 On behalf of KLPC, and adopted by Mr Fookes on behalf of Mr and Mrs Coulter, it was contended that the applicants had not demonstrated that the existing use was of any particular local or national importance; this was not a very special circumstance.

### *Inspector's comments*

7.4 I have already commented on the interpretation of policy 85 [6.4, 6.5]. The quoted part of policy 3 refers to the re-use of existing large residential buildings; however, though originally residential, Shendish House is no longer residential in use, and the proposed development is not restricted to the re-use of Shendish House. I see no support either in policy 3 or in policy 85 for the additional building work, even if the change of use itself might be brought within the scope of the policies. The existence of a use in the green belt does not, in my view, imply that its intensification is appropriate, nor does the existence of the buildings imply that its extension is appropriate. If a use is uneconomic without the planned expansion (as here accompanied by a change of use to hotel), then it seems to me that the uneconomic use does not in itself carry with it any assumptions either about its continuation or about its expansion. The existing use does not, in my view, constitute a very special circumstance justifying the development contrary to green-belt policies.

## 8 THE FINANCIAL CASE FOR ENABLING DEVELOPMENT

8.1 The applicants considered that Shendish House, dating from the years 1854-1910 and largely unaltered since, represented a fine example of a Victorian country house in grounds with its walled garden and summerhouse. However, it was not of such architectural or historic importance to have been listed before the national re-survey of 1986. Its style was of its date; it was neither unusual nor particu-

---

1 . Reports: Sosmo (doc 19a); Brighton (doc 19b); Royal Opera House (doc 31, App 6).

larly remarkable for its date; there was no known architect, nor was its garden on the register of gardens of historic interest. It was not a country house in the traditional sense of having an agricultural economic base, but had been built by a wealthy businessman; it had ceased to be a private residence in 1936; it had lost its original context. Its importance stemmed from its unaltered state and from its current and proposed use, the relationship to garden and grounds, and its location on the edge of Hemel Hempstead, giving it its accessibility.

8.2 Its present use allowed public access to the grounds and the interior, which it was important to maintain, as in the proposed use, unlike other uses such as offices or nursing home. This was a positive benefit in allowing continued access. There was ample scope for the restoration of the grounds to their former glory. It was important to retain the house and estate as an entity, with restoration in the context of maintaining the setting of the listed building; this would be a positive benefit. Its amenities were easily accessible to the local population.

8.3 The main elevations of Shendish House were in fairly good condition; the golf clubhouse required repairs to the stone coping and parapet brickwork; the walled garden needed urgent attention, including the complete rebuilding of part; the summerhouse was on English Heritage's 'Buildings at Risk' register; the workshops were in very poor condition. Recent maintenance expenditure had been minimal other than on the main building; the only expenditure on the grounds had been on the sports pitches. The proposals therefore provided for the long-term future of Shendish House in its setting; without these, deterioration would continue.

8.4 Shendish House had been used since 1937 till the takeover of DRG as a sports and social club for employees; it had been subsidised and under DRG it had, as Mr Lawrie indicated, become a white elephant (para 8.27-8). On the sale of the component parts of DRG, there was no need for the club and the subsidy had disappeared on the purchase from PBH Properties III Ltd.

8.5 DRG had carried out a lengthy and adequate marketing exercise during the 1980s when it had become clear that they no longer needed the club, and Mr Lawrie had been under pressure to close it. Closure had been postponed because of the purchase by the applicants. It was absurd now to suggest that when the applicants took the property on they should first try to sell it when they knew what the result would be.

8.6 Now Shendish House had to finance itself, and any use must maintain the listed building and its grounds, its landscaped setting. The losses of the recent past were well documented. The building required substantial expenditure to repair and to maintain. The present use as a conference and leisure centre was uneconomic; if this were to continue the fabric and landscape would continue to decline. There was, therefore, a need for enabling development; this had been accepted in several cases which provided strong parallels (see cases referred in para 6.6, above). This was a very special circumstance sufficient on its own to override normal green-belt advice and policy. Such development would underpin the future of Shendish House and maintain its landscape setting.

8.7 The aim of the proposal was to provide a country house hotel of three- to four-star quality and conference complex in mature landscaped grounds with good access to the motorway network; the property had been bought for this purpose, and a price paid accordingly. The evidence leading to the council's decision to support the proposal was in document 7 (pp 18-19). The figures on anticipated revenues and profits supplied to the council (doc 8, page 3/16) had been based on Horwath & Horwath's report, which had considered a 100-bedroom hotel, scaled down to 60 bedrooms; this did not, however, tie in to Mr Thornberry's report, which was based on more up-to-date information.

8.8 The accounts of the previous owners for the past seven years showed substan-



tial losses in each year, and in the first quarter of 1993 alone £36,000; since the change of ownership in June 1993 to the end of April 1994 trading losses had amounted to £207,540 (doc 14a). Thus, under both the previous and the present management it was uneconomic, with insufficient revenue to cover costs. If the losses continued the owners would be better off stopping now and boarding up the property: the operations at Shendish House were likely to close; it would not be a viable proposition for any future investor; there would be lost opportunities for employment.

8.9 The property had been run-down, and there had already been some capital expenditure on refurbishment, equipment and finishings to the value of £94,000 since acquisition in June 1993 (doc 15, para 2.2.1). The capital investment and trading losses could not continue, and the bankers were showing extreme concern. It was necessary to get more people using the facilities. Two studies had been carried out. There were links in the usage of the facilities and an hotel, but there was no hotel accommodation; this would increase the general revenue. Mr Thornberry's report (doc 18) showed that the hotel would provide the required additional revenue to make Shendish House a viable concern; this would come from the hotel and from the further use of the existing and extended facilities. While he had based his calculations on using a loan, there were other ways of funding the development, including cross-collateralisation. The development of the hotel was essential for the continued operation and viability of Shendish House. The two objectives of saving the business and saving the property could not be divorced: unless the business was saved or another business adequately replaced it, there would not be funds to preserve the building. Mr Thornberry's report was consistent with all the evidence. The cost of providing the hotel and the 18-hole golf course was about £4m, including refurbishment, and the property had cost about £1m.

8.10 According to Mr Parker, further work of repair and maintenance was required totalling £272,000, comprising £205,000 required in the short term and £67,000 which would be for structural repairs (doc 15, para 2.2.2). Work of redecoration, and to roofs, gutter flashings, downpipes, external windows and doors, brickwork and stonework, and to the woodlands would be required on a regular basis. Some was not necessary to make the building wind- and waterproof, but all was necessary to provide conditions of sufficient quality for a viable use. According to Mr Lane, £75,000 a year would be spent on maintenance if the scheme went ahead.

8.11 Mr Parker's estimate included work to the landscape, excluding the garden wall and summerhouse, estimated at £76,000 (Mr Bunyan's appraisal and estimate: doc 9, section 5 and App A). While the golf course and some other areas had been maintained, other elements had been neglected, particularly some of the woodlands, and individual trees needed attention. Some of this amount would be spent immediately or in the short term, other as and when funds allowed; work needed for safety would have to be done soon. Gradual restoration would be achieved over 5-10 years.

8.12 It was accepted that not all of the £94,000 spent already was urgent for the listed building and that some was for alterations, but the objectives were increased turnover and a far better environment than under the previous ownership. There should not be a distinction between works for the house and works for the venture: one should look at the package to make a viable proposition.

8.13 An appraisal had been carried out by Mr Crawford as at 9 September 1993 of future development as follows: (a) the existing use as a conference and leisure centre with planning permission for the extension of the golf course from 9 to 18 holes; (b) with planning permission for the extended golf course and for the change of use to hotel and the additional accommodation. All figures were before tax, depreciation, finance costs, and directors' remuneration, and came from Mr Thornberry's report (doc 18).

8.14 Appraisal (a): With the existing facilities of Shendish House and the

The financial case for enabling development

18-hole golf course opening in spring 1996, projections were as follows (doc 17, pp 6-8):

	total revenue	net profit
1994	£1,011,838	£81,726
1995	1,457,220	178,726
1996	1,721,596	262,128

There would be no income-producing use of Shendish House. The increased golf income in 1995 would come from increased awareness and higher green fees. It was most unlikely that the projections would be met without carrying out urgent works to the house and grounds; these included repairs to the house, golf club, walled garden and summerhouse; excluding any possible underpinning, these came to about £400,000 (Mr Crawford's figure, doc 17, p 9), including the £94,000 already spent.

8.15 Appraisal (b): If approved the proposed development could open for trading on 1 October 1995, and the golf-course extension would be brought forward. Projections then would be (doc 17, pp 10-11):

	rooms	total revenue	net profit
1994	0	£1,011,838	£106,026
1995	£305,235	1,883,994	396,970
1996	1,220,940	3,087,303	941,009

Room revenue was calculated at 70% capacity at an average room rate of £85 net of VAT. With the hotel, the revenue of the golf/sporting activities and functions were forecast to increase by about 10%; the restaurant and conference fees would also increase substantially, but these increases had not been included in the projections. There would be a dramatic improvement in profitability from accommodation sales.

8.16 The appraisal at 9 September 1993 gave gross development values, less development costs, as follows:

- (a) added value of golf course without hotel (doc 17, App I): £140,000;
- (b) added value of golf course with hotel (doc 17, App II): £660,000.

8.17 No investor or operator would take over the business and the burden of upkeep if it remained as now. At best it could be converted into a marginal profit, but even with the 18-hole golf course it was not viable, and provided only modest enhancement in revenue from other sources; under-utilisation of Shendish House would continue, and there would be no incentive to implement the existing golf-course planning permission. Only with some enabling development could the scheme become viable. Without overnight accommodation, business would be restricted, with a limited catchment area; there would be little benefit of the sporting facilities for day delegates. With the hotel, residential conferences would attract from a wider area, regional, perhaps national, providing complementarity of uses, and encouraging a developer. As the Dunne report, whose conclusions were accepted, had confirmed, a 50-60 bedroom hotel was needed to make the property viable and to support the estate.

8.18 Without the hotel, the aggregate revenue for 1995 and 1996 would fall by 36%, and the cumulative profit, before interest and tax, by nearly 50%. The hotel was pivotal in attracting the corporate market. Without it the enterprise would be on a marginal footing; funding might be jeopardised and the golf course plans, for which there was a huge demand, frustrated.

8.19 Mr Dunne's figure of £614,000 for rooms in 1996 (doc 18b, p 61, 'rooms' in year 1) had been calculated on a different basis; he had looked at the property as an hotel asset, and had not considered the revenue and profit from golf and func-

tions or the complementary effect of the facilities. It was wrong to inject one lot of figures (as Mr Fookes sought to do) into another calculation. Mr Thornberry's hotel revenue was about twice Mr Dunne's; it was based on several sources and on comparables with middle four-star rating, whereas Mr Dunne's was three-star to four-star. Mr Thornberry's room revenue less costs was approximately equal to Mr Dunne's room income, so that both would contribute some £600,000 from room revenue; Mr Dunne had treated wages as an indirect/fixed cost, while Mr Thornberry had taken 50% as direct costs, an inordinately conservative figure against industry norms; on Mr Dunne's basis Mr Thornberry would put in 10% direct costs (maintenance, cleaning, staff, electricity, power).

8.20 It was accepted, however, that Mr Thornberry's figure was on the optimistic side on occupancy and average room rates; Mr Dunne's were on the low side.<sup>1</sup> New calculations for 1996-99 (years 1 to 4) based on Mr Dunne's figures showed an added value of £572,161 (doc 14a). It was accepted that added value did not indicate viability; this depended on the purchase price. The calculations of added value did not include interest on the £5m purchase and development costs, since it was simply comparing the two schemes. In Mr Thornberry's tables external debt had been assumed for financing, but there were other methods of funding which would be considered, which might affect the profit and other figures. It was also accepted that the money already spent could not be included in the cost of enabling development.

8.21 The council considered that Shendish House and the walled garden were in a reasonable state of repair; there was no evidence that significant maintenance was required, and no works appeared to be urgently necessary. However, without regular maintenance the present condition would deteriorate, and maintenance of the external setting of the listed building was required.

8.22 The summerhouse was semi-ruinous, but it had a picturesque quality; it would be better to preserve it as it was with minimum interference than to carry out a heavy-handed and conjectural roof restoration. It would be enough to carry out some grouting and provide lead flashings to protect the top of its wall; this would keep it in a reasonable state of repair. It was not at risk of falling down, and not really a 'building at risk', since it had been included in the register because of two factors: being unoccupied and lacking a roof. The inclusion of the summerhouse in the register did not indicate the state of repair of buildings generally.

8.23 The council had some concern for pressure for further development, such as a swimming pool, or more bedrooms, or a conservatory; these would cause further harm to the setting of the listed building (see para 12.10). The development therefore had to be sustainable in its own right.

8.24 With regard to alternative uses, Shendish House was unlikely to revert to a single-family house; its subdivision into flats would be damaging to the ground floor; and hotel use would be no more damaging than residential, office or institutional uses. It was desirable for the golf course and Shendish House to remain in one ownership; separation could lead to the larger setting being eroded. The main difficulty was to establish how much, if any, further development was required to secure the future support and maintenance of the listed building and its setting. The tradition of leisure pursuits at Shendish House was very strong, with facilities of a high order.

8.25 From the submitted documents and discussion, especially Mr Warner's letter in August 1993 (doc 8, pp 3/10-16), the council had had before it when it had considered the application the substantial losses when it had been owned by DRG, which had been covered by subsidy, the greater income achieved by the applicants, which had

---

1 . Occupancy ranging from 59% (1996) to 71% (1999 and ongoing), average room rates from £47.50 (1996) to £53.20 (1999 and ongoing), all at 1994 rates (doc 16b, p 58).



still returned a loss, the cost of repairs, and the purchase price. The council had been aware that there were sufficient resources for immediate repairs, and that there had been no need for any development to put the property into initial good repair, that the operation was not viable in its present form, and that Shendish House might become empty with consequent deterioration without a planning permission. The conclusions of the Horwath and Horwath report had been soundly based; a smaller development would be less viable. The proposals had been considered realistic and viable; if implemented they would put the property into a proper state of repair and would cover maintenance.

8.26 There had been no change since August 1993; the hotel was essential and there was no alternative. The Horwath and Horwath report had been scaled down from 100 bedrooms to 60 in Dunne. Fifty-seven bedrooms would be viable; a smaller hotel was unlikely to work. The substitution by Mr Fookes of figures from Dunne into another calculation was an exercise carried out in isolation. The council took a practical and robust view of the financial aspects, and accepted the financial case put by the applicants.

8.27 Mr Ian Lawrie stated that Shendish House had been operated in the late 1970s as an employees' sports club. In the early 80s it had been evident that such paternal provision was almost over, and the facilities had been increasingly shared with other companies. There had been substantial losses, peaking at £4m in one year. None of the management costs of the property had been charged, so that the losses would have been even greater if it had stood alone. While it had never been in profit, it had been an investment in employee relations. Even with the 9-hole golf course and charging commercial rates, Shendish House had not broken even. Accordingly, the decision had been taken to sell. Selling had been started on a low profile in order not to upset employees, but had not been successful. A local firm, Aitchisons, was therefore asked to market it as a possible corporate trading centre, sports centre, corporate HQ, or golf, leisure and hotel facility (doc 34); the elderly home type of use had been quickly dismissed. There had been some interest from BP and Shannon International, but this had lapsed.

8.28 Out of this very active selling campaign of the 1980s a hotel seemed the most logical way forward, and the only one which was economically viable. Horwath and Horwath's survey showed an overwhelming need for a country house hotel. The property had then been more actively marketed to hotels groups in 1986. In late 1986/87, after five years' activity Mr Lawrie had begun to despair. Suggestions had been made to close the house; this would have saved money but would not have helped selling and would have risked dereliction and vandalism. Then after two or three years' fruitless selling the property was sold to Titchfield Developments after almost a year of negotiation; they were seen as an ideal developer for Shendish House. The scheme was most desirable.

8.29 On behalf of Kings Langley Parish Council, it was submitted that financial matters were in some cases capable of being material considerations. As indicated in the Monahan case (Royal Opera House: doc 31, App 6), it was legitimate to accept a relatively undesirable feature as a compromise in order to ensure the viability of a main project sufficiently desirable to warrant a partial relaxation of policy, but this must be based on planning grounds, not on some ulterior motive. Here, however, there would be much more than a mere partial relaxation of policy; the only main project was not the preservation of the house but the modern extension of it; and the modern extension was being put forward as the enabling development, ie the main project and the enabling development were the same thing. Thus, the present case was different from Monahan, in that there was no specific policy relating to Shendish House, it was not claimed that Shendish House was of comparable national or international identity, and funds were not being specifically earmarked for the physical enhancement of the main house but for the enhancement of the existing business through diversification. In the Monahan case there had been an urgent need and work had not been able to start.

8.30 The preservation of the fabric of Shendish House and its setting and the preservation of the business were not the same: the applicants had confused them. The difficulty of owners who had made a bad buy was not at issue. The applicants had to demonstrate that Shendish House and its setting could not be preserved without these particular proposals. The desirability of finding a use was accepted, but that was a different issue from what would happen to the house and grounds without planning permission. One would expect to see the market tested; the efforts to sell in 1984-87 had been restricted to selling as a leisure centre, perhaps also as an hotel; it had been sold to the present owners in the 1993 in clear knowledge of its losses.

8.31 The applicants ought to show that every other possibility had been explored; they had to show that these proposals were the minimum required; and they had to show that without the scheme Shendish House and its grounds would fall into decay. Then it had to be decided whether there was sufficient weight to displace the objections to granting listed building consent; then it had to be considered whether there were very special circumstances in the green belt. Only the enabling development was capable of being a very special circumstance.

8.32 For Mr and Mrs Coulter Mr Fookes adopted the arguments made on behalf of KLPC. In addition he pointed out that Mr Knapp had agreed that the argument for enabling development was the only very special circumstance. It was necessary to differentiate between works needed to enable urgent repairs to a listed building to be carried out and works which would assist a business to achieve a higher profit or added value. The former was enabling development, the latter was a commercial or personal consideration, and had nothing to do with enabling development.

8.33 There was no need for enabling works; the council had stated that repairs were not necessary, and the £94,000 worth of work already done could not count for enabling development. There was also some double counting in the development proposals; Mr Bunyan's £76,000 was already in the figure of £272,000, say £7,600 pa, and his scheme was a Rolls Royce scheme, not all of which was necessary. Moreover it was already included in the approved golf course conditions and plans, so that it was not additional, new or urgent work. The bellmouth to the access from London Road was not essential. The barn conflicted with the golf course permission, and there was no need for it; it was included in the golf course capital figure. It was not necessary to re-roof the summerhouse. Shendish House was not empty or at risk, so there was no urgent need. There was a confusion of the money spent with money needed by the business to achieve luxury facilities.

8.34 Enabling development related to identifying and funding essential works needed urgently. Obviously there was some maintenance, but it was neither £400,000 (Crawford) nor £272,000 (Parker) nor £75,000 pa (Lane) nor £38,000 pa (Thornberry) in the various documents. There was no clear evidence of the annual maintenance required, and nothing was required urgently; it required no more maintenance than any other large residential or other listed building.

8.35 Mr Crawford had agreed in cross-examination that both the 18-hole golf course alone and with the hotel were viable; both appraisals included £400,000 for maintenance and repairs, which was much more than was claimed by Mr Parker or the lesser sums for the listed building. It was a very important concession that the assertion that the golf course was not viable at an added value of £140,000 actually meant that it was less attractive. With Mr Dunne's hotel revenue on Mr Crawford's appraisal, the hotel appears not to be viable: a substantial additional loss could arise. Mr Crawford's approach could not survive Dunne's report, which had been accepted by Mr Parker as correct, and his new appraisal would also enhance the golf-alone alternative.

8.36 Mr Thornberry had been unable to explain his assumptions on the direct costs of the hotel element: the £616,896 had been explained either as an assumption or as

wages or as being wrong and should have been 10%, not 50%. His £85 room rate seemed unrealistic, Mr Dunne's more realistic. His figures lacked credibility, and could not be relied on, nor did they show Mr Crawford's £400,000. Mr Crawford's appraisals failed to take into account the loan of £5m, requiring interest payment of £½m pa; this would wipe out any added value for the hotel, and the loan would not have the security of an asset of that value. The golf course would require a much lower loan and interest, would have a greater viability, and therefore would be a better alternative. In between there were other uncostered alternatives; for example, a small hotel in the existing building could add to the golf course revenue; this had not been considered, nor had other schemes been considered, nor had the property been marketed since 1984-86. It needed full and open marketing.

8.37 The need for the enabling development was therefore questioned, and there was no guarantee that a future owner would accept the limitations of the current proposals.

8.38 Mrs Head considered that there was no proof that the proposal was the only way to ensure the future of the house; it could be far less intensive and still be viable.

*Inspector's comments*

8.39 There is no reason to doubt that the present operation of conference and other facilities at Shendish House, as now carried on, is not able to make a profit and also to support the repair, improvement and maintenance of the house and its landscaped grounds. I am not convinced that it is appropriate to start from the existing uses as a given situation and to contend that these must be extended or intensified as proposed in order to find an economic use for the property. However, it seems to me that it is sufficient for the purposes of this part of the inquiry, namely the question of enabling development, to examine primarily the financial report of Mr Thornberry (doc 18) in the light of other material submitted by the applicants, especially the report of Mr Dunne (doc 16b). In this I have been greatly helped by the cross-examination and submissions made by Mr Fookes. I have not in the process attempted to examine the figures submitted to the council (doc 8, p 3/16) in the light of Mr Dunne's report, because these relate to an earlier date, while Mr Dunne's and Mr Thornberry's must be taken to be contemporary, as they have been submitted together at this inquiry.

8.40 The applicants had not originally intended to call Mr Thornberry, and his report was submitted in the first place as an unsupported document by another of the applicants' witnesses (Mr Warner). His report was used as the source of important figures by other witnesses, especially Mr Crawford in his appraisals; the validity of their evidence therefore depends on the credibility of his report. Without going into detail the report shows, as Mr Thornberry stated [8.18], that aggregate revenues and cumulative operating profit would be significantly less without the proposed development; this appears to me to be undeniable on the basis of the submitted figures.

8.41 Nevertheless, in the table on page 8 of document 18 (profit and loss account with the hotel) there are figures for revenue and direct costs relating to 'Rooms' which need to be closely examined; these are, respectively, £1,220,940 and £616,896, thus contributing £604,044 to the gross margin; the room revenue figure represents 39.55% of total revenue (£3,087,303), and is therefore a very important part of the operation in financial terms. Mr Dunne's figure for hotel rooms (doc 16b, p 61) is £614,000 turnover and gross profit in the first year (1996). Mr Thornberry asserted that if his direct costs were deducted from revenue, it gave a similar figure to Mr Dunne's. However, if we look at the basis of the revenue figure of both reports, it will be seen that this does not explain the difference.

8.42 Mr Thornberry's figure is based on 70% room occupancy from the first year of

operation and a room rate of £85 net of VAT [8.15]; this gives the figure of £1,220,940 already quoted. Mr Dunne has set out his occupancy and average room rates for the first four years of operation (1996-99), rising from year 1 to year 4 and then stabilising [8.20, footnote]. This gives the figure of £614,000 as a gross figure for hotel room revenue in 1996, from which direct costs (shown as 'purchases' in Mr Thornberry's table) also need to be deducted. It was unclear from his answers to cross-examination what his direct cost deduction represented, but clearly if Mr Dunne's figure is right for gross room revenue, some material amount must be deducted from it to represent Mr Thornberry's direct costs. It was objected that one could not insert figures from one calculation into another, but I can see no objection to comparing the gross hotel revenue figures based on identifiable variables by two of the applicants' consultants and coming to a view as to which is the more likely to be reliable.

8.43 My opinion is that Mr Dunne's figures are to be preferred, for the following reasons. First, Mr Dunne has analysed the basis on which he reaches his figures; this includes an essential discussion of the hotel market, occupancy rates, published tariffs and discounts (doc 16b, pages 38-56); the last of these, especially, amounts to a very substantial variable with considerable consequences. Mr Thornberry has not produced similar material, but appears to rely on tariff rates. I note that the applicants' earlier report from Horwath and Horwath also refers to discounts ranging from 10% to 50% (doc 28, p 44), so that it is evident that this is an established practice to be taken into account, and it accords with one's own expectation. Secondly, Mr Dunne was commissioned, by the applicants themselves, as a hotel management consultant to report on the feasibility of this particular scheme; Mr Thornberry agreed that he was not a consultant in this field.

8.44 If Mr Dunne's figure for gross room revenue (£614,000) is inserted in Mr Thornberry's profit and loss account, and then some figure for direct costs also deducted, whether 50% or something less, it turns the profit before tax into a negative amount. Even if I take Mr Dunne's figure for the fourth year (£827,000) which would indicate a longer projection, perhaps after three years of losses, and deduct an appropriate amount for direct costs, the figure on the bottom line would probably still be negative.

8.45 I conclude from this that I cannot rely on the accuracy of the largest single component of gross revenue in Mr Thornberry's table. Although other figures were not challenged or examined in detail, the unsatisfactory nature of this figure must make me extremely reluctant to accept other profit figures, for example the substantial, and rapidly increased, figures for golf and function activities. In my view, the credibility of the profit and loss account, showing a profit in 1996, is undermined by what I have observed about the room revenue.

8.46 It is instructive to see what happens to the appraisals of added value carried out by Mr Crawford. He did not like the term 'residual valuations', but that is what they are; they are notoriously sensitive to relatively small variations in the starting figures. His added values are £140,000 for the extended golf course but no hotel, and £660,000 with the hotel [8.14, 8.15]. The projected net profit for the latter in 1996 is £941,009; this is the sum (approximately) of operating profit (£666,744) and depreciation (£272,820) in Mr Thornberry's table already referred to (doc 18, p 8). If, on the basis of my observations on hotel revenue set out above, the projected net profit dropped by as little as £100,000, then the gross development value, calculated in the same way as before, would fall to £4,730,675 and the added value to £100,175, which is a lower figure than the added value for the extended golf course without the hotel, and a drop of £120,000 in the projected net value would result in a negative added value. Mr Crawford indicated that the purpose of the added value appraisals was to make a comparison; it seems to me that the calculations are so sensitive to projected net profit that they are of no help in demonstrating to me that the proposed development is the only viable development or even that it is viable at all.



8.47 In the light of the foregoing I have reached the conclusion that the applicants' evidence does not demonstrate that the proposed development would be viable; it would not, therefore, serve the purpose of being enabling development; if carried out, I am not satisfied that further or different development would not be required to make it viable.

8.48 With regard to the need for enabling development, I consider that what is proposed is out of proportion to the needs of the property, involving development of greater extent than the building which would be retained, and making Shendish House subservient in function, if not in appearance, to its extension. The house is not empty, although the applicants indicated that that might be the consequence of not getting approval for their scheme [8.8], nor is it in poor condition, as the council acknowledged [8.21, 8.22], and even the summerhouse, on the register of 'Buildings at Risk', is not in my estimation in serious danger, and is not intended to be occupied. Continued access for the public would be a benefit, but it seems to me that this is not a function for enabling development in the green belt, and in any case I see no reason for the existing golf to be stopped or the permitted extension to the golf not to be carried out independently. The landscaping is in need of attention, but this is not so urgent as to justify enabling development.

## 9 LANDSCAPE DEVELOPMENT AREA

9.1 For the applicants reference was made to policy 91 of the DBLP. Shendish House and grounds lay within the landscape development area wherein improvement to the character and appearance of the landscape was sought. Hemel Hempstead was one of the priority areas. While the landscape appeared to be in good condition, it needed proper management to retain its character and to provide the necessary replanting. Without an assured future there would not be a landscape management plan, leading to the eventual decline of the setting of Shendish House, contrary to policy 91.

9.2 For Kings Langley Parish Council it was submitted that the landscape development area was not of itself a very special circumstance capable of supporting development in the green belt; normally it would reinforce the green-belt argument against development. For Mr and Mrs Coulter Mr Fookes pointed out that in the planning permission for the 18-hole golf course, the requirements of the landscape development area had been recognised in the planting proposals; the present proposals went no further in terms of the landscape development area. The area did not need an hotel; perhaps it would threaten the landscape development area, since it conflicted with the golf course and car parking.

### *Inspector's comments*

9.3 In my view, the enhancement and improvement of the landscape would conform with policies relating to the landscape development area, but I do not consider that there is an urgent need for this to be carried out. It certainly does not amount to a very special circumstance which would carry significant weight in justifying a departure from green-belt policies.

## 10 IMPACT ON THE CHARACTER OF THE AREA

10.1 The applicants considered that there were two aspects of impact: use, and the physical impact of new buildings on the visual character. The conference, bar and restaurant facilities would replace those in the house, so that the main increase in activity would be from the 57 hotel bedrooms. In view of the existing activities these would not generate any impact to detract from the green belt. The bedrooms would only generate 28% extra traffic for the site, because of the overlap with existing activities, so that the impact would be insignificant.

10.2 The main bulk of the conference, restaurant and bar elements would be largely hidden by Shendish House and the golf clubhouse, and the forty bedrooms would be contained within, and partly concealed by, the walled garden. The visual impact on the green belt would, therefore, be limited to such an extent that no harm would be caused, especially since to the north there were sixteen dwellings. Shendish House was not an isolated dwelling in open countryside, but was sited with an extensive home farm, cottages and outbuildings in the landscaped setting. From the south, long views were curtailed by the existing landscaped grounds. The development would be relatively inconspicuous, and would not affect the site's contribution to the green belt.

10.3 According to Kings Langley Parish Council the applicants' claim of limited impact was not a very special circumstance, but it was something to have regard to. For Mr and Mrs Coulter it was submitted that the impact was not limited simply because it could not be seen. Here there would be a great busy-ness of cars, people and activity, with new buildings which were prominent in local views. The function of the green belt would be compromised, with the extension of urban sprawl and further encroachment on the countryside. Built development offended the green belt. Dr Anderson felt that the entire estate should be subject to a complete environmental study; there had been numerous small applications, which cumulatively could have a very considerable effect.

#### *Inspector's comments*

10.4 The development would require new buildings containing virtually the same floorspace (2,683 sq m) as the existing main building and outbuildings taken together (2,690 sq m) (doc 7, para 3.10). Part of the new two-storey buildings would replace modest outbuildings which lie behind the golf clubhouse. All the new two-storey buildings would be visible in the succession of viewpoints obtained by someone moving along the drive and in front of the main building of Shendish House. The existing houses and farm buildings to the north are hardly, if at all, visible in any significant view of Shendish House, largely because of the existing trees and other vegetation; the Shendish House group does not, therefore, read with the other existing buildings, so that any significant increase in the apparent mass of Shendish House and its associated buildings is seen in isolation.

10.5 The proposed uses would occupy 75% more space (4,770 sq m) than the existing uses of Shendish House and outbuildings (2,690 sq m) (doc 7, para 3.10); moreover, the floorspace in the modern buildings is most likely to be used more efficiently than in Shendish House, so that the potential for intense activity would be greater in this part. The capacity for additional activity would, therefore, be at least 75%, probably significantly more. While traffic generation would not be increased in proportion, since visitors would be involved in more than one activity [10.1], the activity on the site would be substantially increased.

10.6 In both these aspects, the significantly increased bulk and the substantially increased activity, it seems to me, the development would materially increase its effect on the character of its surroundings and thus on the green belt also. The effect would not, as the applicants claimed, be insignificant. There is no very special circumstance arising from a limited impact, as claimed by the applicants.

## 11 NEED FOR HOTEL SPACE

11.1 According to the applicants the need for bedspace was acknowledged by the Structure Plan and by the DBLP. The reasoning to policy 84 of the latter stated that Dacorum was generally deficient in hotel accommodation, with special reference to Hemel Hempstead. The need was also acknowledged by 'Tourism Strategy for the Thames and Chilterns'; several of its twelve objectives were of interest to the inquiry (doc 7, para 5.35), and supported the development of country house hotels

with conference and leisure facilities. Because of this need schemes had been approved at Bourne End and elsewhere which would provide 300 bedspaces for Hemel Hempstead. Still more were needed, particularly of good quality.

11.2 According to Kings Langley Parish Council, Policy 85 distinguished between green belt and rural provision; since provision was made in rural areas beyond the green belt, need could not be a very special circumstance in relation to the green belt. For Mr and Mrs Coulter it was pointed out that there was no need for this many rooms on this site. The policy was to meet the need in towns and villages. Alternatives to the green belt should be exhausted first. Mrs Head pointed out that Dacorum already had twenty hotels and guesthouses.

#### *Inspector's comments*

11.3 The various policies relating to the area must be read together. While there are policies and other documents which encourage development for tourism, including hotels, there are also policies which relate to the location of hotels. Policies 84 and 85 of the DBLP make provision for hotels; under the former, towns and villages are recognised as the appropriate locations for hotels and guest houses, while the latter policy excludes hotel development whether new or by extension in the green belt with the exception of the conversion of listed buildings. The present proposal, comprising conversion and extension does not fall within the policy 85 (see para 6.5). Hotel needs should, therefore, be met elsewhere. The need for hotel space does not constitute a very special circumstance.

## 12 EFFECT ON SHENDISH HOUSE AND ITS SETTING

12.1 According to the applicants, the new buildings had been designed from the outset so that the main house would remain the dominant building, with the principal new buildings to the rear of the clubhouse and in the walled garden, which was the logical place. The new conference and bedroom buildings, largely occupying an area of run-down hard courts, would not adversely affect the character of Shendish House which would be virtually unaffected externally; they would not be obtrusive. The main east elevation would be preserved, and views of the east, south and west elevations would be unhindered. The council had taken an active part on the evolution of the design.

12.2 The new buildings were not attached, but were a separate development attached by a subservient link to leave the main house the dominant element; this was a sound architectural principle. The bedroom blocks would be a natural accompaniment in the tradition of ancillary outbuildings to a country house, reinforced by the lack of windows overlooking the gardens; they would create an impression akin to a glass-house structure which one might expect to see within such a walled garden; this had been achieved by using glazed corridor roof slopes up to the eaves of the blocks. The design approach had avoided slavish copying of detail; matching external materials were sometimes more obtrusive than lightweight modern materials such as glass and aluminium. Natural slates and stone-dressed brick gables would be used to match the house. The loss of the ladies bowls clubhouse was more than outweighed by the economic benefits to secure the long-term future.

12.3 The impact on the internal character of Shendish House was beneficial; already £94,000 has been spent in the basement, ground and first floors, and the proposed changes would retain its integrity.

12.4 The setting of Shendish House would be preserved. There would be negligible impact on views between Shendish House and its grounds. There had already been a vast improvement from the removal of a marquee and the posts and chain-link fencing of tennis courts on the grass to the west of the house. Details of car parking could safely be covered by condition.



12.5 Circular 8/87 emphasised that conservation allowed for change as well as preservation; there were circumstances when the architectural heritage had to be able to accommodate change; new development would usually be made to blend happily with the old.

12.6 The council considered that the scale of the development would inevitably have a detrimental effect on the setting of Shendish House; the objective of the council had been to minimise the effect. The effect had been mitigated by largely containing the development within the walled garden, and the layout and design had been much improved from earlier schemes, including the lowering of the bedroom blocks by 1 m. The proposals were reasonably sympathetic to the walled garden.

12.7 However, the setting of Shendish House would be compromised by the visual intrusion of the glass and slate roof of the southern bedroom block within the walled garden; this was only justified if the development was absolutely necessary in order to ensure the long-term future maintenance of the listed buildings and their setting. The proposed parking space for 64 cars would be a significant intrusion on the setting, but if it were surrounded by a dense hedge it would be acceptable. The hotel use would not be unduly damaging.

12.8 Apart from the decorated south brick gable of the ladies bowls clubhouse, the outbuildings on the east side of the walled garden were not of architectural or historic interest; this building had been marred by unsympathetic windows and was not specially mentioned in the list. The proposed gable to the new block could with care be equally charming. The council was concerned about the abutment of the intended flat roof of the single-storey link and its alignment.

12.9 The Kings Langley Parish Council considered that the visual impact of the development would be severe. As well as its height, there would be a net increase in covered ground area of some 50%, which was very large in view of the double prohibition relating to listed buildings and green belt. The new buildings would not be appropriate to the scale, proportion, and external appearance of Shendish House, but would have a seriously harmful effect on it in its setting. Since it was in a reasonable state of repair, as the council had found, there was no justification for the development.

12.10 For Mr and Mrs Coulter Shendish House was a fine listed building in a mature landscaped setting. The landscape was the work of a known landscape designer, Edward Kemp, who had a considerable influence on English Victorian garden design (doc 33a, b). The main elevations of the house were impressive.

12.11 The massing and scale of the two-storey bedroom and conference blocks would overpower the existing golf clubhouse and destroy its visual relationship with the main building. The differing roof pitches and inappropriate flat roofs resulted in an unfortunate juxtaposition of form and shape. The continuous glass corridor to the bedroom blocks was an alien feature, with a strong horizontal emphasis completely contrary to the vertical features of Shendish House, emphasised by the stepped gables. The conference block was a plain rectangular building of greater height than the bedroom blocks, totally at variance with the other new elevations. In general, the new buildings were not sympathetic in scale or design, and would seriously impair both the character and the appearance of the listed building.

12.12 With regard to the setting, the walled garden was an integral and important feature. Building in half of it would seriously diminish its importance. The scale of the garden would be altered with the two-storey structures. Thus, the setting of Shendish House would be harmfully altered. The parking proposal conflicted with the planting required for the approved 18-hole golf course (doc 33d). Car parking was inadequate; details should be known because it affected the setting of the listed building.

12.13 Mrs Head considered that the development would be large, unsympathetic, and grossly out of character. Mrs Hunt was also concerned for the environment, especially for Shendish House.

*Inspector's comments*

12.14 There was no dispute that Shendish House justified its status as a listed building. While I agree with Mr Savage that the garden and landscape layout by a known designer, Edward Kemp [12.10], adds considerably to the overall interest of the property, I do not think that it approaches the degree of special interest required to merit a II\* grading [5.4]. As a listed building in Grade II, however, it is a building which retains its original architectural character largely unspoiled, having had minor alterations in keeping to the exterior up to the beginning of this century and very little change since in the fabric of the main house, apart from the addition of two unsightly external fire-escape staircases.

12.15 A significant part of the interest of the property lies in its principal walled garden with its symmetrically designed south wall providing a formal north enclosure of the west garden; the vista of this wall is closed by the octagonal summerhouse, adding a picturesque quality to the formality of the garden enclosure. The landscape, especially the surrounding gardens, provides an impressive setting for the house on east, south and west sides. The house and its immediate landscape are worth every appropriate effort being made to preserve them.

12.16 The principal benefits of the proposal, in relation to the preservation of the house and its landscape, would be that the house would, presumably, be put into first-class condition, with the removal of the fire-escape staircases, the summerhouse would be put into a sound state (though it might not be necessary to provide a roof), and the gardens and landscape would be restored and improved with the expectation that they would be regularly maintained. These are benefits which, of course, one would expect to arise with any future use of the building.

12.17 The proposal would also have a seriously detrimental effect on the building as a listed building and on its setting. The effect on the building would arise from the substantial and extensive additions which would be made; these comprise the erection of two-storey buildings in and adjacent to the walled garden, linked to the main house by the single-storey link. At present the house is seen as the only substantial mass of building, with the golf clubhouse as a well-separated detached ancillary structure in matching style, brought forward so that the eye is led first to it and then turned to see the impressive frontage of Shendish House itself. The other existing ancillary structures are modest in the extreme, single-storey in design, although the ladies bowls clubhouse appears to have two storeys squeezed into this height; these are almost entirely behind and to the north-west of the golf clubhouse. The ground level penetrates into the rear courtyard between the house, the golf clubhouse, and other ancillary buildings.

12.18 The new two-storey buildings, the two ranges in the walled garden and the conference block would, it seems to me, substantially effect the dominance of the house. While they would remain lower and less ornate, they would establish a substantial mass, with a greater floorspace than the original house. Though partially concealed from specific viewpoints, for a moving viewer the new buildings would nevertheless appear as a substantial extension, and as the visitor's focus would be on the new entrance and reception area in and behind the converted golf clubhouse building, the main building would become ancillary in use and therefore be felt to be subordinate to the greater area of the new buildings. The new link, recessed though it would be, would diminish the independence of the main house and the golf clubhouse.

12.19 The impact of the new buildings would also be severe in the western view of the house. The house would remain visually dominant, but the relationship of the

walled garden to the house would be significantly compromised by erecting two-storey structures within it. Though the intention is to recall the image of glasshouses which might traditionally have been erected within a walled garden, the extreme length, only slightly interrupted by the breaks in the roof, and the amount of projection of the structure above the wall foils the attempt, while the difference in pitch between the new and the old roofs (the new being noticeably lower) would emphasise the poor relationship. The external view of the walled garden itself would be spoiled by asymmetrical placing of new development at one end behind the formal south wall.

12.20 In my view, therefore, the proposals would significantly harm the character and appearance of the listed building itself by its excessive size, detracting from the dominance of the main structure and from the formal appearance of the walled garden, and in so doing would also detract from its setting. These should not be permitted unless there is some overwhelming reason to outweigh the harm.

### 13 IMPACT ON THE LOCAL HIGHWAY NETWORK, AND CAR PARKING

13.1 According to the applicants the only traffic counts at the site access from London Road were taken on 25 September 1990, recording 192 vehicles arriving and 152 vehicles leaving in 12 hours. This was only 42% of the maximum calculated traffic generation arising from an analysis of the existing facilities (doc 12, section 4.0 & table 2) showing 413 in and 413 out (49 in in morning peak; 92 in, 59 out in evening peak); the lower actual figures might represent the state of reorganisation of DRG and below-capacity use of the facilities.

13.2 The changes proposed would produce 506 vehicle movements in and 506 out (56 in, 30 out in morning peak; 113 in, 63 out in evening peak) if all facilities were fully used (doc 12, table 3). The significant new traffic generator would be the hotel, but this would suppress traffic generated by other facilities such as the conference centre and the golf course. This amounted to an increase of 22% over the whole day; the morning peak could increase by 94% largely due to the hotel, but this would be considerably less than the existing maximum peak evening movement; the evening peak increase would be 17%. The maximum hourly movement of vehicles out of the site from the development would be 63, comparing with a present maximum of 59, giving an insignificant increase of 4 vehicles per hour; the maximum volume represented 1 vehicle movement a minute, so that there should be little queuing of vehicles to leave the site.

13.3 There had been a major change in the traffic pattern resulting from the opening of the Kings Langley and Berkhamsted by-passes in May and September 1993, removing longer distance traffic from London Road; there had been a substantial reduction 2 miles south of the site access amounting to 36-51%, with a higher reduction of HGVs (doc 12, para 5.2, 5.3). The reduction in traffic on London Road meant that the access junction had extra capacity for side-road traffic. The personal injury accident record, one slight injury over the last five years, was good, and there had been no reports of accidents on the bridge over the railway.

13.4 Though not ideal, the site access junction had been improved by recent roadworks, including a roundabout 100 m to the north; visibility to the north had been improved to the appropriate standard, but that to the south only marginally improved. The junction could provide sight-lines to the south of  $2.4 \times 42$  m and  $4.5 \times 17.5$  m; a  $2 \times 200$  m sight-line allowed visibility well in excess of the distance required for 30 mph. PPG13 (1988) App C would require  $4.5 \times 90$  m; this could not be achieved to the south, but there had been only one accident in five years. PPG13 (1994) provided for sight-lines at 2 m or 4.5 m; paragraph 6 permitted all circumstances of each case to be taken into account; in the present case these were the substantial reduction in traffic on London Road, the small increase in traffic generation from the site, and the insignificant accident record; the highway authority

had not asked for any improvements or recommended refusal. The existing wide bellmouth allowed larger vehicles to turn into the road. Loads were likely to increase in size, but not in number. There was no reason, therefore, not to permit the development.

13.5 While it was accepted that 506 movements were equivalent to the traffic from an estate of 84 houses (ie 6 each a day), for which the minor road distance would be 9 m, the proposed development would have a more even distribution than a residential estate, and it did not matter if there were queues on a private road; there would no interference with the free flow of traffic or safety on London Road. The increase in traffic on London Road would have so little effect on the highway that it was not material.

13.6 The car parking proposed was adequate, but if necessary further parking could be provided to the north of the walled garden where the various workshops were to be demolished. This would not affect the listed building.

13.7 The council had agreed the traffic generation figures with the applicants. The opening of the by-passes had resulted in a significant reduction of traffic on London Road and a change in its character, with a greater reduction in HGVs. There had been only one accident at the access in five years. The new roundabout to the north had improved the safety of access to the site, and visibility to the north. Visibility to the south was unchanged, with sight-lines of  $4.5 \times 17.5$  m and  $2.4 \times 42$ ;  $2 \times 200$  for drivers at the edge of the carriageway was well in excess of the requirement at 30 mph. PPG13 (1994) included only 4.5 or 2.0 m minor road distances; although the 2 m distance was to be used only in exceptional circumstances, here the accident record indicated that there was no real problem, the increase in traffic using Shendish Lane was insignificant, and traffic on London Road had been reduced and had changed in character. In view of these factors the county council considered that there would be no adverse effect on the local road network. It was accepted that if the development was treated as equivalent to 170 houses (1,016 movements) the minor road distance and visibility along the major road should be  $9 \times 90$  m, but the matter should be considered on its accident record.

13.8 With regard to parking, there were now about 50 spaces for the 9-hole course and the present uses of Shendish House. To this should be added: 57 for the new hotel bedrooms and suites; restaurant and bar, 41; extended golf course, say 26; total 174. Overlapping use would reduce this, and here the council was prepared to accept the 125 spaces originally proposed. Land was available for the additional parking, for which planning permission would be required; car parking had never been an issue.

13.9 For Mr and Mrs Coulter, it was submitted that the total traffic generation was equivalent to that from 168, say 170, dwellings (1,016 movements + 6); there would be a further increase from the 18-hole golf course. This would require a minor road distance of 9 m with 90 m visibility; this could not be achieved. While it was accepted that these would not reach a peak at the peak hour as the traffic from a housing estate would, there was no guarantee of an even spread, leading to problems at the narrow bridge. Any major increase would result in extra hazard to existing users and unacceptable disruption to flows. Before allowing any reduction in standards it should be remembered that the access was neither level nor straight, and that it would be used by tired sportsmen, wine and dined visitors, and people who had attended functions. The standards were there to prevent accidents, not to be imposed only if deaths occurred. There was no justification for reducing the minor road distance to 4.5 m, let alone to 2 m. No survey of actual use had been carried out.

13.10 If the council's car-parking standards were applied, there would be a considerable increase, requiring some 253 spaces in total; divided by 2, this virtually equalled the council's 125.



13.11 Mrs Head and Mrs Hunt were concerned about the access and dangerously narrow bridge; the hotel would bring more large vehicles. They were also concerned about where car parking would go. Dr Anderson pointed out that the access had been constructed as a carriage road, without proper foundations and over a Victorian cast-iron railway bridge. There would be heavy construction vehicles; the road was not adequate for the present traffic.

*Inspector's comments*

13.12 The increase in traffic would affect the convenience, perhaps the safety, of users of the drive, particularly in the negotiation of the restricting railway bridge on a bend in the drive; this, however, is a matter for the owners and other users as it is a private road. With regard to the access from London Road, the applicable standard for visibility is set out in Annex D to PPG13 (1994); the earlier PPG13, also referred to by the applicants and the county council's witness, has been superseded and is no longer appropriate. Paragraph 2 indicates three minor road distances, 9 m, 4.5 m, and 2 m; the major road distance for 30 mph is 90 m, which can be achieved to the south only from the 2 m minor road position; there is sufficient visibility to the north. The 2 m distance is not appropriate for this access, where about 1000 movements are predicted per day including the additional traffic generation of the proposal [13.2]. At 4.5 m only 17.5 m can be achieved in visibility to the south, and less at 9 m; which of these is appropriate is of little relevance. The access would, therefore, be substandard.

13.13 The applicants and the council referred to special circumstances which would justify a relaxation of the requirements of PPG13; these included the accident record and the small increase from the maximum generation of the existing uses of the road. The increase amounted to 4 vehicles per hour, with a total maximum of 64 leaving the site in an hour, ie a rate of 1 per minute [13.2]. The use of London Road has dropped substantially since the opening of the Kings Langley and Berkhamsted by-passes in 1993 [13.3].

13.14 In the light of these matters I consider that there is no objection to the use of the access for the proposed development, and that there would no material impact on the local road network.

13.15 With regard to car parking, I am not satisfied that the amount proposed, some 90 spaces, would be adequate for the considerable increase in activity on the site, in spite of the overlap of functions. The figure of 125 which has been reached by the council and by an objector [13.8, 13.10] seems reasonable to me. I think that this amount ought to be provided at the outset, not left as space to be provided at a later stage, so that its location is determined as an integral part of the development.

#### 14 CONDITIONS AND AGREEMENTS

14.1 The council put forward schedules of draft conditions for planning permission and listed building consent (doc 29a, b). For the planning permission these refer to the following matters: commencement (condition 1); details of paving and surfacing (2), external materials (3), refuse/delivery area (6), abutment of new roof to existing structures (7), fencing and protection of trees (8), and treatment of doorways where fire escapes are removed (13); provision of parking spaces for disabled persons (4); no widening of verges of drive without prior approval (5); landscaping (9, 10); refurbishment of listed building before occupation of new buildings (11); no temporary structures, tents or marquees (12); new external basement doors in existing building to have clear glazing (14); new mullioned window and door surrounds to be matching natural stone, except on new bedroom block (15); completion of sewage disposal works before occupation (16); details of additional car parking provision for 45 vehicles (17).



. Conditions and agreements .

14.2: For the listed building consent these are: commencement (1); details of paving and surfacing (2), external materials (3), refuse/delivery area (4), abutment of new roof to existing structures (5), demolition and alteration to existing golf clubhouse (8), and existing buildings and structures to be demolished (10); schedule of internal and external alterations and additions to listed building, to be carried out prior to occupation (6); no temporary structures, tents or marquees (7); and new mullioned window and door surrounds to be matching natural stone, except on new bedroom block (9).

14.3 It was suggested on behalf of Mr and Mrs Coulter that there should be a noise condition; the open ground allowed airborne noise to carry over a long distance from late night drinking, conference parties, and the use of outside marquees; the noise could be unacceptable. Condition 12 for planning permission (condition 7 for lbc) should require that no temporary structures, tents or marquees should be 'erected, kept or used'. It was not appropriate to control car parking by condition because it affected the setting of the listed building.

14.4 The applicants questioned whether listed building consent was required for the items in condition 7, which would be free-standing; the condition was superfluous. Condition 17 on the planning permission was not necessary, as car parking could be as shown. The applicants would accept a noise condition, but would resist the marquee condition.

14.5 No agreements were submitted or proposed to be entered into at the inquiry.

## PART III : GENERAL CONCLUSIONS & RECOMMENDATIONS

### 15 GENERAL CONCLUSIONS

15.1 In the light of all the evidence put before me, the submissions made both at the inquiry and in writing, my observations of the site and its surroundings, and the detailed comments I have already made, I have reached the following conclusions on the matters which were identified by the Secretary of State.

#### a. Green Belt and Landscape Development Area (see sections 6 and 9)

14.2 The proposal is contrary to the development plan policies and the guidance of PPG2 for the green belt. This is not disputed. With regard to the landscape development area, the proposal would not in itself be contrary to policy since it would involve the renovation, improvement and maintenance of the landscape surroundings of the appeal site.

#### b. Very special circumstances (see para 5.2 and sections 7-11)

15.3 The applicants put forward five matters which they considered to be very special circumstances. The council considered that only one of these, the matter of enabling development, was a very special circumstance. I have concluded that there are no very special circumstances which would justify the proposed departure from the policies for green belt.

#### c. Effect on the listed building and its surroundings (see section 12)

15.4 While I consider that there would be some benefits to the listed building and the landscape, I conclude that the proposal would cause substantial harm to the setting of the listed building. The works to the listed building itself, for which listed building consent has been granted and which I have not examined in detail, appear to be acceptable in general, although one principal room will be spoiled by the insertion of a lift shaft.

#### d. Minimum development necessary to secure the future of the listed building (see section 8)

15.5 As I am not satisfied that the development as now proposed would itself be viable, I cannot accept it as securing the future of the building, nor reach a conclusion that it is the minimum development necessary for that purpose.

#### e. Impact on the local highway network (see section 13)

15.6 The main traffic problem lies within the site on private land, and not on London Road. I am satisfied that the failure of the access to comply with the visibility requirements of PPG13 southward in London Road is acceptable in the circumstances of this case and that the local highway network is capable of absorbing the small increase in traffic without affecting the free flow of traffic or the safety of other users of the public highway.

### Conclusion

15.7 In view of my conclusions set out above and my detailed comments made earlier I consider that it would be wrong to grant either planning permission or listed building consent, and I shall recommend accordingly.

15.8 If it is decided that planning permission and listed building consent should be granted, it will be necessary to impose conditions. The conditions proposed by the council appear to be generally appropriate. As stated by the applicants, listed

General conclusions

building consent would not be needed for temporary structures, tents or marquees if these are free-standing (condition 7); however, the corresponding condition on the planning permission (condition 12) should be retained, since these could have a significant effect on the setting of Shendish House, but the condition should be modified to include the words 'without the written approval of the local planning authority'. A noise condition would be appropriate, but none was put forward. With regard to the car parking, it seems to me, as already indicated (para 13.15), that 125 spaces should be provided at the outset; the condition should be rephrased to refer to the provision of a total of 125 spaces including those already existing or proposed.

**16 RECOMMENDATIONS**

16.1 In the light of my conclusions set out above I make the following recommendations:

- 1 that the planning application (4/0456/93FL) be refused;
- 2 that the listed building consent application (4/1087/93LB) be refused.

I have the honour to be,  
Sir,  
your obedient servant

Stephen Marks

## APPENDIX I: APPEARANCES

### FOR THE APPLICANTS

Mr Douglas Raine	Ottaways, The Mansion, 1 St Peter's Street, St Albans, Hertfordshire, AL1 3DJ
witnesses	
Mr D Lane BSc(Hons) DipTP MRTPI	Principal, David Lane Associates
Mr G V Bunyan	Geoffrey Bunyan Associates, Planning and Arboricultural Consultancy, Landscape Design
Mr P Field CEng MICE MIHT DipTE DMS	Highway Planning and Traffic Engineer
Mr P Meacher DipArch RIBA	Sole principal
Mr B Warner FCA	Warner, Chartered Accountants
Mr D E Parker ARICS	Director of Streetneat Ltd
Mr J C Crawford BSc ARICS	Consultant to Humberts Leisure Ltd
Mr M Thornberry MBA BA(Hons)	Business Planning Consultant

### FOR THE PLANNING AUTHORITY

Mrs Amanda Walker	Senior Solicitor
witnesses	
Mr J E Knapp DipTP MRTPI	Principal Planning Officer, Dacorum B C
Mr C J Higenbottam BA(Hons) BArch(Hons) DiplCons(AA) RIBA	Hertfordshire Building Preservation Trust
Mr R A McMullen AMICE	Assistant Divisional Highways Manager, Western Division, Transportation Dept, Herts C C
Mr D F O'Connor ARICS AISVA FLI	Senior Estates Surveyor, Dacorum B C

### FOR KINGS LANGLEY PARISH COUNCIL

Ms Mary Macpherson of counsel	instructed by Ms Kim Yexley, Clerk to the Council, 25a High Street, Kings Langley, Hertfordshire, WD4 8AB
-------------------------------	---

### OTHER PARTIES

Mr Ian Lawrie	Chief Executive of DRG, 1980-1992 Frithsden Copse, Berkhamsted, HP4 2RD
---------------	--

## Appearances

Mrs L Head	Paddock Cottage, Shendish, Hemel Hempstead
Mrs A C Hunt	The Pavilion, Shendish, Hemel Hempstead
Dr A J R Anderson    County Cllr	for Hertfordshire Conservation Society and others; Leeside, Rucklers Lane, Kings Langley
Mr and Mrs Gerald Coulter	Belstone, Roundwood, Rucklers Lane, Kings Langley
represented by Mr Robert Fookes of counsel he called:	instructed by Winckworth & Pemberton, 35 Great Peter Street, London SW1 3LR
Mr G Savage DipArch(Hons) ARIBA MSIA	Graham Savage Associates, Chartered Architect Planning & Design Consultants

## APPENDIX II: DOCUMENTS

Lists of persons present at the inquiry (4 days).

- 2 Notice of the inquiry and list of those notified.
- 3 Written representations relating to the inquiry.

### DOCUMENTS SUBMITTED BY THE APPLICANTS

- 4 Set of 12 drawings for planning application 4/1456/93FL and listed building consent application 4/1087/93LB: 6383/41 (location plan); 9323/01-06 (plans, elevations, section); 6383/29B (reception area and restaurant); 6383/39 (details); 6383/43, 44 (tree survey, car park and landscaping).
- 5 Set of 7 drawings for listed building consent application for alterations to Shendish House, 4/0826/93 (consent granted 28 October 1993): 9320/01, 6383/21, 23, 24 (floor plans); 8320/05, 6383/37, 38 (details of south basement door, north basement door, new door and window on west façade).
- 6 Letter dated 9 August 1993 from David Lane Associates to the council relating to the name of the owner of Shendish House.
- 7 D Lane: Proof of evidence; a. additional material on possible alternative uses for Shendish House; b. observations on car parking.
- 8 Album of appendices to proof of D Lane:
  - 1 list description of Shendish House;
  - 2 planning application 4/0456/93FL: correspondence, application forms, committee report;
  - 3 planning application 4/0456/93FL: financial information;
  - 4 listed building application 4/1087/93LB: application form and covering letter;
  - 5 listed building consent 4/0826/93 for alterations to Shendish House: application form, correspondence, decision notice;
  - 6 listed building application 4/0843/93LB for demolition: application form, correspondence, committee report;
  - 7 planning application 4/0774/93 for extension to existing golf course: application forms, correspondence, committee report, decision notice;
  - 8 planning application 4/1146/93 for installation of foul sewer: application forms, decision notice;
  - 9 tree preservation order;
  - 10 letter of 23 December 1993;
  - 11 examples of enabling development.
- 9 G V Bunyan: Proof of evidence, with appendix on estimated costs of landscape restoration/maintenance works.
- 10 Plan GVB1, relating to evidence of G V Bunyan.
- 11 Photographs illustrating evidence of G V Bunyan.
- 12 P Field: Proof of evidence, with appendices.
- 13 P Meacher: Proof of evidence, with coloured sketch of proposal (not as applied for); a. assessment of Shendish House and walled garden.
- 14 B Warner: Proof of evidence, with appendix.
- 15 D E Parker: Proof of evidence.
- 16 Appendices to evidence of D E Parker: a. Structural condition survey; b. Market and financial feasibility study for proposed hotel, by B Dunne, Hotel Management Consultant.



# . Documents .

- 17 J C Crawford: Proof of evidence, with appendix; a. appraisal based on projections of B Dunne.
- 18 Document relating to evidence of M Thornberry (was Appendix B to evidence of B Warner).
- 19 Reported cases: a. Sosmo Trust Ltd v Secretary of State for the Environment, London Borough of Camden;  
b. Brighton Borough Council v Secretary of State for the Environment and St Aubyn's School Trust Ltd.
- 20 Other plans: a. plan showing buildings to be demolished under application 4/0843/93LB (in abeyance) (6383/42);  
b. plan showing house before works proposed in document 5 (9322/06).

## DOCUMENTS SUBMITTED BY THE COUNCIL

- 21 J E Knapp: Proof of evidence; a. Examination of possible alternative uses for Shendish House.
- 22 Appendices to evidence of J E Knapp:  
a. report to committee dated 9 September 1993 on applications 4/0456/93FL and 4/1087/93LB;  
b. reports to committee on Stocks Hotel (1989), Pendley Manor (1989), Champneys (1992);  
c. extracts from Hertfordshire County Structure Plan Review and Alterations 1991, Dacorum District Plan 1984, Dacorum Borough Local Plan, Written Statement composite version 1994;  
d. other decisions relating to Shendish House (4/1475/87LB, 4/1453/87, 4/0485/89LB, 4/0826/93 (listed building consent for internal alterations)).
- 23 C J Higenbottam: Proof of evidence; a. Assessment of Shendish House and walled garden.
- 24 Appendices to evidence of C J Higenbottam:  
A list description;  
B Mark Jennings drawing 6383/2;  
C Notes by C J Higenbottam, 21 May 1992;  
D letter from the council to David Lane Associates, 29 May 1992;  
E Mark Jennings drawings 6363/1, 2, 3;  
F letter from David Lane Associates to the council, 3 September 1992;  
G Mark Jennings drawings 6383/4, 5;  
H Mark Jennings drawings 6383/16, 17, 18, 19, and 6383/20, 21, 23, 24.
- 25 Photographs illustrating evidence of C J Higenbottam, with key plan.
- 26 R McMullen: Proof of evidence, with appendices.
- 27 D F O'Connor: Proof of evidence.
- 28 Report by Horwath and Horwath (UK) Ltd, supplied to the council by the applicants during consideration of the application.
- 29 Draft conditions: a. for planning application 4/0546/94; b. for listed building consent application 4/1087/93.

## DOCUMENTS SUBMITTED BY OTHERS

- 30 Statement by counsel for Kings Langley Parish Council.
- 31 Documents relating to statement for Kings Langley Parish Council:  
1 committee report, 6 September 1993, relating to the report of the Local Plan inspector;  
2 policy 85 of DBLP as originally submitted;  
3 extract from inspector's report on DBLP;  
4 policy 85 of DBLP as proposed to be modified;  
5 policy 108 of DBLP;  
6 reported case: R v Westminster City Council Ex parte Monahan and Another.
- 32 Objection by Mr and Mrs G S Coulter: Proof of evidence of G C Savage, with appendices; a. additional information relating alternative uses and the architectural importance of Shendish House.
- 33 Documents submitted in relation to objection of Mr and Mrs G S Coulter:  
a. extract from 'English Garden Design' by Tom Turner (1970);  
b. extract from 'The English Garden' by Fleming and Gore;  
c. aerial view of Shendish House;  
d. extract from approved golf course plan, showing location of car park for inquiry proposal;  
e. car parking schedule;  
f. suggested additional conditions;  
g. statutory search report on P B H Properties III Ltd.
- 34 Particulars of sale of Shendish House, submitted by Ian Lawrie.