



# HUNSDON HOUSE HUNSDON

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REPORT PREPARED IN RELATION TO THE  
PROPOSED GILSTON AREA DEVELOPMENT  
APRIL 2018

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Worlledge Associates

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## WORLLEDGE ASSOCIATES

Nicholas Worlledge holds a Bachelor Science Degree in Environmental Planning and a Postgraduate Diploma in Historic Building Conservation and is a member of the Royal Town Planning Institute and the Institute of Historic Building Conservation. With over 30 years experience working for a number of local planning authorities up until 2015, when he decided to move to private practice.

He has experience of working on a wide variety of casework, in historic towns, large urban areas, rural settlements and country estates. He has project managed the repair of historic buildings, including a 13th century lepers' hospital in Blandford, an 18th century thatched stone cottage in Shaftesbury, an 18th century clay pipeworks in Broseley, the Franciscan Friary in Bridgnorth and the Martyrs Memorial, Oxford. He has been involved in significant commercial, residential and University building projects in Oxford – Westgate, Oxford Castle, the Ashmolean Museum, University Science Area, Radcliffe Observatory Quarter, Weston Library, colleges and the award winning Oxford Brookes campus building as well as providing specialist advice on a number of Country Houses and estates – Crichel House, Dorset, Tottenham House, Wiltshire, Nevill Holt Hall, Leicestershire, Aynhoe Park, Oxfordshire, Hunsdon House, Hertfordshire, Ombersley Court, Worcestershire, Great Tew Estate, Oxfordshire and Bathurst Estate, Gloucestershire. He is currently a panel member on the BOBMK Design Panel, which provides design, heritage and planning advice on emerging planning proposals.

His role with the local authorities involved him in detailed discussion on specific schemes with leading local, national and international architects and advising on strategic projects including Masterplans, Area Action Plans, Public Realm Strategies and Townscape Character Studies. His work, developing methodologies for assessing the character of and managing historic areas has attracted funding from Historic England and has been recognised with two RTPI Awards (in 2011 and 2013) for improvements in the planning process.



Fig 1: Principal south elevation of Hunsdon House facing towards the lakes and the development site beyond.

## INTRODUCTION

This report has been prepared, plotting the history of Hunsdon House and defining its heritage significance, including the contribution its setting makes to that significance, as a first step in understanding how the development of land to the south, east and west of Hunsdon House, proposed as part of the Gilston Area Development, would affect its significance. The report represents a sound evidence base to inform decisions on how any harmful impacts can be avoided.

The report will provide a brief chronology of the principal ownership, occupation and development of the house, before examining the use of the estate by Henry VIII and members of his Court in the period 1527-1559. It will provide a brief overview of the role of deer parks, deer parks in Hertfordshire, and the of the establishment, expansion and reduction in the three (3) Deer Parks that surrounded and formed an integral part of Hunsdon House, particularly in its period of ownership by Henry VIII, and occupation by Lord Hunsdon, and subsequent owners. It will demonstrate that some of the land proposed for development fell within the former parks.

The report will then assess the importance of the surviving elements of the former Deer Parks on the setting of Hunsdon House and the Church, and then provide an assessment of the potential impacts of the proposed development on the historic setting and understanding of Hunsdon House within the historic landscape.

This report should be read in conjunction with the *Landscape and Visual Assessment* (Pleydell Smithyman, 2018)

### SUMMARY OF IMPACTS

The historical evidence compiled in writing this report clearly demonstrates that the majority of the land owned by Briggens Estate lay in the former Deer Parks at Hunsdon, (Village 6) and

that a proportion of the land owned by Places and People (Village 7) also formerly lay within the Parks, particularly in the southern part of Eastwick Parish, and on the eastern side of Hunsdon Parish running north from Hunsdon House to Eastwick Woods.

Development that will be visible from Hunsdon House and its grounds will undermine the contribution its setting makes to its significance in the following ways:

- The proposed development will be visible from Hunsdon House and its grounds which will compromise the existing views that are experienced as one moves through the grounds and in views from principal rooms in the house. These views evidence and provide the experience of a very important country house set in an extensive undeveloped rural setting;
- The proposed development, in its built form and use (including noise and light pollution) will have a direct effect on and erode the sense of seclusion and exclusion that is a key component of the Country House and Estate. This impact on these qualities of seclusion and exclusion is highlighted in the accompanying Landscape and Visual Assessment, where it explains that the sense of tranquility will be undermined;
- The proposed development will erode the wider rural setting of Hunsdon House (and the Church) by introducing development in close proximity in what has always been undeveloped countryside.

The setting of Hunsdon House depends on much more than the intervisibility between it and other land (see *Steer v SSCLG* [2017] EWHC 1456, Appendix 3) and even if it was possible to screen views between the house and the proposed new development harm would still result in the following ways:

- The perception and understanding of an isolated large and important country house set in rural surroundings and how we experience it and its setting as one moves through the area would be adversely affected by the encroachment of urban development into the Gilston Area. The accompanying *Landscape and Visual Assessment* (2018) describes this in terms of 'tranquility', which is an apt description to identify the qualities of a large house which sits within an undeveloped rural setting;
- Existing views that 'borrow' from the wider landscape would be foreshortened and the understanding of the extensive rural landscape would be lost;
- Development on former deer park and landscaped park will erase evidence of the historic use and the historic and functional connection with Hunsdon House and sever the historical link with Brick House Farm;
- As the various phases of the proposed development at Gilston proceed there will be a cumulative impact on the heritage significance of Hunsdon House and Church, which together with other recent developments in the area will result in potentially substantial harm;
- Development will set a precedent for further development in the area further eroding the setting and adding to the harm to the significance of the highly graded listed buildings.

## HUNSDON HOUSE - BRIEF CHRONOLOGY

A considerable amount has been written on the history of Hunsdon House. A brief chronology is provided to assist the understanding of the development of the site and the location of Hunsdon House in a significant historic landscape, comprising three former Deer Parks, two of which were developed in the period when Hunsdon House was a Royal Palace, (1527-1559) and used to house members of the Royal Household, and for hunting. It draws on the Victorian County History of Hertfordshire, supplemented by additional sources.

DATE	EVENT
1447	Duke of York granted a license 'to build within his manor of Hunsdon a tower of stones, with lime and sand, and to embattle the same.
1488	Manor of Hunsdon granted by Duke of York to Sir Thomas Oldhall his chamberlain
1455-8	Sir Thomas Oldhall made additions to the Tower house at a cost, according to Clutterbuck (1758) of £7,200
1471	The manor of Hunsdon was bought by Edward IV (reign 1461-1470 & 1471-1483) and held by the Crown
Early 1500's	Henry VII (reign 1485-1509) granted it to his mother Margaret the Countess of Richmond and her husband Thomas the Earl of Derby.
1509	Death of Margaret manor reverted to the Crown and Henry VIII (reign 1509-1547) granted it to Thomas the 2nd Duke of Norfolk.
1524	Inherited by Duke of Norfolk's son Earl of Surrey – tower reduced in height
1527	Sold to Henry VIII - used as a nursery for his children, Mary, Elizabeth and Edward
June 1528	Henry VIII resides at Hunsdon to avoid sweating fever in London
12th Jan 1532	Created an Honour for Hunsdon, which incorporated a number of adjoining Manors, including Eastwick, Stanstead Abbots, Bowerhouse, Roydon (Essex)
March 1533-4	Manor of Pishobury in Stanstead Abbots added to the Hunsdon Honour
February 1534	Master surveyor of the King's works at Hunsdon reported on the expenditure of £2,900. £19,000 in total expended by Henry on Hunsdon
Feb 1536	Princess Mary sent to Hunsdon to join Elizabeth
June 1536	Henry's Privy Council led by the Duke of Norfolk visit Princess Mary
1538-40	Princess Elizabeth at Hunsdon
1539	Prince Edward noted as being at Hunsdon and receiving gifts at New Year

DATE	EVENT	DATE	EVENT
1546	May-July Prince Edward at Hunsdon resident. Painting shows Edward with Hunsdon House, Church and park in the background - appendix 2	1793	Died without issue house went to his nephew Nicholson Calvert
1547	Edward VI (reign 1547-1553) assigned the house as a residence for his sister Mary who lived there until Edward died in 1553	1805	Major works undertaken by Nicholson Calvert (1764-1841) resulting in almost total rebuilding. Engravings of the house before and after rebuilding included in appendix 2
1559	Queen Elizabeth I (reign 1558-1603) granted it to her cousin Henry Carey, creating him Lord Hunsdon. It comprised the mansion with estates of three manors adjoining	1841	Estate to Felix Calvert (1790-1856) eldest son of Nicholson Calvert
1571	Elizabeth visits Hunsdon House as part of her September processes'	1841-58	House left empty
1596	First Lord Hunsdon died and estates went to his son George Carey, second Lord Hunsdon	1856	Felix Calvert died without issue and estate went to his brother Edmund Calvert (1797-1866)
1603	Second Lord Hunsdon died without issue, title and estates go to his brother John Carey, Third Lord Hunsdon	1858	Estate put up for sale. Purchased by James S. Walker of Hunsdonbury
1617	Third Lord Hunsdon died and title and land inherited by Henry Carey, fourth Lord Hunsdon, who was created Earl of Dover by Charles I in 1627	1858	Mr. Walker then sold the manor to Mr. Charles Phelips who, in 1861 sold it to Mr. James Wyllie, in whose family it remained until 1882.
1668	On death of Earl of Dover title and estates descend to his son John Carey, who sold the seat to William Willoughby		Mr James Wyllie undertook works to the house and grounds – He re-fenestrated the house, created a new columned staircase hall and added a veranda on the south side of the building. A C19th image of the house is included in appendix 2
1671	Purchased from William Willoughby Matthew Bluck, Esq, who was succeeded by his son Matthew Bluck. Extensive demolition and extensions took place during this period. An engraving of the house is included in appendix 2	1882	House purchased by Mr. Spencer Charrington of the brewing family
1743	Matthew Bluck's grandson Mathew mortgaged the estate to Josias Nicolson, a wealthy brewer from Clapham, London, whose daughter married Felix Calvert Esq. Extensive works were undertaken reducing the size of the house. Engravings of the house in 1758 are included in appendix 2	1904	Spencer Charrington dies
1759	House left by Mr Nicholson to Felix Calvert's son Nicholson Calvert MP (1724 – 4 May 1793)	1906	House put up for sale but Charrington family remained in residence
		1906	Mr. Edmund Knowles Charrington (1863-1923) inherits and the property which is occupied by his sister Mrs Alethe Marian Montgomerie Charrington
		1923-1956	Mrs Alethe Marian Montgomerie Charrington
		1983	Owned by Martin Laing of Laing Construction Group



## ROYAL PALACE OF HUNSDON 1527-1559

It was during this period that Hunsdon was developed as a Royal Palace.

R. Clutterbuck in his *History of Hertfordshire* (1758) observed *'Anno 23 Henry VIII, the King having erected a palace royal here at his great cost and charges, where he was pleased to resort for the preservation of his health, did annex the Manors of Royden and Stanstead [in Essex and Hertford], and other lands, to his palace, and made them an honour, and this palace the capital place of the honour; and the King made choice of this seat for the breeding and education of his children, in respect of the benefit of the air'*<sup>2</sup>

Simon Thurley in *Houses of Power The Palaces that Shaped the Tudor World*, explained. *'An honour was simply a group of landholdings centred on a principal residence... it symbolized the prestige the King wished to give them... Being an honour conferred no legal benefits, nor was it the most modern or efficient way to collect income. It was a feudal title, a reference to ancient duties and responsibilities. It was, in fact, part of the chivalric image Henry wanted to create around his houses and estates.'* Henry had created an honour at Beaulieu in 1523, and went on to create one for Hampton Court in 1539.<sup>4</sup>

The Honour originally comprised Hunsdon and Eastwick, with Henry obtaining Stanstead Abbott from the Abbey in exchange for a Monastic House at Blackmore Essex in 1531, and purchasing Roydon from Christ College, Cambridge also in 1531.<sup>5</sup> In 1533 the King acquired the Manor of Pishobury (Essex) from Lord Scrope. It included a park nearly 2 miles in circumference, well wooded, with game, deer and coneyes (rabbits), and a lodge on one side for the keeper.<sup>6</sup>

The house was extensively added too and was reputed to have cost £19,000. In February 1534 the *'master surveyor of the King's works at Hunsdon'* reported on the expenditure of £2,900 applied to this purpose: *'for "paresles" of freestone for the chimneys in the King's watching chamber, palett chamber, privy chamber, and*



Fig 2: Henry VIII and his family shows the king seated in the centre beneath a canopy of state flanked by his third wife, Jane Seymour and Prince Edward, later Edward VI. On the left is Princess Mary, later Mary I, the king's daughter by his first wife, Catherine of Aragon, and on the right Princess Elizabeth, later Elizabeth I, his daughter by his second wife, Anne Boleyn.<sup>3</sup>

*in the other chamber beneath the same; for lime, plaster, "rigge tyles," corner tiles, paving tiles and plain tiles; for timber, and for wood bought by the acre; for wainscoats, laths, pails, tile pins, hooks, hinges, locks, clasps, keys ... new glass bought of Galyon Hone and "sett with symond,"*<sup>7</sup>

Hunsdon House was also important to the King for other reasons. Known to have been a keen sportsman – at least in his youth – Henry valued the property for its hunting facilities. These were mentioned as early as the 13th century when the Engayne family held the estate and made notable by prominent visitors such as the archbishop of Canterbury who hunted there c.1458. Henry is understood to have created two additional Deer Parks at Hunsdon, as discussed below.

The King was at Hunsdon in June 1528 with his wife Catherine of Aragon seeking temporary refuge following an outbreak of the 'sweat' in London. *The king returned to Hunsdon in 1530, 1531 and 1532, but on these occasions Anne Boleyn was by his side. Like all grand Tudor houses, in addition to well-appointed*

*lodgings Hunsdon also boasted an orchard, fishponds, gardens and a deer park. Henry and Anne made the most of all the diversions on offer, namely hunting, shooting, hawking and fishing. In September 1532 Henry conferred on Anne the title of Marquess of Pembroke and granted her lands worth £1,000 a year, including the Manor of Hunsdon. Over the next few years Henry and Anne made several visits to Hunsdon.*<sup>8</sup>

Hunsdon, together with Hatfield and Beaulieu was used as a nursery for Henry's children Princesses Mary, Elizabeth and Prince Edward. In February 1536 Princess Mary was moved from Hatfield House, Hertfordshire, where she had a Court, to Hunsdon to be with her sister Elizabeth. This was due to Princess Mary, the daughter of Catherine of Aragon, not supporting Henry VIII's claim that he was never legally married to her mother.

On 15th June 1536, a member of Henry's Privy Council led by the Duke of Norfolk arrived at Mary's home in Hunsdon to coerce Mary to agree to Henry's demands and was promised with reconciliation with her father if she did.



Fig 3: Late 16th painting of Ann Boleyn in National Portrait Gallery.



Fig 4: Princess Mary later Queen Mary National Portrait Gallery.



Fig 5: 1546 portrait of Prince Edward. The portrait was probably completed not long before the King's accession on 28 January 1546. The view through the window is of Hunsdon House and the Parish Church of St Dunstan's.





Fig 6: Princess Elizabeth in 1546, possibly by the same artist as Prince Edward, also in the Royal Collection



Fig 7: Henry Carey, Lord Hunsdon

In 1546 Prince Edward was resident at Hunsdon. A portrait by an unknown artist in the Royal Collection shows him with Hunsdon House, Church and Park in the window.

The jewel around his neck is decorated with the coronet and feathers of the Prince of Wales.<sup>9</sup>

Following his ascent to the throne, Edward VI granted Hunsdon House and estates to Mary, where she resided and heard the news of the death of Edward, and the usurpation of her Royal title by Lady Jane Grey. It is unclear what the role the house and estate played during Mary's brief reign.

When Elizabeth came to the throne in 1559 she inherited a large amount of residences built and/or acquired by her father Henry VIII, and soon began a process of disposal. In March 1558–9 (six months after her accession) Queen Elizabeth granted this manor, with house and lands, &c., to her cousin Sir Henry Carey, kt., and his heirs male, she having already (January 1558–9) created him Lord Hunsdon.

In 1571 Elizabeth visited Hunsdon House, with Lord Hunsdon being a key member of Elizabeth's Court. In the period 1527 to 1559 Hunsdon had been transformed from a medieval house in a Deer Park, to a Royal Palace with three Deer Parks, located within the Hunsdon Honour covering 5 Manors. A house of the highest possible status set in a broad private hunting landscape.

## HUNTING LANDSCAPE - ROLE OF DEER PARKS<sup>10</sup>

Equally important as socio-political statements in the medieval period were the physical settings of castles and large baronial estates. Like the buildings of the period, these were landscapes meant to both display and express power while simultaneously excluding unwanted elements.

The planning of castles and other high status buildings manipulated the experience of the wider visual landscape in sophisticated ways. Essentially new modes of countryside management were developed in the form of parkland and forest to serve, amongst other things, the elite passion for the chase. Hunting was a key mechanism for the expression of status and as a means of communicating social differentiation. *“The ritualised display of violence through hunting was an essential element of elite identity across medieval Europe”* (ibid: 122) and had a wide impact on society. The most tangible impact of the practice on the countryside came in the form of the deer park.

*“Parks constituted elite landscapes in their own right, often forming stunning visual backdrops for palaces, manor houses, monasteries and castles”*

Simon Thurley provides a summary of hunting in the Tudor period as follows,<sup>11</sup>

*The animal that the Tudor kings most desired to hunt was the red deer- then usually called the hart, today the stag. There were essentially two types of stag hunting, the first of which was the chase. This was the most energetic and skillful. A stag would be identified the night before the hunt and in the morning would be flushed out by the king’s dogs – normally bloodhounds. The chase would start and, as the stag ran, more dogs would be bought to bear while the king and his companions gave chase. Stags run fast and far, so the chase often covered many miles and took many hours... The other way was more static. It involved driving the deer towards the huntsmen, who were armed with long-bows or, more usually, crossbows. The deer would*

*be chased by dogs but guided towards their death by beater, nets, sheets of canvas called toils, or in some parks by hedges. Hundreds of deer could be killed in one go like this... This type of hunt was much more likely to take place in one of the enclosed parks surrounding a royal house.*

Figure 8 of the memorial to James Grey, park keeper at Hunsdon, who died in 1591, clearly shows that the second method of hunting deer was practice in the Hunsdon Parks.

The social impact of medieval deer parks was vastly felt. Emparkment often resulted in the relocation and construction

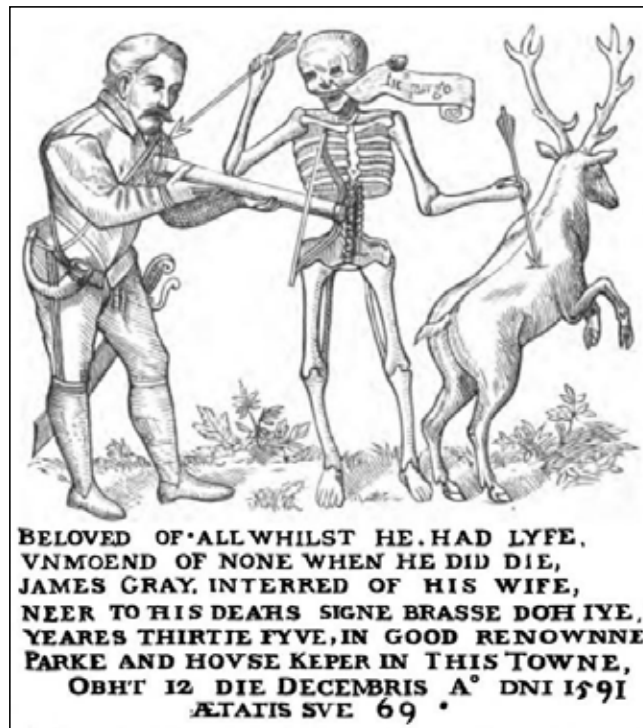


Fig 8: A sketch of a memorial in Hunsdon Church to ‘James Grey, renowned parke and house keeper in this towne’<sup>12</sup>

of new settlements or the desertion of places altogether. Other, perhaps less intrusive interventions included the diversion of roads, often in order to manipulate views towards the castle/ manor house to achieve a dramatic effect. Of particular importance in the development of parks was the achievement of a sense of ‘seclusion and exclusion’.

This desire to seclude ‘elite’ places from their environs was a phenomenon that was for instance displayed in Henry VIII’s development of the area around a number of his palaces, notably Hampton Court and Whitehall.

Subsequent change has resulted in the loss of these secluded landscapes, Where they still survive, such at Hunsdon House their rarity enhances their significance.

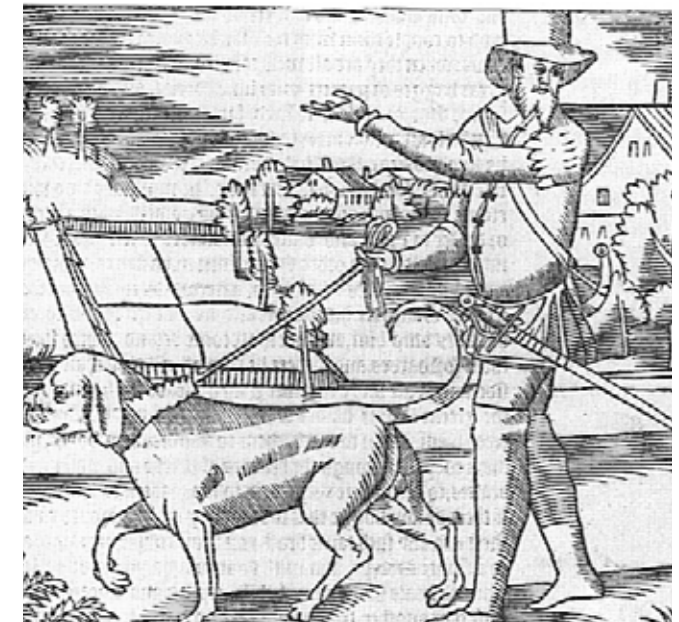


Fig 9: A woodcut of a bloodhound used for hunting.<sup>13</sup>

## DEER PARKS IN HERTFORDSHIRE

Hugh Prince in *Parks in Hertfordshire Since 1500*, in discussing Elizabethan Parks comments that 'parks appear to be ancient, almost permanent features in the landscape, but in Hertfordshire during the sixteenth century an exceptional amount of change took place, the Elizabethan maps show many parks that change hands and change character after the Tudors came to power. Christopher Saxton's Map of 1671 outlined twenty-six parks with palings in the county, while John Norden map of 1598, noted thirty-six parks in the county.

In the book on the Hertfordshire Landscape it comments, in relation to deer parks, that *'although there were clearly a number of imposing mansions in the county in the later Middle ages, it was the establishment of the centralized Tudor state in the sixteenth century and the growing importance of a court based permanently in and around London that saw a marked increase in their number. The Tudors took a keen interest in the county. From early in his reign Henry held deer parks at Cheshunt, Hertfordbury, Berkhamstead, Kings Langley, Standon Hunsdon and Weston* In relation to Hunsdon, *'Henry... spent thousands of pounds improving the fifteenth-century house... where he also laid out two new parks in addition to the one already there... Henry's obsession with hunting ensured that by 1540 he owned around half the parks in the county.'*<sup>14</sup>



Fig 10: The original tower house and royal palace on the site of Hunsdon House would have been designed to have extensive views over the deer parks and the Estate. The present tower at Hunsdon House preserves this extensive view over open countryside.



## THE HUNSDON DEER PARKS

The Victorian County History for the Parish of Hunsdon, together with the Historic Environment Record (HER) for Hertfordshire for the site of the Medieval Deer Park, Hunsdon House, and Anne Rowe, *Medieval Parks of Hertfordshire* (2009) provides a summary of the history of the Parks at Hunsdon and attempt to plot the extent of the parks.<sup>15</sup> The Victoria Country History notes:

*Henry Engayne, lord of the manor of Hunsdon, received a grant of free warren in the demesne lands of the manor in 1253. A park was inclosed shortly afterwards, for in 1296 a commission was appointed 'touching the persons who entered the park of John Engayne at Hunsdon, hunted therein, and carried away deer.' In 1445 it was reported that Richard Duke of York might safely 'inclose a way (100 virgates long and 16 ft. wide) called Jermynslane leading from Eastwick to Hunsdon, in his park of Hunsdon, making another road on the south of the park.' The park also occurs in the life-grant of Hunsdon to the Countess of Richmond in 1503.<sup>16</sup>*

Rowe observes '*Unfortunately there appears to be no record of the size of this first park and as a result of subsequent enlargements, the creation of additional parks at Hunsdon by Henry VIII... and the changes in the names used for the parks over time, it is difficult to determine the boundaries of the medieval park with any confidence. However, a few clues in later documents suggest that the earliest park lay to the east and south east of the village of Hunsdon*'

In 1529, only two years after Henry VIII acquired Hunsdon and

*Eastwick Manors there were three royal parks at Hunsdon: the 'old,' the 'new,' and 'Goodmanneshyde.' In August 1532 Stephen Gardiner wrote to Wolsey from Hunsdon: 'I have been hunting from morn till night by the king's commandment.'*

Rowe found records in the National Archives for 1536/7 showing that the rector of Hunsdon was to be paid 25s 4d a year and the Rectory of Eastwick 5s 8d for the lands enclosed in the 'new park', supporting the view that the new park lay mostly in Hunsdon but stretched into Eastwick. Rowe also found that 'at some time after 1536 the tithe payment on 775 acres of parkland 'formerly known as three parks' was replaced by a modus payment of fifteen shillings and four pence per annum'.<sup>17</sup>

The 1546 portrait of Prince Edward, later Edward VI, (figure: 5) painted at Hunsdon, shows deer grazing within a palling park southwest of the church and Hunsdon, with Rowe suggesting that this may be Goodmanshyde park. The name does not recur in the records after 1536, with different names being used to record the parks.

A similar view still exists today. (See Figure 12 overleaf)

In 1556 a survey was undertaken of the parks for Queen Mary and King Phillip. Rowe tabulated the extent of the parks, which recorded the 'Laundes & Feeding', 'Wood ground', 'Ponds' and number of deer of all sorts. In this survey the parks are Great Park, Little Park, and Pond Park. 'Ponds' is most probably a reference to the string of fish ponds located behind the viewer in the Edward VI portrait (figure 11).



Fig 11: View of Hunsdon House in the background of the 1546 painting of Prince Edward. The view is from the southwest showing the extensive house, church to the west and deer grazing within a palling enclosure.



Fig 12: The current view of Hunsdon House and the church shown in the 1546 portrait of Prince Edward (See Figure 11).

Rowe notes the survey recorded *'the trees growing in the parks were overwhelmingly oaks – 750 in the great park, 140 in the little park and 60 in the pond park – with 60 ash, 4 'wyches' (presumably wish elm) and woodgrounds 'set with maple, thornes, hasell, hornbeam and oake'. The surveyors recommended that the little park and the pond park should be disparked but the great park should 'be kepte as a park for the stateliness[s] of the house'.*

Saxton's Map of 1583 shows the three parks, with the largest, the 'Great' park, which is thought to have been the original Medieval park to the north and the two newer parks 'Little' and 'Goodmanshyde' – later Pond Park, to the south and east of Hunsdon.

Norden's Map of 1598 (figure:14) shows the three parks, but also the roads making it easier to place the parks within the landscape. It clearly depicts the park to the southwest of Hunsdon lying to the west of the road passing Hunsdon House and the Church, and also stretching to the road from the south. The two continuous parks to the north and east of Hunsdon House also stretch south to the road north of Hunsdon Mill.

#### SURVEY OF PARKS 1556<sup>18</sup>

PARK	LAUNDES & FEEDING	WOOD GROUND	PONDS	TOTAL	NUMBER OF DEER
Great Park	262 a 3r	82a 2r		345a 1r	150
Little Park	201a	21a		222a	100
Pond Park	181a	35a	12a	228a 2r	80
Total	645a 1r	138a 2 r	12a	795a 3r	330





Fig 13: Saxton Map of 1583 showing the three parks at Hunsdon.



Fig 14: Joannes Nordens map of Hertfordshire 1598.<sup>19</sup>



Fig 15: Map by Joan Blaeu 1646 showing the three parks.

As noted above, in 1559 Queen Elizabeth granted Hunsdon and the three parks to Lord Hunsdon, and his successors, who are noted in 1598 as 'inlarging the house'.<sup>20</sup> Rowe notes 'Some time after 1628 Henry Carey, fourth baron and Earl of Dover, extended the great park eastwards as far as Cockrobin lane when he purchased 'certain lands called Spring... in the Parish of Eastwick. He may have also added other lands because Brick Hills, the Nursery, Eastwick Lawn and Edward's Downs were all recorded as being part of the park in 1684/85, but were not included in the lands covered by the Modus payment'

The 1646 map of Hertfordshire by Joan Blaeu shows the three parks, with similar boundaries to Norden 1598 Map.

Rowe considers it likely that 'Hunsdon's parks were probably disparked during the civil War: in 1636 the 'parkes and warrens or enclosed grounds' were known as 'Greate parke, Little parke and warren' but by 1653, all three had been disparked 'and laid into farmes and converted into Tillage and pasture now used and enjoyed by diverse severall tenants and farmers thereof... Lord Willoughby... appears to have reinstated much of the parkland in

the south of the parish between 1653 and 1671, when he sold the estate to Matthew Bluck. Late 17th century maps show two parks to the south of Hunsdon. Early 18th century maps, however, do not show any of the parks.

Following the de-parking, the majority of the park was divided into arable and pasture fields. Nonetheless, a number of field names, incorporating the suffix 'park' provide strong evidence of their former existence as part of the Hunsdon Parks in the Tithe Award Maps of 1842 for Hunsdon and 1846 Eastwick.



Fig 16: Map of Hertfordshire by Dury and Andrews circa. 1760.<sup>21</sup>

The schedule to the Award lists the following portions

90 The Park (part of)	114a - 1r - 7p	surrounding the house
81 Nine Ashes Park	51a - 2r - 7p	immediately to the north
136 Great Park	19a - 1r - 13p	to the south west of 90
137 Little Park	13a - 1r - 24p	" " " "
140 Little Park	23a - 0r - 9 p	" " " "
94 Jagers Park	16a - 3p - 38 p	west of Brick or Roan Farm

The names of the fields to the west of the road are reminders of the former park shown on the 1546 painting and the 16th and 17th century maps, and almost certainly stretched down to the road to the south.

The Tithe Award Map for Eastwick, similarly includes field names which have the suffix 'park', with these being contiguous with the portions on the Hunsdon map.





Fig 17: Map from Rowe Medieval parks in Hertfordshire plotting the possible extent of the original Medieval Park, but also notes the names of fields likely to be related to the two parks created by Henry VIII and later extensions in the 17th century.

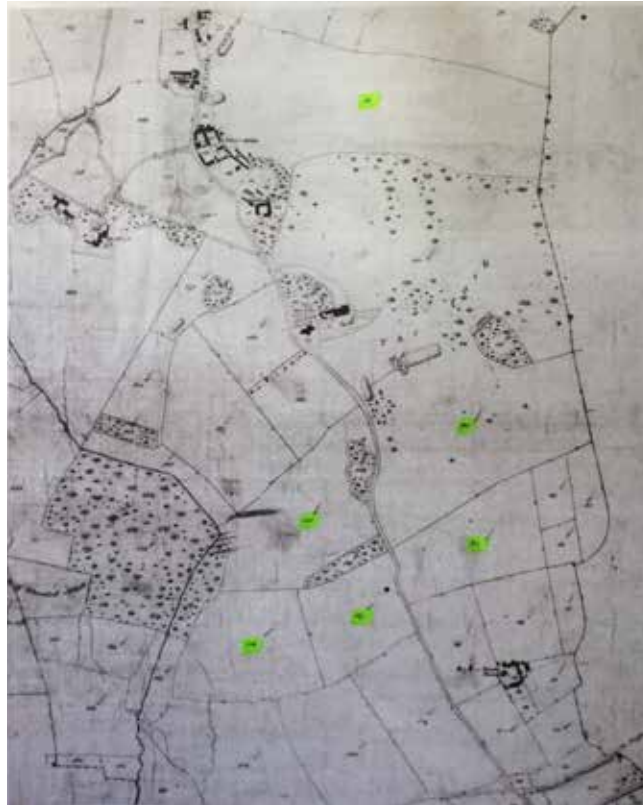


Fig 18: Extract from the 1842 Tithe Award Map for the Parish of Hunsdon showing the park surrounding Hunsdon House and the church.

The following portions lie between East Wick Hall Farm and Garmans [Germans Jerymans 1445] and the western boundary with Hunsdon parish.

72 Lower Park Field	24a - 0r - 12p
73 Great Park Field	31a - 3r - 2p
74 Great Park (part of)	21a - 2r - 10p
75 Little Park	9a - 2r - 37p
76 Little Park Field	14a - 3r - 1p
50 Part of Little Park	2a - 0r - 15p
17 Hither Springs	17a - 2r - 32p
35 Further Springs	20a - 3r - 29p
52 Garman Park	12a - 0r - 19p

Rowe, using the 1842 and 1846 Tithe Award Maps attempts to map the original Medieval Deer Park, which all evidence suggest lay north of Hunsdon, and also notes the names of the fields to the east and south which suggests the land was formerly part of one of the three parks.

In 1858 The Hunsdon Estate was put up for sale. The Mansion of Hunsdon was contained in a lot of only 10a – 3r – 31 p, with the land surrounding the house being included in two farms, Brick House Farm to the south and Nine Ashes Farm to the north.

The sales particulars for Nine Ashes farm, lists portions 177 and 180 as Great Park, and 177 and 180 as Little Park comprising 150a – 3r – 35p. The Sales particulars were not included for Brick House Farm to the south, but portions 196 and 181 were part of the Park shown on the 1842 and 1846 Tithes. Portions 197, 273 and 275 (part) are equivalent to 136, 137 and 140 on the 1842 Tithe. It is considered that it was as a result of the 1858 sale that 'The Park' surrounding Hunsdon was divided, with the southern half being included in Brick Farm.

It is thought likely that Nine Ashes Farm was purchased with Hunsdon House, thus maintaining a large portion of the Park. An undated sales advertisement newspaper clipping, thought to be late 19th [1882] or early 20th century [1906], describes Hunsdon House as lying in 90 acres of grounds.

*90 acres, Historical Residence, Park, 20 Beds and Dressing Rooms, 6 Reception Rooms, Billiard Room, Stabling for 10 horses HERTS, a first-class residential and hunting country, 3 mile from two railway stations, and about 6 miles from the country town – To be sold, an imposing Family Mansion, well situated on high ground, facing south and commanding extensive views, on dry gravelly soil. The residence is well situated in a picturesque park, well timbered with fine old trees. The grounds are interspersed with winding paths, clumps of evergreens, well-kept lawns, flower beds, and boarder, and ornamental waters.*

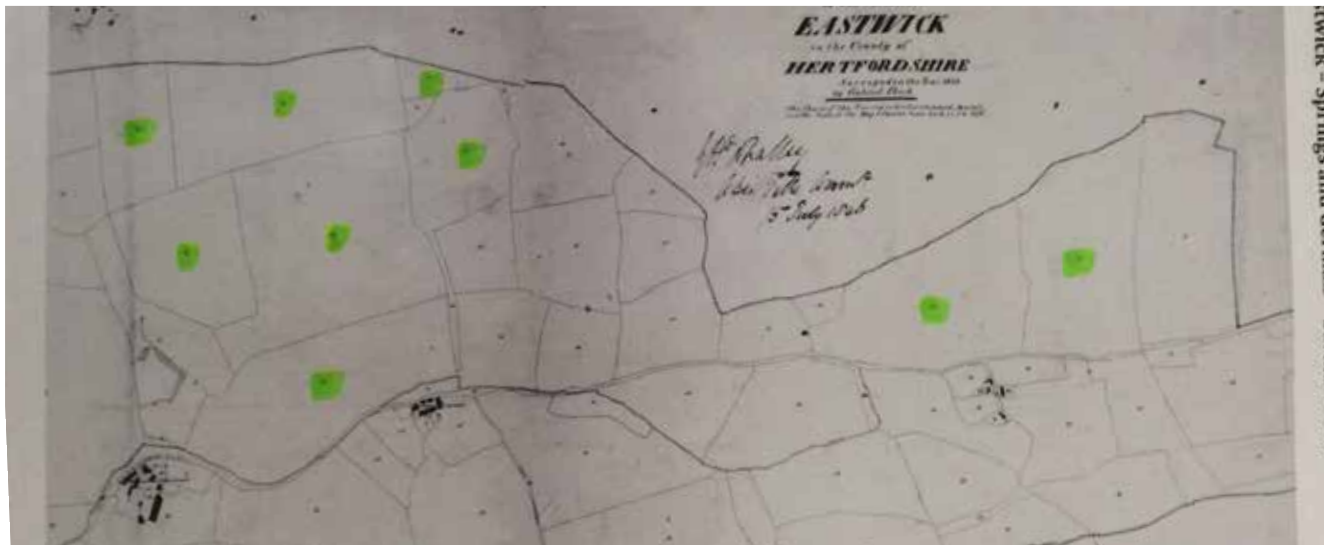


Fig 19: Tithe Award map for Eastwick dated July 1846.

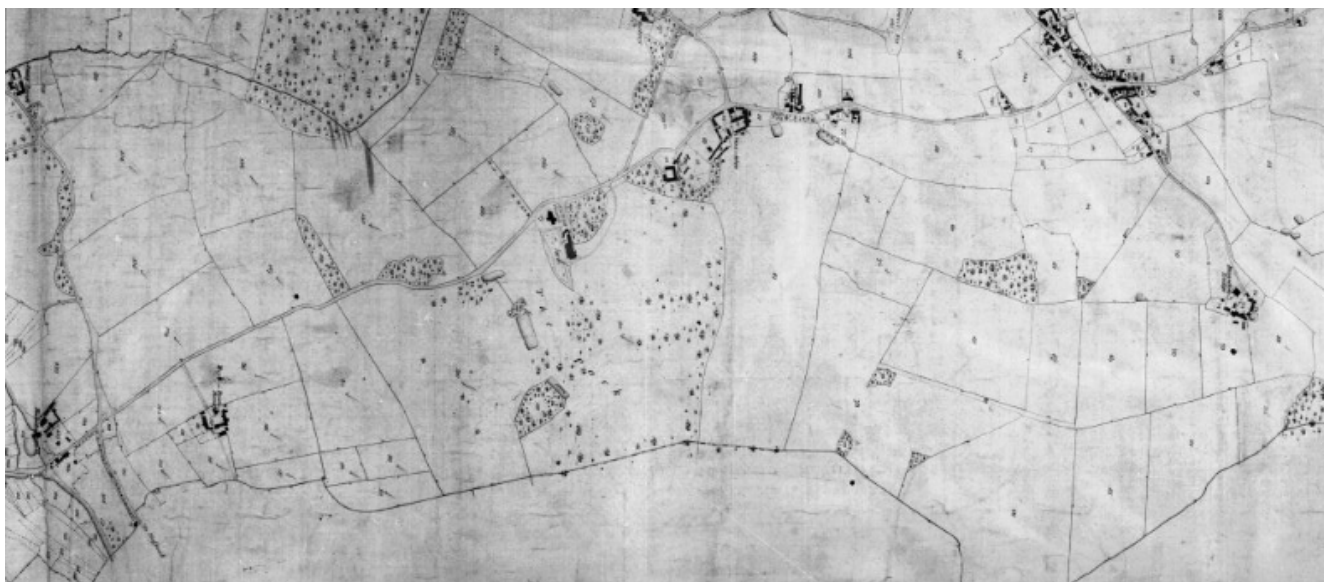


Fig 20: 1842 Tithe Award Map Hunsdon showing Hunsdon Mill at the southern end and the edge of Eastwick Wood with Hunsdon and the Park in the middle. While the exact boundary is not clear the evidence clearly indicates that most of the land on the eastern boundary of the parish and lands to the west on Brick Farm lay within the former Hunsdon Deer Parks.

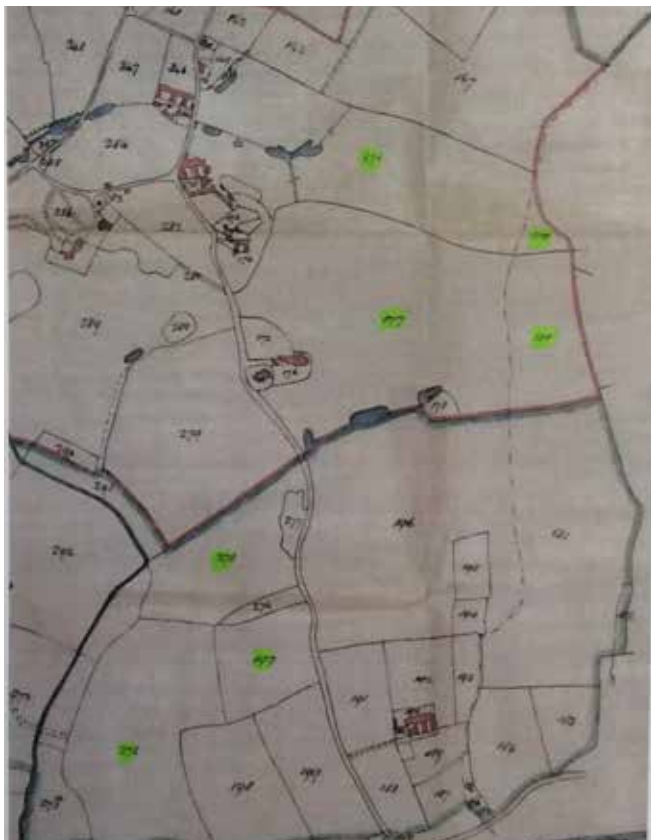


Fig 21: Plan of 1858 following the sale of the estate DE/B1639/P1(a), which includes both the Hunsdon and Eastwick Parishes

Other clues to the potential boundary of the former Deer Park lie in surrounding structures, namely buildings at Hunsdon Lodge Farm, to the north east of Hunsdon, and Brick Farm to the south which are included in the National Heritage List for England.

At Hunsdon Lodge Farm, which lies to the north of Hunsdon House, there is a building called Big Black Barn [List entry Number: 1101968 – Grade II\*] described as *Lodgings range, now a barn. C16, altered to a barn in C18 Formerly an important 2 storeys domestic building... The building was presumably part of Hunsdon Lodge, a royal hunting lodge, recorded in the Tudor Period... Remains of an early 2 storeys timber framed house of exceptional size and quality.*

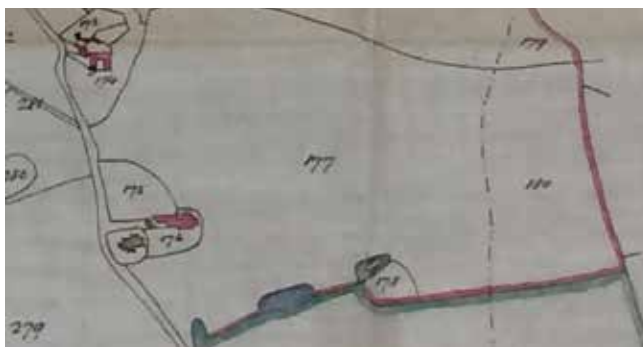


Fig 22: Extract from the 1858 plan for Hunsdon House - Lots 177 and 180 comprise approximately 90 acres and is the extent of the park remaining with the house late 19th early 20th

The location of the lodge, suggests it may have been within the Deer Park or marked the northwest edge of the Deer Park. The Hertfordshire HER for the Park suggests the embankment running from Hunsdon village to the Lodge might mark the boundary.

Brick Farm House [List entry Number: 1308016 – Grade II] lies to the south. The entry has the following statement '*Early C17 brick house lying N-S with steep old red tile gabled roofs... This unusually early brick house may have originated as a lodge to Lord Carey's hunting park at Hunsdon or as the keeper's house for that part called Jagers Park (HLHS (1979) 11). On the Tithe Award of 1842, it is named 'Brick or Roan Farm'.*



Fig 23: Extent of Hunsdon and grounds when for sale in 1980 was 87 acres. A portion to the north of the house having been sold by this date



## RELATIONSHIP OF THE HUNSDON DEER PARKS TO THE PROPOSED GILSTON DEVELOPMENT

### FINDINGS

It is clear from the above research that a large portion of the land identified in the plan formerly lay within the three Deer Parks at Hunsdon, the first of which was imparked in 1235 and extended in 1445. Two further parks were established at Hunsdon following its acquisition by Henry VIII in 1527 and the creation of the Honour of Hunsdon in 1531, which included the Manors of Hunsdon, Eastwick, Stanstead Abbots, Roydon and subsequently Pishobury. Whilst the exact boundaries have not been delineated in drafting this report further research may be able to add some clarity.

### BRIGGENS ESTATE LAND

It is considered that the historic documents, descriptions and field names identified on the 1842 and 1846 Tithe Award Maps, and the naming of field in the 1858 Sales Map, do show that the majority of the Briggens Estate land was formerly part of one of the Hunsdon Deer Parks, and indeed that the northern portion of the land lay within 'The Park' surrounding Hunsdon House shown on the 1842 Tithe Award Map.

Evidence suggests that in 1858 the southern portion of the park, which lay beyond the ornamental ponds, was included in the Brick Farm Holding, which was itself formerly part of the Deer Park, as the boundary when it was de-parked stretched to Hunsdon Mill Lane, which lies to the south.

The majority of Village 6 lies within the former Deer Park.

### PLACES FOR PEOPLE LAND

The research shows that parts of this holding also formerly lay within the Deer Parks. This is particularly the case for the land north of Eastwick. It is noted that the current Eastwick Hall post-dates the 1846 Tithe and that the Hall was on the road running north from Eastwick, as indeed was Garmans.

The land north of Hunsdon House running northeast to Eastwick Woods was also included in the Deer Park, although the north western boundary is unclear at this point, but may have been marked by Hunsdon Lodge Farm.

Village 7 lies within the former Deer Park area.

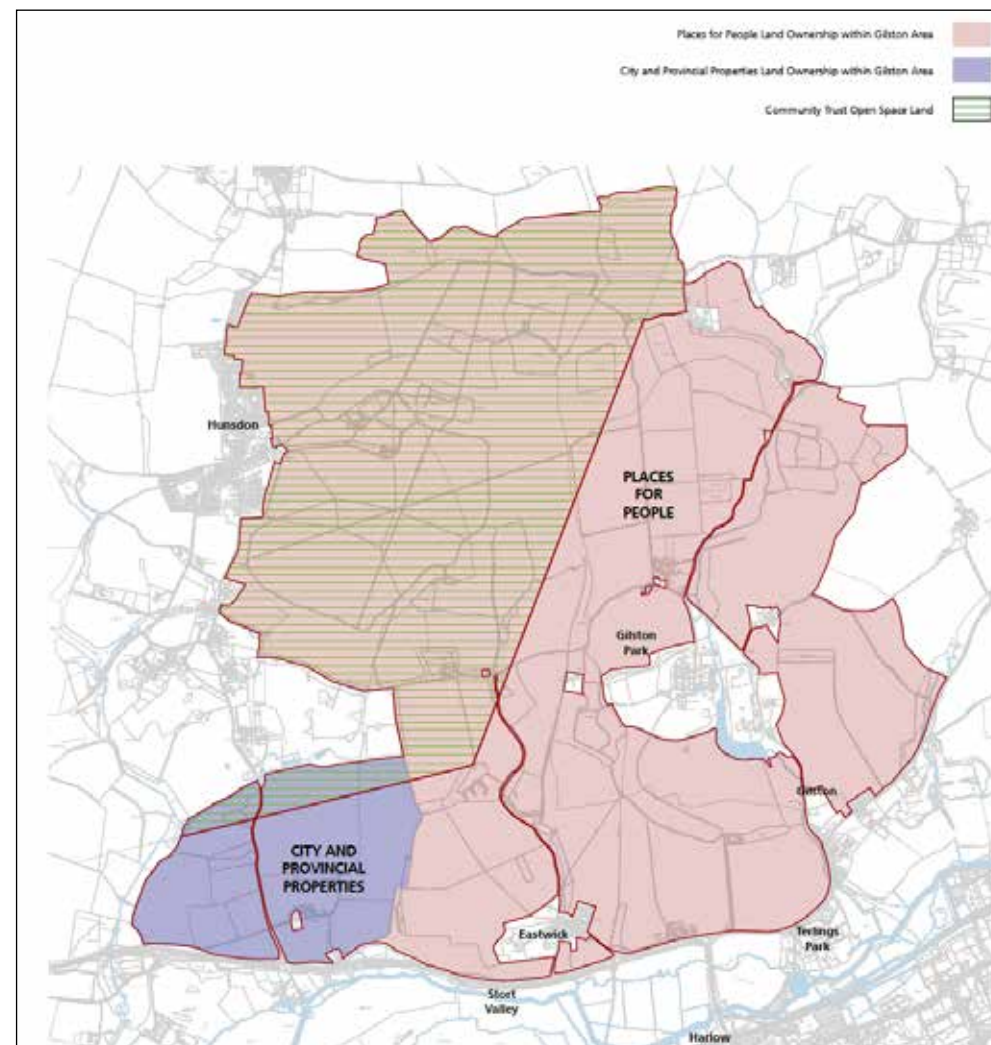


Fig 24: Extent of the Gilston Town development

## HERITAGE SIGNIFICANCE OF HUNSDON HOUSE & ITS SETTING

A previous report by Worlledge Associates in relation to Hunsdon House (2016) articulated the significance of the house and its setting.

### HUNSDON HOUSE SIGNIFICANCE. LISTED GRADE I.

1. As noted by Pevsner and as recorded in the list description it is a house of the greatest historical interest as one of the most important medieval houses in the country, evidencing a long history of Royal association;
2. As a royal residence with Kings and Queens of England having a recognised keen interest in hunting the extensive rural setting (used for hunting) contributes to Hunsdon House's historic and aesthetic interest. The importance of this is put into perspective by Historic England in its guides on the selection of heritage assets for designation. In the Register of Parks and Gardens Selection Guide, Rural Landscapes (2012), p6 it states;

*Deer farming and hunting remained signifiers of money and status. Henry VIII was a keen hunter and made new parks as did James I who was said to be 'excessively fond' of hunting. Elizabeth was also an enthusiastic participant in the hunt.*

3. There is a designed and intimate relationship with its parkland and rural setting, evidencing owners' control and influence over the area and the extent and location of built forms. Historically this relationship and influence was extensive, moulding the shape and character of the landscape that exists today, exercising social intimidation as an assertion of power. A key component to the significance of the country house is the visual experience from the house and its immediate grounds but also from within the wider rural landscape. Deer parks constituted 'elite landscapes' often forming stunning backdrops for palaces and other country residences, with a 'social impact' that was 'vastly felt', often involving the relocation and redevelopment of whole villages and the transport routes. Of particular importance was the sense of seclusion and exclusion;

4. Hunsdon House evidences the Country house tradition and

evolution, in this case 500-year history of royalty and aristocracy, their wealth, social position and political power as Historic England puts it: *The term 'country house' now carries a distinct meaning: that of a large residence of some status, set within extensive grounds. (Listing Selection Guide: Domestic Suburban and Country Houses, 2011 p3).*

### HUNSDON HOUSE SETTING

1. The extensive rural setting that was part of the designed landscape remains substantially undeveloped and allows understanding of the role of the countryside to the operation and enjoyment of this nationally important country house;

2. The absence of any extensive areas of residential development gives emphasis to the historic primacy of Hunsdon House, evidencing its important role as a house of royalty, privilege and power;
3. The intervisibility between the house and its parkland and wider rural setting contributes to its architectural interest and its significance;
4. The physical relationship between Brickhouse Farm (a lodge to Hunsdon House or one of its deer parks), Hunsdon House and its historic fishponds (to the south west of Hunsdon



Fig 25: 1938 Aerial view from the west showing grounds of Hunsdon House. Land to the north and south and southwest all part of the former Hunsdon Deer Parks

House) uninterrupted by any intervening buildings represents a rare survival and connection illustrating the extent of ancillary buildings and services needed to support the Royal Palace. (See Appendix 4)

5. The opportunities still to move through an essentially rural and undeveloped landscape allows present and future generations the opportunity to understand and enjoy a landscape (and its history) that was once the preserve of Royalty.

### ST DUNSTAN CHURCH, HUNSDON

This is a Grade I listed building. The list description reads

*Parish Church. Early C14 unaisled church of flint rubble with stone dressings and old red tile roofs. W tower, shingled spire and timber N porch of early C15. **Church renovated, reroofed and N chapel and E part of chancel built in brick c1450 by Sir William Oldhall when building Hunsdon House. S chapel also in brick 1603-17 by 3rd Lord Hunsdon.** restored 1830: reseated 1851: conservatively restored by Philip Webb 1871-2. Reset early C14 window in N chapel. 4-bay original C15 nave roof, single-framed of scissor braced rafters, collars and ashlar pieces. Similar roofs to N chapel and chancel (boarded). Rood stair on N. Perpendicular octagonal font. Lower part of C15 screen. C16 recessed wall monument and fine tomb chest to Sir Thomas Forster d1612 and brass to Margaret Shelley d1495 on chancel N wall. Unique C16 brass of park-keeper. Early C17 hexagonal pulpit with sounding board. Splendid alabaster monument to Sir John Carey c1616 in S chapel possibly by Colt (Pevsner), with iron railings. Fine mural monuments to Jane Chester d1736, Felix Calvert d1713 and Robert Chester d1732. Early C17 family pews in S chapel and panelling in nave. A fine late medieval parish church with the oldest timber N porch in the county, an elaborate Jacobean screen to S chapel, the best example in the county (Pevsner), 2 early C17 monuments of the highest sculptural quality of their time (Pevsner), early brickwork and timber roofs, and fine C18 mural monuments, all of outstanding interest. **Part***



Fig 26: View from the south west of the Church and Hunsdon House as part of a group of historic buildings in the rural landscape.

**of a group with the contemporary Hunsdon House nearby. An important landscape feature.** (EHAS Trans (1902) 46-56: RCHM (1911) 127-8: VCH (1912) 329-31: Gibbs (1915) 29-35: Pevsner (1977) 210-12).

The historical and physical relationship between St Dunstan's and Hunsdon House, and its shared historical rural setting is critical to its heritage significance. The historical physical and visual relationship is clearly evidenced in the 1546 painting of Prince Edward.



## HERITAGE MANAGEMENT POLICY & ADVICE

### NATIONAL PLANNING POLICY FRAMEWORK<sup>14</sup>

Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework (NPPF) in March 2012 the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Hunsdon House is listed Grade I, the Parish Church of St Dunstan Grade I and 4 monuments in the churchyard are listed grade II. In relation to development affecting a designated heritage asset the NPPF states in paragraph 132 that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. **The more important the asset, the greater the weight should be.** Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.* (emphasis added)

The Planning Practice Guidance (March 2014) seeks to provide further advice on assessing the impact of proposals explaining that what matters in assessing the level of harm (if any) is the degree of impact on the significance of the asset. It states

*In determining whether works to a listed building (or its setting) constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.*

The NPPF explains in paragraphs 133 and 134 the differences between 'substantial' harm and 'less than substantial' harm, advising that any harm should be justified by the public benefit of a proposal.

The Planning Practice Guidance also seeks to provide a clearer understanding of what constitutes 'public benefit'; as it is the public benefit that flows from a development that can justify harm, always ensuring also that considerable weight and importance is given to the desirability of preserving the setting of listed buildings in weighing the public benefits against the harm.

From this summary of the national heritage management policy framework it is clear that there is a complex assessment and decision making process to navigate when considering change within the historic environment. Central to any decision in the context of these proposals is an understanding that the setting of a heritage asset does not derive simply from proximity or intervisibility. The significance of a place and the contribution of its setting derive from a set of complex and interrelated attributes – physical and perceptual.

The challenges that we face to sustain and manage the places we value (and for future generations to enjoy) is a significant responsibility. The NPPF points out what local planning authorities' responsibilities are in paragraph 129 where it states:

***Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*** (emphasis added)

In relation to the Gilston Town development Historic England commenting that *"It is possible to conclude that proposed development at Gilston Park Estate would result in serious harm to a number of designated heritage assets, which in some cases has the potential to amount to substantial harm,"* making the point perhaps that the nature and extent of potential impacts

cannot be fully understood in stating that:

*The Local Authority has not produced either their own, or an independent, assessment of the consideration of the impact of the proposed development upon the Historic Environment.* (Historic England, Examination of East Hertfordshire Local Plan, October 2017).

The NPPF is currently under review with amendments out for public consultation (published on 5th March 2018) until 10th May 2018. In relation to the chapter on Conserving and Enhancing the Historic Environment (Chapter 16) amendments are proposed to

- Clarify the status of world heritage sites;
- Clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance .

This is an important clarification making it clear that any harm should be avoided, and highlighting the dangers of the slow attrition of a heritage asset's significance by the cumulative impact of a series of changes over time.

It is also important to note that despite the challenges the government faces in relation to housing needs, the policy and advice on the historic environment and the setting of heritage assets has not been diminished or diluted. This reaffirms the government's commitment to the preservation and enhancement of the historic environment and the high priority it deservedly demands. Paragraph 186 of the proposed NPPF review makes it clear to local authorities that the government's commitment must be taken seriously stating:

*Local planning authorities should identify and assess the*

particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In seeking to clarify the statutory duty in relation to the need for compensatory public benefits to justify harm (whether substantial or less than substantial) the revisions propose a reordering of the text, to emphasise the point as set out in paragraphs 189 – 192:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of potential harm to its significance. **The more important the asset, the greater the weight should be.** (Comment: It should be noted that Hunsdon House and the Church of St Dunstan are the highest graded listed buildings – Grade I)

**Any harm or loss** to a designated heritage asset (from its alteration or destruction, or from **development within its setting**), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) scheduled monuments, protected wreck sites, registered battlefields, **grade I and II\* listed buildings**, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional.** (emphasis added)

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary

to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Planning Practice Guide is unchanged in relation to the historic environment chapter.

#### HISTORIC ENGLAND ADVICE

In relation to the setting of a heritage asset the National Planning Policy Framework Glossary defines setting as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

Historic England's advice in Historic England's Good Practice Advice Note 3 – *The Setting of Heritage Assets*, December 2017 (GPA3) para 9) is similar stating:

*Setting is not a heritage asset, nor a heritage designation, though*

*land within a setting may itself be designated... Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate the significance.*

Historic England in its GPA3 explains that early assessment of setting may provide a basis for agreeing the scope and form of development, reducing the potential for disagreement and challenge later in the process. (Historic England has pointed out in its representations (October 2017) that in relation to this proposal this has not happened.)

It cautions that where unsympathetic change has affected the setting of a heritage asset further cumulative negative changes could sever the last link between an asset and its original setting, but pointing out that sympathetic new development has the potential to enhance setting, successfully illustrating the cycle of change that shapes our towns and countryside.

GPA3 Part 1- Settings and Views, discusses the issue of setting stating:

*Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as **noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.** (emphasis added)*

In this case the historic relationship of Hunsdon House to its surroundings is an important one as evidenced earlier in this report when surveyors in 1556 recommended *that the land be kept as a park for the stateliness[s] of the house*'. Historic



England also picks up on this historical association in its Rural Landscapes Register of *Parks and Gardens Selection Guide* (December 2017) stating on page 7.

*One highly important development, from around the mid sixteenth century, was the imparkment of land around great houses to give privacy and a pleasing setting.*

### S66 PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

Section 66 of the Act requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, [2015] 1 W.L.R. 45, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of judging harm against other planning considerations).

In *Jones v Mordue & Anor* [2016] 1 W.L.R. 2682 the Court of Appeal explained how decision makers can ensure this duty can be fulfilled: that by working through paragraphs 131 -134 of the NPPF, in accordance with their terms a decision maker will have complied with the duty under sections 16, 66(1) and 72 of the Act. In particular it is worth noting the comments of Mr Justice Lindblom (*Sevenoaks v Forge Field Society*) when he stated in paragraph 61 of his judgement:

*If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on*

*which **harm can be avoided altogether will add force to the statutory presumption in favour of preservation.** Indeed the presumption itself implies the need for rigorous assessment of potential alternatives.* (Emphasis added).

This is very pertinent in the light of Historic England's concerns about the selection of the Gilston Area for development and the

potential for harm to a number of designated heritage assets (October 2017) and tackled in the accompanying *Landscape and Visual Assessment* (Pleydell Smithyman, April 2018) which follows the principles set out in the Forge Fields judgement, to explore how the harm could be minimised or eliminated, concluding that the development should be drawn further away from Hunsdon House and the Church.



Fig 27: View over the lake with the development site in the immediate background.

## ASSESSMENT OF IMPACTS ON THE HERITAGE SIGNIFICANCE OF HUNSDON HOUSE AND ST DUNSTAN'S CHURCH

The proposed development of the land to the south, which formed part of the Medieval and Tudor Deer Parks will harm the significance of Hunsdon House and the Church of St Dunstan's. The *Gilston Area: Heritage Impact Assessment*, Montagu Evans October 2017, page 64 in relation to impacts on the significance of these Grade I listed buildings concludes at paragraph 5.10.

*5.10 Hunsdon House (Grade I), Hunsdon church (Grade I), and the associated structures listed at Grade II have an enclosed setting within the house's large grounds. In turn the grounds are well enclosed with trees. Subject to suitable buffers and appropriate height constraints to avoid taller buildings being seen from within the area around the house, development on Area 1 is unlikely to have a significant impact on the setting or significance of these assets.*

It is considered the conclusion is far too narrow and fails to understand the physical, historical and visual relationship Hunsdon House, an important former Royal Palace has within the wider landscape and underestimated the level of harm, which, given the evidence in this report, has the potential to be substantial.

The contribution of the setting of a designated heritage asset to its significance is derived from far more than a simplistic assessment of intervisibility.

In the High Court (*Steer v SSCLG* [2017] EWHC 1456) Mrs Justice Lang disagreed with a planning inspector on the meaning of setting and states in paragraph 64:

*In my judgment, although the Inspector set out the NPPF definition of setting at AD 31, he adopted a narrow interpretation of setting which was inconsistent with the broad meaning given to setting in the relevant policies and guidance which were before him (see the extracts from the NPPF, the PPG, and HE's 'Good Practice Advice', set out above). Whilst a physical or visual connection between a heritage asset and its setting will often*

*exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual.*

She continued in paragraph 65 quoting the Planning Practice Guide and stating:

*Paragraph 013 PPG expressly states (emphasis added): The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, **the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.** For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. (See Appendix 3 for the judgement in full)*

As noted above The Hunsdon estate was popular with King Henry VIII and other members of the Royal family for the comparable hunting facilities it offered.

The experience of medieval landscapes. However, was not static. These gardens and parkland spaces were experienced predominantly through movement through the countryside. Medieval literary and art-historical sources remind us that this dynamic visual experience, gained as one passed through the countryside, represented:

*"a deeply ingrained way of thinking about the landscape"*

Key to the sensorial experience would have been the event of returning to the main residence after a day's sport – the sight of the great house presenting an image of civility unexpectedly

revealed and contrasting with the wild scenery of the parkland left behind. Accounts of hunting in literary sources emphasise that movement between landscapes of different texture, giving different experiences was important.

Views of residences were revealed in different ways. However, whilst a multiplicity of views existed, certain views were prioritised over others. The views of the 'elite' site itself, especially as seen from a route or approach or from associated pleasure grounds were particularly significant. In some cases vistas were gradually and tantalisingly opened up, while elsewhere buildings provided icons of authority intended to be visible over large tracts of the landscape. In this latter case, the manipulation of views of buildings and the landscape "was not purely for aesthetic beauty, but also for emblematic reasons, creating settings that were loaded with imagery and symbolism." Other important views were those from the place of residence through windows or rooftops.

Whilst the notion of looking outwards whether from a garden or building is seen as an innovation of the Renaissance, evidence shows that in earlier centuries designated viewing points – whether from window seats or the parapets of buildings – provided composed views. Windows played an important role in framing the visual experience of elite settings in both real and imagined context.

Towers were also particularly important to elite residences in this respect for they provided opportunities for looking out over territory that they dominated. The tower was thus, to a great extent, a sort of private grandstand from which the owner could survey the lordly landscape.

Hunsdon began life as a Tower House, and the Royal Palace dominated the surrounding landscape and even in the early 19th century, the house looked over the expansive Park, which extended well to the south of the house, as evidenced by the 1842 Tithe Award Map.

**SUMMARY OF IMPACTS:**

Development that will be visible from Hunsdon House and its grounds will undermine the contribution its setting makes to its significance in the following ways:

- The proposed development will be visible from Hunsdon House and its grounds which will compromise the existing views that are experienced as one moves through the grounds and in views from principal rooms in the house. These views evidence and provide the experience of a very important country house set in an extensive undeveloped rural setting;
- The proposed development, in its built form and use (including noise and light pollution) will have a direct effect on and erode the sense of seclusion and exclusion that is a key component of the Country House and Estate. This impact on these qualities of seclusion and exclusion is highlighted in the accompanying *Landscape and Visual Assessment*, where it explains that the sense of tranquility will be undermined;
- The proposed development will erode the wider rural setting of Hunsdon House (and the Church) by introducing development in close proximity in what is currently undeveloped countryside.

As explained in this report the setting of this listed building depends on much more than the intervisibility between it and other land and even if it was possible to screen views between the house and the proposed new development harm would still result in the following ways:

- The perception and understanding of an isolated large and important country house set in rural surroundings and how we experience it and this setting as one moves through the area would be adversely affected by the encroachment of urban development into the Gilston Area. The accompanying *Landscape and Visual Assessment* (2018) describes this in terms of 'tranquility', which is an apt description to identify the qualities of a large house which sits within an undeveloped rural setting;

- Existing views that 'borrow' from the wider landscape would be foreshortened and understanding of the extensive rural landscape would be lost;
- Development on the former deer park and landscaped park will erase evidence of the historic use and the historic and functional connection with Hunsdon House;
- In particular by introducing development around Brick House Farm (historically a lodge to Hunsdon House or Parks) the last physical and visible connection between it and the House (the undeveloped land) would be severed and thus understanding of the interrelationship lost;
- Similarly the setting of the medieval fishponds south west of the House and adjacent the western part of Village 7 would be harmed by the proposed development, undermining the sense of extent and scale of the Royal Palace's role as a country

retreat and centre for sports and recreation. The existing undeveloped land between Brickhouse Farm (lodge), fish ponds and Royal Palace would be lost; (See Appendix 4)

- As the various phases of the proposed development at Gilston proceed there will be a cumulative impact on the heritage significance of Hunsdon House and Church, which together with other recent developments in the area will result in harm;
- Development will set a precedent for further development in the area further eroding the setting and adding to the harm to the significance of the highly graded listed buildings.

The photographic gazetteer at Appendix 1 illustrates representative views from the house and grounds and towards it and the church. The accompanying commentary interrogates what is in the view and how that contributes to the significance of the Grade I listed building.



Fig 28: The Wellingtonia Avenue looking east with views between the trees south, towards the proposed development site and north, towards the house.



## ANALYSIS OF MONTAGU EVANS HERITAGE IMPACT ASSESSMENT REPORT

The report considers the heritage significance that Hunsdon House and the Church hold noting that:

- there are extensive views from the Church south and west;
- historically parts of the proposed development sites formed part of the medieval deer parks to Hunsdon House;
- parts of the site were (up until the late 19th century) part of the designed park to Hunsdon House;
- There is intervisibility between Hunsdon House (including the church) and the proposed development sites and that their heritage significance would be vulnerable to development that was in the view.

The Report concludes that Hunsdon House and Hunsdon Church have exceptional heritage value (para 4.206).

It is noted that the report suggests that there is no evidence of the medieval deer parks remaining and that the use of the land is now modern agricultural, implying that this should not present an obstacle to development (para 4.205). This is not accepted. Rather its undeveloped nature (for over 500 years) allows an understanding of how the extensive setting to Hunsdon House played an important function in the historic role of the house as the centre for royal entertainment and sport. The development will erase the last traces of that former use.

The report also concludes that Hunsdon House and the Church have an enclosed setting, limited to the house's large grounds which is enclosed by trees (paragraph 5.10). This seems to contradict earlier comments in paragraph 4.205 that confirms the extensive views south and west from the church and the 'wider agricultural setting' that Hunsdon House benefits from. This conclusion would seem to ignore the earlier findings in the report about the historic extent of the park and the former deer parks

and suggest that the extent of setting has been determined by intervisibility. As has been established in the recent case (Peter John Steer v Secretary of State and Catesby Estates [2017] EWHC 1456) this is too narrow an interpretation of setting and does not allow for the perceptual qualities that influence our understanding and experience of places.

Having discussed and sought to define the heritage significance of the affected heritage assets the Montagu Evans report then considers the likely impacts of the proposed development on that significance (through development within their settings) exploring and advising how any harmful impacts could be minimised or mitigated.

In relation to Hunsdon House it is clear that no development should be visible from the principal rooms of the house and advises on height restrictions to ensure that is achieved. That suggests that the setting of the house is only experienced from within the principal rooms of the house. This is too narrow an assessment and it should include how the setting is experienced as one moves around the grounds to Hunsdon House, as well as on any public approaches to the house (Church Lane, for example). Analysis of how the the setting to the house and church are experienced (see also the accompanying Landscape and Visual Assessment) shows that the potential impacts are more extensive and harmful. Furthermore, as pointed out earlier the harmful impacts are perceptual as well as visual.

Nevertheless, the report recognises that there would be harmful impacts to the significance of Hunsdon House (and the Church), which have exceptional heritage value and the development should be located some distance from the house and church and should not be visible. In addition the report suggests that planting buffers would provide sufficient mitigation. Given that the report's author recognises that these conclusions are made without the benefit of examining the views either from the house or its grounds, the conclusions should be given very little weight.

The Report in substantiating its methodology acknowledges the soundness of the advice in Historic England's advice note on Local Plan allocations (HEAN 3) and states that it has followed that advice. Paragraph 2.2 of the advice note points out that distance from a heritage assets and visibility should not be sole determinants and that a more holistic approach is required to establish significance. This is borne out in the methodology that Historic England recommends and in particular Step 3, which it examines the potential nature and extent of impacts making it clear that this is something much more than simply an assessment of visual impacts. It states:

*Identify what impact the allocation might have on that significance, considering (amongst other matters):*

- *Other effects of development e.g. noise, odour, vibration, lighting, changes to general character, access and use, landscape, context, permanence, cumulative impact, ownership, viability and communal use;*
- *Secondary effects e.g. increased traffic movement through historic town centres as a result of new development.*

As is pointed out in both this and the accompanying *Landscape and Visual Assessment* the physical and sensory impacts of the proposed development would result in significant harm to the contribution the setting makes to the architectural and historic interest of Hunsdon House and the Church.

Given the Montagu Evans recommended mitigation measures – height limitations and planting buffers Step 4 of the Historic England methodology is also very relevant. It states:

**STEP 4** *Consider maximising enhancements and avoiding harm through:*

### MAXIMISING ENHANCEMENT

- *Public access and interpretation*
- *Increasing understanding through research and recording*
- *Repair/regeneration of heritage assets*
- *Removal from Heritage at Risk Register*
- *Better revealing of significance of assets e.g. through introduction of new viewpoints and access routes, use of appropriate materials, public realm improvements, shop front design*

### AVOIDING HARM

- ***Identifying reasonable alternative sites***
- ***Amendments to site boundary, quantum of development and types of development***
- ***Relocating development within the site***
- *Identifying design requirements including open space, landscaping, protection of key views, density, layout and heights of buildings*
- *Addressing infrastructure issues such as traffic management (emphasis added) N.B. this consideration is important as it reinforces the point that the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration*

Using planting buffers and height restrictions will not address the harm that would be caused. As concluded in the *Landscape and Visual Assessment* more is required, including adjusting development limits and amending site boundaries. As set out in

the Forge Fields judgement every opportunity to remove the harm should be explored, which means examining opportunities for development to be relocated elsewhere. Given Hunsdon House

and the Church are listed Grade I, of 'exceptional heritage value' then the imperative to do something differently is all the more pressing.



Fig 29: Context of view from first floor oriel window.

## ANALYSIS OF GILSTON CONCEPT FRAMEWORK

The Concept Framework sets out key place-making principles to inform development proposals and includes a set of principles that relates to the historic environment. It establishes a requirement that development will be required to have a positive relationship with the heritage assets in the area and that open spaces will be introduced as a mechanism to preserve the setting of those assets. It adds that development will be positioned and landscaped designed to preserve and enhance settings.

This is as it should be and is what is required in the NPPF. However, to secure this through the development process requires an understanding of the significance of the affected heritage assets and the contribution their settings make to significance. As discussed earlier in this report the existing rural setting of Hunsdon House is extensive and importantly contributes to its significance. This setting (or for that matter the setting of any other heritage asset) is not defined in the Concept Framework. The constraints map on page 71 is deficient in that it does not identify the setting of heritage assets. This is important as it follows from the Framework approach that identifying and understanding the constraints (and not just the physical ones) drives the development opportunities.

Misunderstanding the extent of the setting of Hunsdon House (and the church) risks compromising that setting through any development. The Framework specifically discusses the setting of Hunsdon House on page 92 and whilst it intends that the proposed park would preserve the setting of the house the reality is that it will not. The Montagu Evans report advises that no

development should be visible from Hunsdon House. However, the Framework can only go so far as saying that most of the development (but not all of it) would lie on the Eastwick slopes towards Harlow and thus not be visible. The evidence within the *Landscape and Visual Assessment* (Pleydell Smithyman, April 2018) shows that development will be visible. In any event, as already pointed out in this report, defining setting by the extent of intervisibility is too narrow an approach and indicates a lack of understanding of the significance that the heritage asset holds. The illustrative material within the Framework also indicates that the setting to Hunsdon House is only experienced from within the house. This is a flawed assumption as the grounds are also an important part of the enjoyment of the house and would historically and in present use, have been important to the owners' and guests' experience. This therefore affects the distances assumed between the asset and the proposed development, significantly shortening what is currently indicated in the illustrative material.

Furthermore, the Concept Framework shows that sports field and recreation facilities will be provided within this proposed park and it is confirmed in the framework (page 28) that this could include buildings and floodlighting. This would have a harmful effect, particularly after dark, when the sense of tranquillity and isolation can be far more pronounced. (see *Landscape and Visual Assessment*)

What is distinctive about Hunsdon House and its relationship to the surrounding footpath and road network is that routes navigate

around the historic park (not through it). This is by design for very obvious reasons and because at the time the Park was being created there would have been few if any impediments to extinguishing or diverting public routes. The indicative pedestrian and cycle routes shown on page 149 of the Concept Framework suggests that a new public footpath will be introduced along the common boundary with Hunsdon House. This would undermine the evidence and understanding of this part of the development site as historically part of Hunsdon House's grounds. Any new public path should be routed to preserve the sense of continuity between the now two separately owned parts of the park. Indeed, the fact that the Concept Framework seeks to reflect the parkland character in its landscape design shows the intent for this to be understood as a remnant of Hunsdon House's once greater extent.

It should also be remembered that to reflect this parkland quality would mean that to use dense planting to block and foreshorten views would be inappropriate. The tension that results is that by design there should be a degree of intervisibility between the two parts and that therefore new development and land uses and necessary infrastructure will be exposed to view. To overcome this the *Landscape and Visual Assessment* (Pleydell Smithyman, April 2018) advises that the proposed development and development boundaries should be amended. This would reflect Historic England advice and methodology on local plan allocations (HEAN3).



## CONCLUSION

1. Hunsdon House and St Dunstan's Church are Grade I listed buildings and as such are protected by an array of the most restrictive planning policies that have been issued by Central Government.

2. The NPPF recognises that the significance of a heritage asset derives not only from its physical presence, but also from its setting. The setting of Hunsdon House is a crucial element of its historical and architectural significance and development within it therefore has the potential to cause harm to the heritage asset.

3. Hunsdon House has a distinguished and exceptionally well documented history, not least as a residence of members of the Royal family including King Henry VIII, princesses Mary (Queen Mary) and Elizabeth (Queen Elizabeth 1) and prince Edward (King Edward VI) . Pevsner records it as a house of the greatest historical interest, being one of the most important medieval houses in the country, evidencing a long history or Royal association.

4. In the medieval period and later, the physical settings of castles and large country houses formed an intrinsic element of their development, expressing power and the exclusion of unwanted elements. The setting is therefore of key significance to houses such as Hunsdon, producing expressions of: -

(i) An aesthetical delight, the beauty of the landscape, contrasting with and sharpening the architectural experience of the built form itself;

(ii) Seclusion;

(iii) Exclusion;

(iv) Isolation;

(v) Status, power and importance.

5. The setting of Hunsdon House therefore contributes to both its architectural and historical importance evidencing its role as a residence serving Royalty and the aristocracy for 500 years.

6. In medieval times, the elite classes distinguished themselves by their passion for the chase "the ritualised display of violence through hunting was an essential element of elite identity across medieval Europe." Henry VIII's occupation of Hunsdon House was inextricably linked with his passion for deer hunting and he consolidated and expanded the already existing deer parks which had adjoined the house since at least 1296.

7. In addition to the points noted at paragraph 4 above, the setting of Hunsdon House therefore evidences the historical status and pursuits of the elite and their functional connection with the house over the centuries with the Church, Brickhouse Farm and the fishponds being important historically and functionally related components within that setting.

8. The NPPF recognises that the significance of a heritage asset can be harmed or lost through development within its setting and

that the more important the asset, the greater the weight given to its conservation should be (paragraph 132).

9. The Planning Practice Guidance advises that in determining whether works affecting the significance of a heritage asset constitute substantial harm, an important consideration will be whether the adverse impact seriously affects a key element of the special architectural or historic interest, and that harm may arise from development within the asset's setting as well as works to the asset itself.

10. As explained above, the setting of Hunsdon House is a key element of its architectural and historical significance.

11. Development within the setting of Hunsdon House therefore has the potential to result in substantial harm to the historical and architectural significance of one of the most important medieval houses in the country (Pevsner).

12. This harm includes the potential for development within the setting to: -

(i) Undermine evidence of the core historical principles by reference to which the house was developed, namely the expression of its importance derived from the sense of seclusion, isolation and exclusion. This impact could be attributable not merely to the physical presence of the development but also to its associated manifestations including noise and light pollution;

(ii) Undermine the core architectural principles by reference to which the house was developed, in part, by using the wide and manicured open spaces around it not only to convey a beautiful aesthetic, but also to sharpen the perception of the architectural qualities of the building itself through the contrast. The wide open surroundings were a fundamental part of the planning of Hunsdon House;

(iii) Compromising the architectural and historic qualities of the house by intruding upon views that are experienced as one moves through the grounds and in views from the principal rooms in the house, views which provide evidence of a very important country house set in an extensive rural setting;

(iv) Erasing and/or undermining the historical evidence of the former deer park and its historic and functional connection with the house.

13. Paragraph 132 of the NPPF recognises that substantial harm to designated heritage assets of the highest significance, such as Grade 1 listed buildings, should be wholly exceptional. The High Court has determined that the statutory presumption in favour of preservation itself implies the need for a rigorous assessment of potential alternative sites.

14. Historic England has already raised concerns about the potential for harm to the designated heritage assets in the area. In seeking a way forward It makes the point *"in planning for any future development, full consideration must be given to the impacts of development on the Historic Environment. Historic England has therefore been keen to ensure that sufficient work has been undertaken to ensure that the historic environment is not a risk to delivery, should development be deemed appropriate in this location"*. As a first step this report (and the Landscape and Visual Assessment) provide an evidence base and analysis to help identify and understand the nature and extent of impacts and the level of harm that would result.

15. There is the potential to minimize or even eliminate the harm that has been identified. The means by which this can be achieved must be explored in advance of any formal planning applications for development of the site and before the Concept Framework is agreed.

16. Historic England in its comments on the emerging East Herts District Plan advises that there are some key principles that need to be established in order to effectively manage the potential harmful impacts to the significance of the affected historic buildings and landscapes. This is essential to ensure that

emerging proposals are properly informed by an understanding of the area's heritage significance and the contribution the setting makes to that significance.

17. In terms of guiding principles on the siting and layout of any new development the following matters are considered essential:

(i) The extent and layout of any new development must respect historic field boundaries, rather than following more modern features within the landscape (e.g. pylons);

(ii) No new development should be visible from any part of Hunsdon House or its grounds;

(iii) Intervening areas should be landscaped according to their historic use. (e.g land to the south of Hunsdon House was until the late C19th a part of the landscaped park to the House);

(iv) Any proposed landscaping should not foreshorten designed views or the sense of extent of the historic Park to Hunsdon House. Using landscaping to block views of new development risks undermining understanding of the extent of the historic park and the historical relationship between sites.

## APPENDIX 1- PHOTO GAZETTEER

These four views from the tower on Hunsdon House evidence the house's historic setting within an extensive undeveloped countryside. This countryside setting still survives in every direction, with very little if any modern development to interrupt the views. The views provide important clues to the former uses and role of the house within that countryside setting and allow understanding and enjoyment of the site's long history and association with its surroundings.



A1.1 – The view north over the formal gardens and the countryside beyond



A1.2 – The view east is similarly looking out over the length of the park and the countryside beyond. From these viewpoints the proposed development of Gilston Garden Town would be visible.





A1.3 – The view south is over the main drive, the lakes and the countryside beyond (which forms part of the proposed Village 7). Harlow is already just visible on the horizon. The proposals would bring new development and associated land uses right up to the current edge of the garden, undermining this sense of seclusion and exclusion that is an important visual quality of Hunsdon House and an important element of the site's historic interest.



A1.4 – The view south incorporates the view of the Church that captures the important historical, religious and visual relationship between the two buildings and beyond, as in the other images is open countryside.



A1.6 – The view from the garden terrace shows just how close the proposed Village 7 will lie undermining this key view from the property.



A1.5 – The principal south elevation of Hunsdon House with a first floor oriel window to the right and wide tripartite window ranges to the left. On the ground floor is a verandah. These features all help to illustrate the relationship of the house to its garden setting with 'picture' windows designed to afford a view over the garden and lakes and the countryside beyond. The land beyond the lakes and the Wellingtonia was once part of the park to Hunsdon House and would have been designed to form part of the view. The development proposed on this land will be very evident – the built forms and associated infrastructure (lighting for example) will be visible the nature of the urban form and function will be apparent by the noise generated and the knowledge that development sits so close and on land that previously formed part of the park will alter the perception of the place as a Country Estate and the hub of three medieval deer parks.



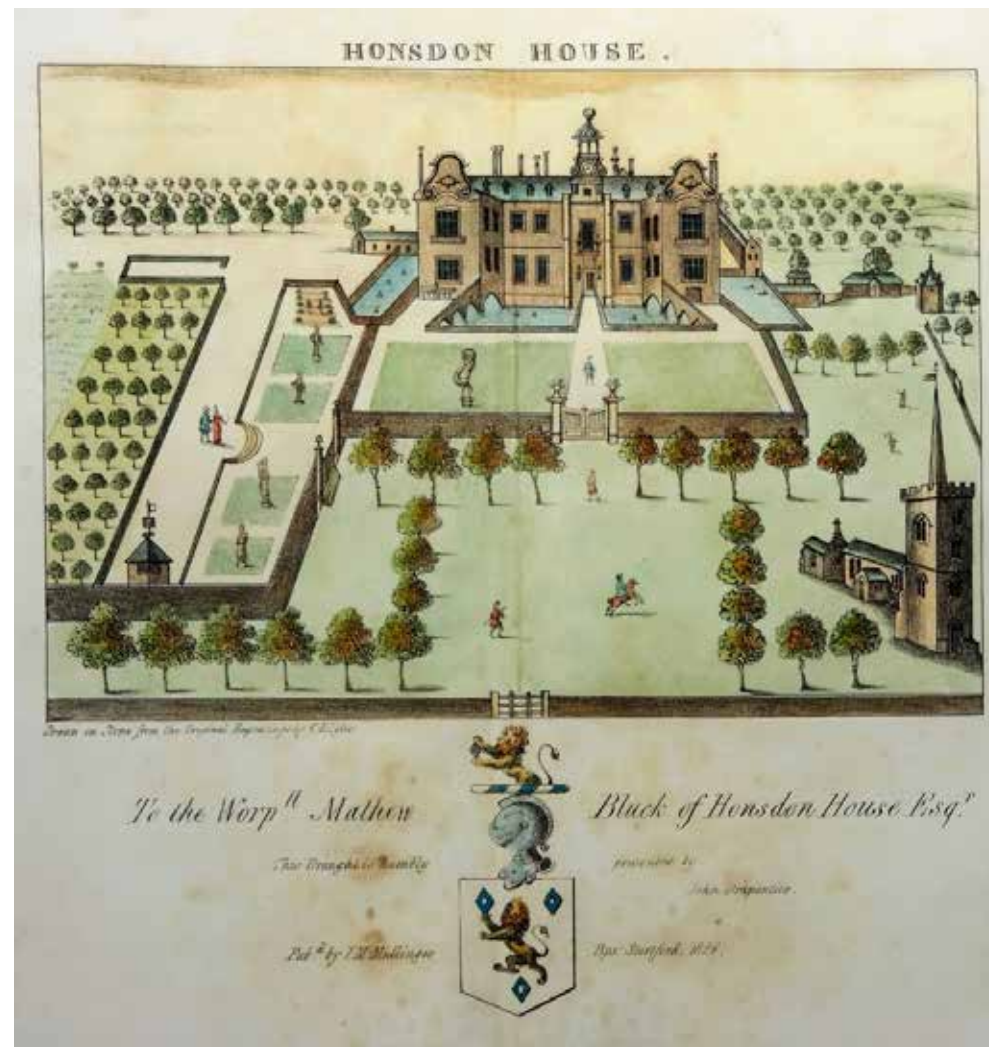
A1.7 – There is a route across the gardens running east west and lining up with the south garden terrace and the spire of the church beyond that allows more exposed views of the land further south (once part of Hunsdon House). Development will be visible and noticeable. Historically the Park has been designed so that views benefit from the natural topography and planting to curate views over the full extent of the park. The park perimeters are often defined by a tree belt that contributes to the sense of exclusion and seclusion. The current property boundary is not the historic extent of the park and thus development on this part that either results in the foreshortening of views or in development being visible would detract from the setting of Hunsdon House.



## APPENDIX 2 - EVOLUTION OF HUNSDON HOUSE 1526 ONWARDS AND RELATIONSHIP TO ST DUNSTAN'S



A2.1 - Hunsdon Royal Palace, grounds, Deer Park, and St Dunstan's Church 1546 from the south west.



A2.2 - 'Hunsdon' House published 1700 from the east with formal grounds, moat, outbuildings including a dovecot, park beyond and St Dunstan's church.





A2.3 - Hunsdon House similar to view to A2 above with more architectural detailing.



A2.4 - Sketch of the much-diminished house from the north 1758.



A2.5- Sketch of the much-diminished house from the west and east.



A2.6 – View from the east with St Dunstan's Church.



A2.7 – House and grounds from the south c1830.



A2.8 – Hunsdon House from the southwest in the broader landscape prior to James Wyllie works post 1861.





A2.9 - House from the southeast with veranda added and bay window and spires to the turrets, and formal garden.



A2.10 - House from the southeast in 1980 Sales Catalogue.



## APPENDIX 3 - JUDGMENT KEDLESTON



Neutral Citation Number: [2017] EWHC 1456 (Admin)

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
PLANNING COURT**

Case No: CO/5004/2016

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 22 June 2017

Before :

**MRS JUSTICE LANG DBE**

Between :

**PETER JOHN STEER**  
- and -  
**(1) SECRETARY OF STATE FOR  
COMMUNITIES AND LOCAL GOVERNMENT  
(2) CATESBY ESTATES LIMITED  
(3) AMBER VALLEY BOROUGH COUNCIL**

**Claimant**

**Defendants**

**HISTORIC ENGLAND**

**Interested Party**

Nina Pindham (instructed by Richard Buxton) for the Claimant  
Jacqueline Lean (instructed by the Government Legal Department) for the First Defendant  
Rupert Warren QC (instructed by Eversheds LLP) for the Second Defendant  
The Third Defendant did not appear and was not represented  
Emma Dring (instructed by Sharpe Pritchard LLP) for the Interested Party

Hearing date: 24 May 2017

**Approved Judgment**

Judgment Approved by the court for handing down.

Steer v SSCLG & Ors

**Mrs Justice Lang:**

1. The Claimant applies under section 288 of the Town and Country Planning Act 1990 ("TCPA 1990") to quash the decision of the First Defendant ("the Secretary of State"), made by an Inspector on his behalf on 22 August 2016, in which he allowed two appeals by the Second Defendant ("the developer") against the refusal by Amber Valley Borough Council ("the Council") to grant planning permission for residential development in Allestree, Derbyshire.
2. The appeal site comprises currently agricultural land, situated off Kedleston Road and Memorial Road. The developer's first application was for outline planning permission for the erection of up to 400 dwellings and a convenience store. The developer's second application was for outline planning permission for the erection of up to 195 dwellings in the southern half of the same site.
3. The Claimant is a local resident who objected to the proposed development and gave evidence at the Inquiry. He is part of a local community group, Kedleston Voice, which opposed the development on the grounds, inter alia, of the harm which would be caused to the setting of Grade 1 listed Kedleston Hall (hereinafter "the Hall"), Grade 1 listed Kedleston Hall Registered Park and Garden (hereinafter "the Park"), and the Kedleston Conservation Area, as well as Kedleston Hotel and Quarndon Conservation Area.
4. The Hall and the Park are owned by the National Trust which objected to the proposed development because, in its opinion, it would have a harmful impact on the setting and significance of the heritage assets, which would not be outweighed by the benefits of the housing.
5. Historic England ("HE") is the Historic Buildings and Monuments Commission for England. Until 1 April 2015 it was known as English Heritage. It is a non-departmental body sponsored by the Department for Culture, Media and Sport and it is the government's statutory adviser on heritage matters. It has a statutory obligation under the National Heritage Act 1983 to preserve historic buildings and conservation areas and to promote public enjoyment and knowledge of them. In that capacity, it was a statutory consultee, and it objected to the grant of planning permission on the ground that the development would be harmful to the setting and significance of the heritage assets. However, its reason for participating in these proceedings was a wider concern about the implications of the Inspector's allegedly mistaken approach to the setting of a heritage asset which it considered to be a matter of public importance, affecting the future discharge of HE's functions.
6. The Council refused planning permission for the first application on the grounds of the harm which would be caused to the setting of the heritage assets. The reasons given were as follows:
  - i) Section 38(6) of the Planning and Compulsory Purchase Act 2004 read in conjunction with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 created a presumption against planning permission being granted if harm could be caused to the heritage assets. It was considered that the development caused less than substantial harm to the setting of heritage assets with the highest level of protection.

Judgment Approved by the court for handing down.

Steer v SSCLG & Ors

- ii) On balance, the proposal was contrary to the policies in the Development Plan.
  - iii) The development would cause less than substantial irreversible and irreplaceable harm to the significance which the heritage assets derived from their setting.
  - iv) The development would result in a significant detrimental change to the landscape character and setting, visitor and visual experience across the largely unaltered historical estates, farmland landscape and the proposed mitigation was inappropriate for the landscape characteristics of the area and would not adequately mitigate against the harm caused.
  - v) The development was contrary to paragraphs 132 and 134 of the National Planning Policy Framework ("NPPF"), and therefore the requirements of paragraph 14 and footnote 9 were not satisfied, as the irreversible and irreplaceable less than substantial harm caused to the setting of highly important heritage assets was not outweighed by the public benefits derived from the development proposals.
  - vi) Upon consideration of social, economic and environmental factors, the development in overall terms was unsustainable, as the adverse impacts significantly and demonstrably outweighed the benefits associated with the development.
7. The Council did not determine the second application in time, but indicated that, if it had done so, it would have refused planning permission for the same reasons.
  8. Both appeals were considered together. The Inspector, Mr John L. Gray DipArch MSc conducted an Inquiry in July 2016 and a site visit. In his Appeal Decision ("AD") dated 22 August 2016, he identified the main issue as the impact either proposal would have on the landscape character of the area and the heritage assets of the Hall, the Park, Kedleston Conservation Area, Kedleston Hotel and Quarndon Conservation Area.
  9. It was agreed before the Inspector that the housing land supply as at 1 April 2015 was 3.08 years. The Development Plan comprised the saved policies of the Amber Valley Borough Plan 2006 which had an end date of 2011, so it was out-of-date. The Inspector found that, in the absence of an adequate supply of housing land and an up-to-date Local Plan, little weight could be given to the Local Plan policies for the supply of housing, and the weight to be given to the Local Plan policies which protected landscape character and heritage assets was reduced by their inconsistency with the NPPF. The proposals were more appropriately considered against the NPPF than against the Local Plan. These conclusions were not disputed before me.
  10. The Inspector's main conclusions were as follows:
    - i) At present, the appeal site did not lie within the setting of the Hall. Thus section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not apply and nor did NPPF 131-137.

Judgment Approved by the court for handing down.	Steer v SSCLG & Ors
<p>ii) Even if the Derby Screen (a band of trees in the parkland which screened out views of housing at Allestree, including the appeal site, from the Hall) were to be removed or opened out, and the appeal site were considered to fall within the setting of the Hall, the impact on the significance of the Hall would be “less than substantial, indeed little more than negligible”.</p> <p>iii) The appeal site lay within the setting of the Park and Garden and the Conservation Area. Overall, the harm to the significance of the Park and Conservation Area lay “very much at the lower end of ‘less than substantial’”.</p> <p>iv) The public benefit of housing, which was much needed in the area, was more than sufficient to tip the balance in favour of the appeal proposals.</p> <p>Therefore the appeals were allowed and planning permission was granted.</p> <p>11. The issues raised in the section 288 application may be summarised as follows:</p> <p>i) Did the Inspector adopt an unlawfully narrow approach when determining whether the appeal site was part of the setting of Kedleston Hall? Specifically, did he misdirect himself that a visual connection was necessary or determinative, in addition to the evidence of a historical connection?</p> <p>ii) Did the Inspector give adequate reasons for rejecting the approach to setting which was put forward by objectors to the appeal proposal, including the National Trust and Historic England (the statutory consultee)?</p> <p>iii) Dove J. granted permission on 14 December 2016, observing that the grounds were properly arguable and that the first ground raised issues of wide public importance.</p> <p><b>Legal and policy framework</b></p> <p>(i) Applications under section 288 TCPA 1990</p> <p>12. Under section 288 TCPA 1990, a person aggrieved may apply to quash a decision on the grounds that (a) it is not within the powers of the Act; or (b) any of the relevant requirements have not been complied with, and in consequence, the interests of the applicant have been substantially prejudiced.</p> <p>13. The general principles of judicial review are applicable to a challenge under section 288 TCPA 1990. Thus, the Claimant must establish that the Secretary of State misdirected himself in law or acted irrationally or failed to have regard to relevant considerations or that there was some procedural impropriety.</p> <p>14. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker and not for the Court: <i>Seddon Properties Ltd v Secretary of State for the Environment</i> (1981) 42 P &amp; CR 26. As Sullivan J. said in <i>Newsmith v Secretary of State for the Environment, Transport and the Regions</i> [2001] EWHC Admin 74, at [6]:</p>	

Judgment Approved by the court for handing down.	Steer v SSCLG & Ors
<p>“An application under section 288 is not an opportunity for a review of the planning merits.....”</p> <p>15. A decision letter must be read (1) fairly and in good faith, and as a whole; (2) in a straightforward down-to-earth manner, without excessive legalism or criticism; (3) as if by a well-informed reader who understands the principal controversial issues in the case: see Lord Bridge in <i>South Lakeland v Secretary of State for the Environment</i> [1992] 2 AC 141, at 148G-H; Sir Thomas Bingham MR in <i>Clarke Homes v Secretary of State for the Environment</i> (1993) 66 P &amp; CR 263, at 271; <i>Seddon Properties Ltd v Secretary of State for the Environment</i> (1981) 42 P &amp; CR 26, at 28; and <i>South Somerset District Council v Secretary of State for the Environment</i> (1993) 66 P &amp; CR 83.</p> <p>(ii) Decision-making</p> <p>16. The determination of an application for planning permission is to be made in accordance with the development plan, unless material considerations indicate otherwise. Section 70(2) TCPA 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) provides:</p> <p>“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”</p> <p>17. An Inspector is required to give adequate reasons for his decision, pursuant to rule 18 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. The standard of reasons required was described by Lord Brown in <i>South Bucks District Council and another v Porter (No 2)</i> [2004] 1 W.L.R. 1953, at [36].</p> <p>(iii) Planning (Listed Buildings and Conservation Area) Act 1990</p> <p>18. Section 66(1) provides:</p> <p>“66. General duty as respects listed buildings in exercise of planning functions.</p> <p>(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”</p> <p>(iv) NPPF</p> <p>19. The conservation of heritage assets is a core planning principle under the NPPF.</p>	

Judgment Approved by the court for handing down.	Steer v SSCLG & Ors
<p>20. NPPF 17 provides:</p> <p>“17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:</p> <p>.....</p> <p>“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;”</p> <p>21. The term “heritage asset” is defined in the Glossary:</p> <p>“Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest...”</p> <p>22. The setting of a heritage asset and its significance are defined as follows:</p> <p>“Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”</p> <p>“Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”</p> <p>23. Part 12 of the NPPF is headed “Conserving and enhancing the historic environment”. The Glossary defines historic environment as follows:</p> <p>“Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.”</p> <p>24. Relevant paragraphs in Part 12 are set out below:</p> <p>“128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the</p>	

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potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

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#### (v) Planning Practice Guidance (“PPG”)

25. The PPG includes the following guidance which is relevant to this case.

##### “Overview: historic environment

##### What is the policy for the historic environment?

Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s drive to achieve sustainable development (as defined in paragraphs 6-10. The appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’ (paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in paragraphs 126-141 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.

Paragraph: 001”

##### “What is meant by the conservation and enhancement of the historic environment?

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

...

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past...

Paragraph: 003”

##### “Why is ‘significance’ important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (see How to assess if there is substantial harm).

Paragraph: 009”

##### “What is the setting of a heritage asset and how should it be taken into account?

The “setting of a heritage asset” is defined in the Glossary of the National Planning Policy Framework.

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A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

...

Paragraph: 013”

##### **(vi) Historic England: The Setting of heritage Assets (Historic Environment Good Practice Advice in Planning: 3)**

26. HE’s ‘Good Practice Advice’ does not constitute a statement of government policy. It is intended to provide information on good practice in implementing historic environment policy in the NPPF and PPG.

27. Paragraph 4 states:

##### “The extent of setting

4. The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral

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<p>(NPPF glossary). All of the following matters may affect the understanding or extent of setting:</p> <ul style="list-style-type: none"> <li>- While setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time ...</li> <li>- Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nesting and overlapping settings, as well as having a setting of their own. A conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated (explicitly recognised in green belt designations.</li> <li>- The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design ....”</li> </ul>	
28.	<p>In a section headed “Views and setting”, paragraph 5 states:</p> <p>“[t]he contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets”</p>
29.	<p>Paragraph 9 provides:</p> <p><b>“Setting and the significance of heritage assets</b></p> <p>Setting is not a heritage asset .... Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset’s surroundings.</p> <p><b>Cumulative change</b></p> <p>Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting ...</p> <p><b>Change over time</b></p> <p>Settings of heritage assets change over time. Understanding this history of change will help to determine how further development</p>

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<p>within the asset’s setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance but setting which have changed may also themselves enhance significance ...</p> <p><b>Appreciating setting</b></p> <p>Because setting does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; .....</p> <p><b>Buried assets and setting</b></p> <p>Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer, they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting. For instance:</p> <ul style="list-style-type: none"> <li>- The location and setting of historic battles, otherwise with no visible traces, may include important strategic views, routes by which opposing forces approached each other and a topography that played a part in the outcome.</li> <li>- Buried archaeological remains may also be appreciated in historic street of boundary patterns, in relation to their surrounding topography or other heritage assets or through the long-term continuity in the use of the land that surrounds them.</li> </ul> <p>While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible.</p> <p><b>Designed Settings</b></p> <p>Many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise and these designed settings may also be regarded as heritage assets in their own right. Furthermore they may, themselves, have a wider setting: a park may form the immediate surroundings of a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary. Given that the designated area is often restricted to the ‘core’ elements, such as a formal park, it is important that the extended and remote elements of design are included in the evaluation of the setting of a designed landscape.</p>	

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<p>Reference is sometimes made to the ‘immediate’ ‘wider’ and ‘extended’ setting of heritage assets, but the terms should not be regarded as having any particular formal meaning.”</p>	
30.	<p>Under the heading “<i>A staged approach to proportionate decision-taking</i>”, a five stage approach is recommended: <b>Step 1</b>: identify which heritage assets and their settings are affected; <b>Step 2</b>: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s); <b>Step 3</b>: assess the effects of the proposed development, whether beneficial or harmful, on that significance; <b>Step 4</b>: explore the way to maximise enhancement and avoid or minimise harm; <b>Step 5</b>: make and document the decision and monitor outcomes. There is a degree of overlap between these stages.</p>
31.	<p>Each of these steps is then considered in more detail. Paragraph 13 provides guidance on Step 1:</p> <p><b>“Step 1: identifying the heritage assets affected and their settings</b></p> <p>13 The starting point of the analysis is to identify those heritage assets to be affected by the development proposal. For this purpose, if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting.”</p>
32.	<p>Paragraphs 18 to 21 provide guidance on Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s). Paragraph 18 states:</p> <p>“18. The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and/or nature of that contribution. We recommend that this assessment should first address the key attributes of the heritage asset itself and then consider:</p> <ul style="list-style-type: none"> <li>- the physical surroundings of the asset including its relationship with other heritage assets</li> <li>- the way the asset is appreciated, and</li> <li>- the asset’s associations and patterns of use.”</li> </ul>
33.	<p>Paragraph 19 refers to a non-exhaustive check-list of potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset’s heritage and significance.</p> <p><b>Grounds of challenge</b></p>
34.	<p>The Claimant’s first ground of challenge was that the Inspector erroneously applied a narrow interpretation when determining the setting of the Hall, in which a physical or visual connection was needed, despite the existence of an historical, social and</p>



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economic connection between the Hall and its agricultural estate lands. This approach was inconsistent with the broad meaning given to setting in the NPPF, the PPG and HE's 'Good Practice Advice'. At the Inquiry, there was a body of expert evidence stating the historical connection did bring the appeal site within the setting of the Hall. If the basis of the Inspector's decision was that he rejected this evidence, and preferred the evidence of the developer's expert that the historical connection was insufficient to bring the appeal site within the setting, then he failed to provide adequate reasons for this conclusion, particularly bearing in mind that he was disagreeing with a specialist statutory consultee. The Claimant relied upon the inadequacy of the Inspector's reasons as its second ground.

35. HE supported the Claimant's grounds, whilst emphasising that its major concern was about the implications of the Inspector's interpretation of setting for future cases, and for the discharge of its statutory functions.
36. The Secretary of State, supported by the developer, submitted that the Claimant was, in reality, making a merits challenge to the Inspector's exercise of judgment, which was impermissible. On a fair reading of the AD, the Inspector correctly applied the NPPF and PPG to the issues in these particular appeals. He concluded that the historic, economic and social connections between the appeal site and the Hall were insufficient to bring the appeal site within the setting of the Hall. The Inspector's reasons were adequate, as there was no genuine doubt as to what he decided and why. He was not required to explain why he did not agree with the evidence of the objectors. Moreover, even if the Inspector had erred in his interpretation of setting, as alleged by the Claimant, it was apparent from the Inspector's alternative findings that he would have found the harm to be negligible and easily outweighed by the benefits of the proposed scheme.

#### Conclusions

##### The material before the Inspector on the historical, social and economic association between the Hall and the appeal site

37. There was a significant amount of material before the Inspector in support of the submission that the appeal site formed part of the setting of both the Hall and the Park because of the historical, social and economic association between the Hall and the agricultural lands of its Estate.
38. It was common ground that the appeal site was about 19.35 ha and that it was situated no less than 550m west of the Park and in the main around 830m away. It was formerly part of the agricultural lands of the Kedleston estate, and remained in agricultural use.
39. HE's response to the consultation, dated 17 November 2014, written by Louise Brennan, Principal Inspector of Historic Buildings and Areas, stated (emphasis added):

"The setting of Kedleston Hall and Park has long been recognised as highly sensitive to the encroachment of development. A key issue is the extent to which the cumulative

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impact of new development adjacent to extensive inter-war and post-war housing on the fringe of Derby marks a 'tipping point' in safeguarding the setting of these highly graded heritage assets. In this important respect, our assessment differs from that of the applicant's advisers and I set out below the advice of English Heritage that development in this location would be harmful to the significance of Kedleston Hall and its associated designated parkland and wider agricultural landscape.

#### Significance

The proposed development site consists of agricultural land immediately off Memorial Road and Kedleston Road, Allestree. The land appears to have formed part of the wider Kedleston site since at least the mid-late 18<sup>th</sup> century, concurrent with Adam's transformation of the park. The site is bounded to the east by Kedleston Road, which is the turnpike road created during this period. Adam located his new North Lodge on the Kedleston Road, north of the Grade 11\* Kedleston Hotel and this forms the main entrance to Adam's Hall and Park.

The significance of Kedleston Hall and the registered park and garden is well documented and the Heritage Setting Assessment submitted [by the developer] acknowledges the importance of both assets and the conservation area – as a Grade 1 listed building the Hall is considered nationally to be of exceptional historic and architectural interest and character. The Hall is described by Pevsner as 'one of the most magnificent apartments of the C18 in England' and 'the most splendid Georgian house in Derbyshire, in extensive grounds'. The Grade 1 registered [Park and Gardens] is considered to be largely the work of Robert Adam – its layout closely conforms to Ingmans 1764 map. Described by the National Trust as a naturalistic pleasure ground, which blends seamlessly with the landscape and parkland beyond, the PAG is a important example of the picturesque approach embodied by the work of Capability Brown.

The Hall and PAG are now managed by the National Trust, open to the public as a visitor attraction that received 120,000 visitors last year. Kedleston Road forms the main entrance to the Hall from the south (Derby), connecting to the major local national roads and rail services. Thus the application site forms a part of the visitor experience of approaching Kedleston.

#### Impact of the proposals on Significance

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In our view the primary impact of the development is upon the Grade 1 registered park and garden, related conservation area and Grade 1 listed Kedleston Hall in relation to the significance that the Hall derives from its wider setting.

The application site remains in its historic agricultural use, with hedges and mature trees characterising the field boundaries. There are views across the site towards the registered [Park and Garden] and conservation area and vice versa. The site contributes to the setting of both assets in terms of aesthetic value – a pleasant and open agricultural landscape. In terms of the historic relationship between the Hall and its surrounding landscape, the site forms part of the Estate which would have been managed historically as an economic and social entity. Thus the preservation of this site in its historic form as agricultural land associated with the Kedleston estate contributes materially to the significance which these highly graded designated heritage assets derive from their setting.

This is a case where the development site also makes a contribution to the experience of approaching the registered [Park and Garden] and Hall from Derby. Whilst the suburban character of the inter-war development is apparent to the east of Kedleston Road, the landscape to the west remains in agricultural use, affording open views towards the [Park and Gardens]. The component parts of designed park and gardens supported by wider agricultural estate which characterise the great English country house are readily apparent when approaching on the Kedleston Road with the experience of anticipation as historic structures are revealed in the approach.

.....

The draft HSA concluded that only the PAG was affected by the proposed development site. We welcome revision of the HSA to include the conservation area commensurate with the boundary of the PAG as affected by the proposal. Likewise we believe the significance of the Hall as the principal building within the PAG – without which it would not exist – is also affected.

#### English Heritage Position

In our view the proposed housing development would harm the significance that Kedleston Hall and the Grade 1 registered [Park and Garden] derives from its setting. The development will also harm the significance of the conservation area through fundamental change to its setting owing to the transformation of character from agricultural land, historically part of the Kedleston estate, to housing. This harm is assessed as less than substantial. In identifying less than substantial harm the NPPF

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remains clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits ..... against the level of harm. ...."

40. HE's pre-application advice to the Council, dated 24 July 2014, also written by Louise Brennan, was in similar terms to the consultation response.
41. Claire Searson, Historic Environment Planning Adviser at Historic England, made formal objections to the proposed allocation of this site in the Local Plan on 8 September 2014, on the ground that it would harm the significance that the Hall and Park and Conservation Area derive from their setting. Commenting on the absence of recommended mitigation measures, she observed:
- "We are uncertain whether any mitigation can be realistically achieved as we consider that the harm is caused by the transformation of agricultural land, historically part of the Kedleston Estate, to housing, and as such the principle of development in this location is called into question."
42. Mr Warren QC, for the developer, referred to minutes of meetings in December 2014 with EH, in which he submitted that its officers relied particularly on the visual connection. I observe that it was apparent from the Minutes that the historic and social/economic connection was explained to the developer by the officers. In any event, in my judgment, the corporate view of EH was expressed in the formal written responses, which were a more reliable expression of view than the minutes of a meeting.
43. The National Trust objected to the development in a detailed letter dated 8 December 2014. It included the following:

"EDP also recognise that 'the residential expansion west of Derby has clearly had a profound and significant impact on Kedleston Park, in respect of its setting to the east, as agricultural fields have gradually been replaced by the widespread growth of Derby and Allestree'. The report also refers to 'chronic light pollution' arising from this area. The gradual historic erosion of a heritage asset's setting does not justify further harm. Nor, within the context of the modern planning system, does the historic sale of land by the Kedleston Estate set a precedent for further development that is harmful to the historic environment.

As well as in the design of the property, the significance of Kedleston lies in the impression that the estate made – and still makes – on other people, including the numerous visitors. For generations, the family had been acutely conscious of the ways in which its estate represented its ambitious and achievements, its politics and its taste, to both the general public and its peers. The approach to, and views of, the wider setting of Kedleston Hall, Park and Garden – including the agricultural setting, which helped to provide the economic underpinning of the estate –

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played a vital role in building anticipation of what Kedleston had to offer in the 18<sup>th</sup> Century. The same is true today."

44. The Gardens Trust objected to the application by letter dated 4 February 2016, on the ground of its adverse impact on the setting of both the Park and the Hall. It stated:

"It is important to understand that the setting of a heritage asset .... is a much wider concept than mere visibility, although there are often confused or conflated. Historic England defines setting as "the surroundings in which [the asset] is experienced" [our emphasis]. Views, while they may be an important part of this experience and clearly identify the presence of a setting, do not constitute its totality, or even the greater part of it. The whole of Kedleston Park for example is part of the setting of Kedleston Hall even where the Hall may not be actually be visible from it. Similarly the defined setting of Kedleston Park referred to above, functions on a number of levels, only one of which relates to views."

.....

"We further note that in Historic England's analysis of the impact of the proposed development on the setting of the overall heritage asset comprising Kedleston, the development site is identified as affecting the experience of the visitor's approach to, and understanding of Kedleston by virtue of its disruption of the hierarchy of designed pleasure grounds and parkland supported by a wider agricultural Estate which remains apparent on the approach to Kedleston along Kedleston Road. We support this view and the conclusion that further incremental development ..... will significantly impact on an area which retains its historic, agricultural character in the immediate vicinity of the Park boundary."

45. Steve Baker, Development Control Archaeologist at Derbyshire County Council, commented on the proposal in an email dated 4 February 2016, as follows:

"Setting impacts to designated heritage assets

.....

The proposal site forms part of the estate farmlands which reflect a shared history of landscape evolution between the Hall/Park and their wider estate surroundings. From the east the proposal site forms the landscape and historic landscape context within which the assets are viewed. The landscape east of Kedleston Park, including the proposal site, has been identified as conforming to a high degree with the 'Estate Farmlands' landscape character type, and forms part of an 'Area of Multiple Environmental Sensitivity' (AMES) within the Derbyshire County Council dataset, straddling both Primary and Secondary

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sensitivities. These observations suggest that the landscape on this side of the Kedleston assets retains much of its historic character as the estate setting to the Hall and Park. This historic character and relationship can be appreciated in views from the east across the proposal site towards the edge of the park, from the line of Kedleston Road where the hall is screened by planting but the edge of the Park is clearly visible, and from higher up the ridge within Allestree where the Hall is clearly visible within its parkland and estate setting. Because of the limited remaining buffer between the urban edge of Derby and the RPG, the proposal site forms a meaningful component of the total surviving estate setting between the east of the RPG and the edge of Allestree, comprising perhaps one twelfth (c8%) of the total farmland setting to this side.

The proposal site also forms part of the primary visitor route to Kedleston Hall/Park from the south, along the line of Kedleston Road. Moving along Kedleston Road northwards along the edge of Allestree and north-eastwards towards the edge of the RPG there is around 1100m where the visitor can view the edge of the Park – clearly discernible as a continuous line of planting - across its estate farmland setting – of which the proposal area contribute 210m. The concentric influence of the Hall on its landscape forms a clear narrative for this line of approach, across estate farmland beyond which the edge of the park approaches, followed by immersion within the inner parkland landscape and the final disclosure of the built form of the Hall. The drama of this approach to Kedleston therefore forms an important part of the visitor experience, a physical narrative which encapsulates the spatial and cultural relationships between the Hall and its surrounding landscape and therefore contributes to the significance of both Hall and Park.

From the Hall and the RPG the surrounding rural context is important in preserving a sense of a parkland landscape at the centre of a managed rural estate (rather than in a suburban context). The proposal site contributes here in views only from the eastern edge of the RPG, but in the wider sense as part of the buffer against intrusive noise and light pollution from the urban edge of Derby.

The proposal site therefore makes a contribution in a number of ways to an understanding and experience of the historic relationship between Kedleston Hall/Park and the surrounding estate landscape. Part of the significance of Kedleston Hall lies in its historic role in shaping and managing the character of the surrounding landscape – the RPG and the surrounding estate farmlands – and the proposal site therefore contributes to this element of significance of both Hall and Park.

.....

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The harms to significance detailed above do not constitute 'substantial harm' sensu NPPF chapter 12; given the reduction in the proposed development area I would place these impacts towards the lower end of 'less than substantial harm'. However, they do strike at an important element of the significance of both Hall and RPG in a non-trivial way. A loss of perhaps one twelfth of the historic setting to the eastern side of the park, and a fifth of the visitor approach where the RPG can be viewed across estate farmland is a meaningful degree of harm to assets of international importance."

46. Melanie Morris, a chartered town planner specialising in the historic environment, gave evidence at the Inquiry on behalf of the Council. In summary, her evidence was that the appeal site was part of the manor lands owned by Sir Nathaniel Curzon, 1<sup>st</sup> Baron Scarsdale, in 1761 when he was reconstructing his park and house with the assistance of the architect Robert Adam. The appeal site was located on the main road from Derby from which most visitors arrived. It gave a clear view into the park which incorporated a designed view of the Hall. The Curzon family also enjoyed views outwards from the park to Derby but today "the park turns its back on Derby". Encroaching urbanisation and light pollution led to the filling in of the main view between the park and the southern approach by a screen of trees, in the 1960's, which has been gradually thickened.
47. In her proof of evidence she stated:
- "1.9 Despite the loss of the view of the Hall, there is still a view of the park and the views looking towards the park from Kedleston Road and Memorial Road have changed relatively little since the 1835 Sanderson map depicted the field boundaries.
- 1.10 The setting of the Hall will be affected by development on both appeal sites. This is because the significance of the Hall is in part meshed with its landscape setting, which was manipulated to control views of it. It lies at the heart of parkland, which lies within an area of agricultural land that was controlled and managed by the estate, like concentric rings of influence, designed to be experienced, moving inwards."
48. Stephen Levrant, an architect specialising in historic buildings and conservation, gave evidence on behalf of Kedleston Voice. In his view, the appeal site fell within the setting of the Hall, the Park and the Kedleston Conservation Area. The appeal site with its open rural nature and the existing historical field boundaries positively contributed to the significance of these heritage assets, including the Hall, through the retention of its historical appearance and the legibility of the urban boundary of Derby.
49. Christopher Gallagher, an historic landscape consultant with a specialist knowledge of historic parks and gardens, gave evidence on behalf of Kedleston Voice, focusing on the Park and Garden. He provided a detailed history, including the blocking of designed views inwards and outwards by the Derby Screen. In his view, the proposed

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development would impact negatively by removing the last remnants of the important view of the Hall and Park from Kedleston Road, and render it irretrievable.

50. Andrew Crutchley, Director at the Environmental Dimension Partnership, and a specialist in heritage issues, gave evidence at the Inquiry on behalf of the developer. He also authored the Heritage Setting Assessment, which was commented upon by HE and others. In his Summary and Conclusions, he stated as follows:

#### "The impact on Kedleston Hall Grade 1 Listed Building

S.6 It is also considered that there would be no impact in respect of Kedleston Hall Grade 1 listed building in terms of the change to the contribution which its setting makes to its significance as a designated heritage asset. This is on the basis that there would be no change to views in towards or out from the Grade 1 listed building which contribute to its heritage 'significance', and moreover those wider relationships that contribute positively to its heritage significance are principally focused within the enclosing confines of the surrounding parkland landscape (and would therefore not be impacted).

S.7 Insofar as there is any experience of the Grade 1 listed building from Kedleston Road, on the approach to Kedleston Hall RPG, it would be unchanged by the implementation of the appeal proposals. Whilst the Council and its heritage consultees claim that the listed building would experience a loss of significance ('harm') because of the development of estate farmland which economically supported the house, my evidence concludes that this is an historic relationship which cannot be understood or appreciated without access to the estate records. There are no physical features marking the extents of the estate's ownership, in direct contrast to a great many other country estates.

#### The impact on Kedleston Hall RPG & Kedleston Conservation Area

S.9 It is concluded that there would be a negative impact (i.e. a loss of significance from just two designated heritage assets ... in both instances through change within their setting. These comprise:

- Kedleston Hall Grade 1 Registered Park and Garden

- Kedleston Conservation Area

.....

S.11 The harm would result from the loss of views west, towards the planation woodland defining the eastern boundary of the RPG and conservation area from the north-south section of Kedleston

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Road adjoining the appeal sites, and the consequent reduction in the ability to experience it as a feature in the surrounding farmland landscape."

#### The Inspector's decision

51. The extracts from the evidence which I have set out above demonstrate that there was a significant body of evidence, from HE, the National Trust, the Gardens Trust, the Development Control Archaeologist at Derbyshire County Council, and the experts called on behalf of the local community, Kedleston Voice, that the appeal site was part of the setting of both the Grade 1 listed Hall and the Park, as well as the conservation area, even though the proposal would not intrude upon views to and from the Hall. The evidence was that the appeal site was part of the setting of the Hall because it had formed part of the estate, managed historically as an economic and social entity, and it remained in its historic agricultural use, with hedges and mature trees characterising the field boundaries. From the Hall and the Park, the surrounding rural context was important in preserving a sense of a parkland landscape at the centre of a managed rural estate, rather than in a suburban context. The site was on the primary visitor route to the Hall and Park and so visitors would experience the historical narrative, and the concentric influence of the Hall on its landscape, as they traversed the agricultural estate, then entered the enclosed, designed park and gardens, enjoying the drama of anticipation as a great English country house was revealed to them.
52. The Inspector was required to address this evidence in his AD, whether or not he agreed with it, for the following reasons. It related to a main issue in the appeal, on which the developer disagreed with the objectors. Much of the evidence was given by experts. HE was a statutory consultee and a "decision-maker should give the views of statutory consultees ... 'great' or 'considerable' weight. A departure from those views requires 'cogent and compelling reasons'": *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin), at [72]. As an experienced Inspector, he would have been aware of these requirements.
53. On my reading of the decision, the Inspector accepted the evidence that there existed historic social and economic connections between the Hall and Park and the area in which the appeal site was situated since he did not set out any reasons for rejecting this evidence, wholly or in part, and in his conclusions at AD 37 he expressly accepted it, saying:
- "The Hall and its Park were at the centre of a large estate, socially and economically, though not geographically (there was estate land in Staffordshire). The agricultural land around the Park certainly forms part of its setting in historical and cultural terms. In visual terms what forms part of its setting is less extensive."
54. However, the Inspector rejected the evidence and submissions that the appeal site was part of the setting of the Hall, despite the historic social and economic connections. On a fair reading of the entirety of the AD, I accept the submission by the Claimant and HE that the Inspector concluded that the

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<p>appeal site was not part of the Hall's setting because of the lack of a physical or visual connection, which he treated as essential to the identification of "surroundings in which a heritage asset is experienced" (NPPF definition of setting). The Inspector said, at AD 32:</p> <p>"It was also argued that the historical, social and economic connection – the appeal site being part of the estate of which the Hall and Park were the hub – brought the appeal site within the setting of the Hall. There has, though, to be more of a physical or visual connection than that, otherwise land completely remote from the Hall could be deemed within its setting."</p>	
55. In line with that approach, the Inspector then went on to identify "two ways to look at the setting of Kedleston Hall", both of which were concerned with the existence of inter-visibility between the site and the Hall. The first "way to look at the setting" was to consider the current position. The Inspector referred to the fact that the Derby Screen had obscured the views from and to the Hall and "thus, today, the appeal site forms no part of the setting": AD 33.	
56. The second "way to look at the setting" was to take "a more historical approach", and consider the views that would have existed prior to the planting of the Derby Screen: AD 34, AD 35. The Inspector concluded that "if one holds the opinion that the view both to and from Kedleston Road was a deliberate part of the design of the Park and that the Derby Screen, or part of it, could be opened out to restore that view, then the appeal site does indeed fall within the setting": AD 36. The Inspector thus identified two conditions which, if satisfied, would bring the appeal site within the setting of the Hall on the basis of an historic visual connection.	
57. The Inspector concluded at AD 50 that it was "unclear that the view from Kedleston Road was a designed view", and that "there is nothing to suggest that a view from Kedleston Road giving a glimpse of the Hall might at some time be restored". On that basis, he concluded, at AD 51, it was "entirely reasonable to conclude that the appeal site does not lie within the setting of Kedleston Hall....".	
58. At AD 52, the Inspector considered what the impact would be if, contrary to his findings, the visual connection could be restored. He concluded that "the view from Kedleston Road would be lost", "the view from the Hall would be little changed", and that overall the impact would be "less than substantial" – in fact the effect on significance would be "negligible".	
59. In his assessment of the impact of the proposed development upon the Hall, the Inspector concluded, at AD 42: <p>"The Derby Screen is key to any impact on the significance of Kedleston Hall. At the present time, the existence of the Screen means that the proposed development would have no impact whatsoever on the setting of the Hall...."</p>	
60. In my view, the Inspector's findings set out above clearly indicate that the Inspector's focus was upon identifying a visual connection, and assessing the proposal's impact upon it. The historic social and economic connections were set to one side in this	

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<p>exercise. I therefore cannot accept the Secretary of State's submission that the Inspector merely formed a planning judgment that the historic social and economic factors were of insufficient weight, as there was no assessment of the weight to be accorded to them in the Inspector's decision-making process.</p>	
61. In my view, the Inspector's approach to the other heritage assets also confirms that he treated the physical and visual connection as determinative.	
62. When considering the Park, after referring to the historic social and economic connections in AD 37, the Inspector went on to say that "in visual terms, what comes within the setting is less extensive". He found that the appeal site was within the setting of the Park because of its "relative proximity" and the fact that there were "clear views of the boundary of the Park", although the views into the Park had been obscured: AD 38. It is apparent that the Inspector concluded that these physical and visual connections distinguished the Park from the Hall, as Mr Crutchley, witness for the developer, had contended at the Inquiry.	
63. The Inspector's assessments of whether the appeal site was within the setting of the Kedleston Hotel and Quarndon Conservation Area were entirely based upon visual attributes: AD 39 and AD 40.	
64. In my judgment, although the Inspector set out the NPPF definition of setting at AD 31, he adopted a narrow interpretation of setting which was inconsistent with the broad meaning given to setting in the relevant policies and guidance which were before him (see the extracts from the NPPF, the PPG, and HE's 'Good Practice Advice', set out above). Whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual.	
65. Paragraph 013 PPG expressly states (emphasis added):	
<p>"The extent and importance of setting is often expressed by reference to visual considerations. <u>Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.</u> For example, buildings that are in close proximity but are not visible from each other may have a <u>historic or aesthetic connection that amplifies the experience of the significance of each.</u></p> <p>The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance."</p>	
66. HE's 'Good Practice Advice' confirms the PPG guidance stating, at paragraph 9, that the importance of setting "lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual	

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<p>and associational attributes pertaining to, the heritage asset's surroundings". It advises that even buried remains, or the sites of historic battles, will have settings, despite the absence of any visible traces, and being unrecognisable by the casual observer.</p>	
67. At AD 32 the Inspector concluded that there had to be a physical or visual connection going beyond the historic social and economic connections between the Hall and its estate "otherwise land completely remote from the Hall could be deemed within its setting". Later on, at AD 37, he referred to the fact that there was estate land in Staffordshire. In my view, the Inspector's justification for his narrow interpretation was misplaced because the term "surroundings" in the NPPF definition of setting does place a geographical limitation on the extent of the setting. The estate in Staffordshire could not be treated as part of the Hall's "surroundings".	
68. The five step approach in HE's 'Good Practice Advice' advises at Step 1 that "if the development is capable of affecting the contribution of a heritage asset's setting to its significance, it can be considered as falling within the asset's setting" (paragraph 13). The guidance on Step 2 refers to a non-exhaustive check-list of potential attributes of a setting which may define its contribution to the asset's heritage and significance (paragraph 19). Although the list includes many visual attributes, it also includes non-visual attributes. Under the heading "The asset's physical surroundings": attributes such as "Land use", "Functional relationships and communications", "History and degree of change over time" are non-visual attributes referred to in the evidence in this case. Under the heading "Experience of the asset": attributes such as "Surrounding landscape or townscape character", "Degree of interpretation or promotion to the public", "The asset's associational attributes", "Associative relationships between heritage assets", "Cultural associations" and "Traditions" are all non-visual attributes referred to in the evidence in this case.	
69. I agree with the submission of the Claimant and HE that the Inspector adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative. In adopting this approach, the Inspector made an error of law.	
70. In view of my conclusion on ground 1, it is unnecessary to determine ground 2.	
<b>Discretion not to quash</b>	
71. I accept the Claimant's submission that it is not possible for me to judge that the outcome of the appeal would have been the same had the Inspector adopted the correct approach to the setting of the Hall. This would have required evaluation of the whole range of attributes – both visual and non-visual – which were capable of contributing to the significance of the Hall or the appreciation of its significance. If the appeal site was found to be within the setting of the Hall, further statutory and policy tests would be applicable.	
72. The Inspector concluded that, as the appeal site was outside the setting of the Hall, section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 did not apply.	



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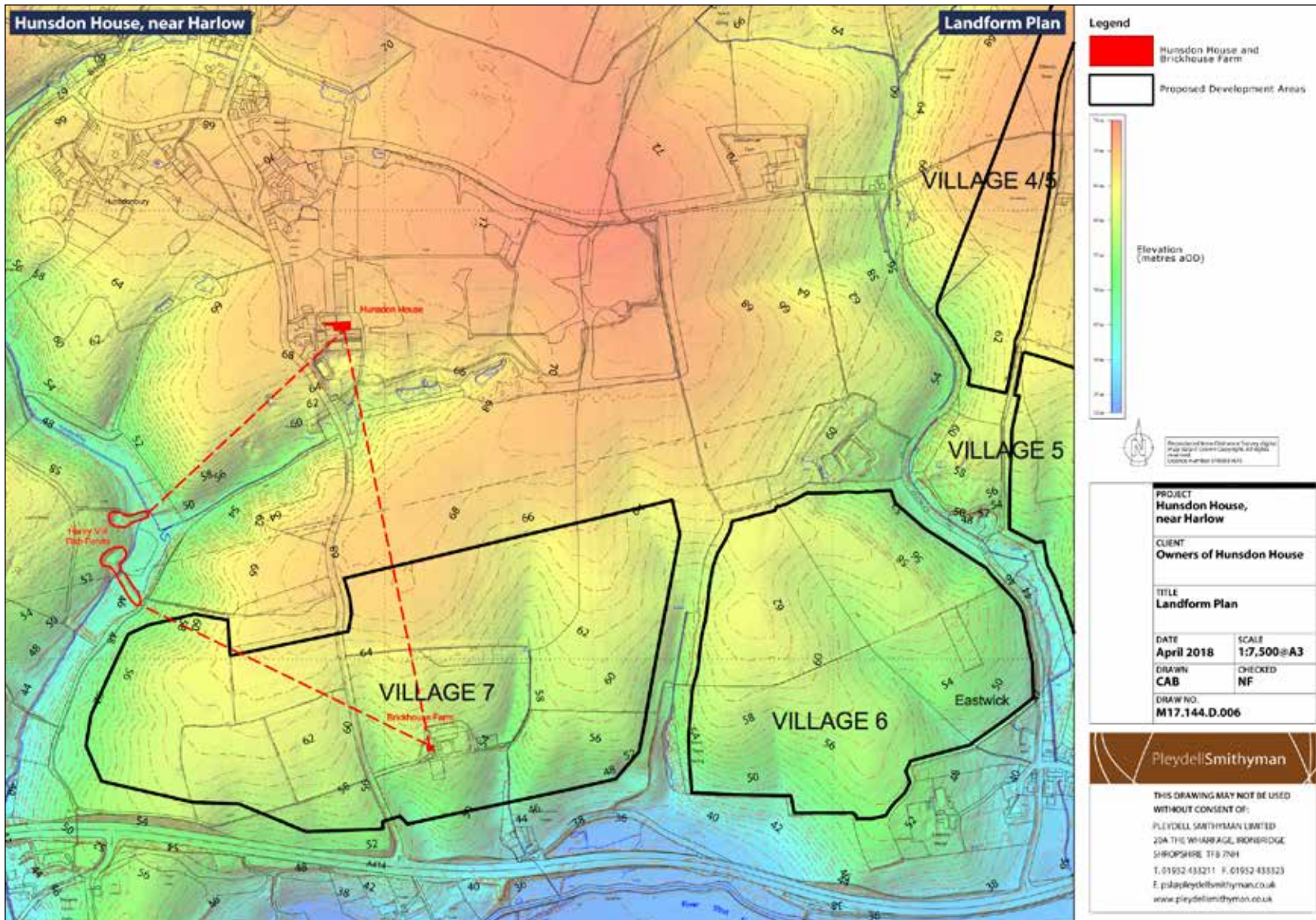
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73. In *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council & Ors* [2014] EWCA Civ 137, the Court of Appeal held that “Parliament’s intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise” (per Sullivan LJ, at [29]).
74. In this case, the application of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, read together with section 38(6) of the PCPA 2004, was one of the reasons why the Council refused planning permission for what it described as “less than substantial harm to the setting of heritage assets with the highest level of protection”.
75. The Inspector also concluded that NPPF 131-137 did not apply. NPPF 132 states:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”
76. In this case, the Council refused planning permission on the ground that the development was contrary to NPPF 132, finding that the irreversible and irreplaceable less than substantial harm caused to the setting of highly important heritage assets was not outweighed by the public benefits derived from the development proposals.
77. In my view, it is inappropriate for the High Court effectively to step into the shoes of the decision-maker in this case and exercise a planning judgment on matters of such sensitivity and importance as the setting of a Grade 1 listed heritage asset, on which the local planning authority and the Inspector have disagreed.

#### **Conclusion**

78. The application under section 288 TCPA 1990 is granted and the decision is quashed.

APPENDIX 4 - MAP ILLUSTRATING THE RELATIONSHIP BETWEEN HUNSDON HOUSE, BRICKHOUSE FARM & THE FISHPONDS



## REFERENCES

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- 2- Clutterbuck, R, *History of Hertfordshire*, 1758 p. 179-80
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- 5- VCH Stanstead Abbott, <http://www.british-history.ac.uk/vch/herts/vol3/pp366-373> and Appendices to a Report on Thomas Rymer's *Fœdera* By Charles Purton Cooper 1869, p 171-2
- 6- VCH, Pishobury <http://www.british-history.ac.uk/vch/herts/vol3/pp332-347#h3-0004> Nobles were frequently required to exchange lands with the crown, and they rarely emerged from such transactions anything other than poorer. In 1534, for example, the manor of Pisho in Hertfordshire was taken from Lord Scrope to add to the new royal honour of Hunsdon, much against Scrope's wishes, and for a sum that took account of nothing but the bare rental value – *Miller Helen Henry VII and the English Nobility*, 296pp. (Basil Blackwell, 1986)
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- 8- 8 places associated with Henry VIII's wives <https://www.historyextra.com/period/tudor/8-places-associated-with-henry-viii-wives/>
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- 14- Rowe Anne, Williamson Tom, *Hertfordshire: A Landscape History*, University of Hertfordshire Press, 2013
- 15- Hertfordshire Historic Environment Record (HER no: MHT6551) – *Site of the Medieval Deer Park, Hunsdon House, Hunsdon, and Rowe, Anne, Medieval Parks of Hertfordshire*, Hertfordshire Publications 2009, pp. 136-140
- 16- It is noted on the 1846 Tithe Award map for the Parish of Eastwick there was a farm called Garmans, lying to the east on the boundary of the former park, with a lane adjoining called Garmen Lane, and 52 a field called Garmans Park. It is thought highly likely this is the remnant part of the 'Jermynslane' enclosed in 1445.
- 17- Modus - A custom or prescription of entire exemption from the payment of tithes.
- 18- Rowe Table 1, page 137
- 19- Map from A description of Hartfordshire, 1598, John Norden republished in 1903, <https://archive.org/details/descriptionofhar00nord>
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