

Document 1 of 2:
Heritage Proof of Evidence
Land off Butterfly Lane and Hilfield Lane,
Aldenham



Client:
Hertsmere Borough Council

Date:
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TOWN AND COUNTRY PLANNING ACT 1990

Land off Butterfly Lane and Hilfield Lane, Aldenham

Heritage Proof of Evidence
Document 1 of 2

Maria Kitts BA (Hons) MA PGCert

September 2022

PLANNING INSPECTORATE REFERENCE:
APP/N1920/W/22/3295268

Hertsmere Borough Council Reference:
21/0050/FULEI

1. Introduction

Qualifications and Experience

- 1.1. I am the Principal Built Heritage Consultant at Place Services, Essex County Council. I hold a Bachelor of Arts degree with Honours in History, a Master of Arts degree in the Archaeology of Buildings, and a Post-graduate Certificate in Historic Conservation. I am an Affiliate Member of the Institute of Historic Building Conservation.
- 1.2. I have over ten years of experience as a Local Authority Conservation Officer and a Built Heritage Consultant. From 2011 to 2018 I was employed as a Conservation Officer, and latterly a Senior Conservation Officer. In September 2018 I joined Place Services as a Senior Built Heritage Consultant, becoming the Principal Built Heritage Consultant in August 2021. I have extensive experience of heritage issues arising from development in both urban and rural settings and development which affects the setting of heritage assets.
- 1.3. The information set out in this statement is provided on behalf of Hertsmere Borough Council (HBC) acting as Local Planning Authority (LPA) and comprises my opinions and conclusions drawn with regard to the heritage planning merits of the appeal proposals based on my knowledge and experience.

Statement of Truth

- 1.4. I understand my duty to the Inquiry, and I have complied, and will continue to comply, with that duty. I declare that the evidence which I have prepared and provide for this appeal is true. I confirm that this evidence identifies all facts which I regard as relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter that would affect the validity of that opinion. I believe that the facts stated within this proof are true and confirm that the opinions expressed are my true and professional opinions.

Applicant's Proposal

- 1.5. This inquiry pertains to the below proposal (HBC Ref: 21/0050/FULEI):

“Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site

accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.”

1.6. Reason for refusal 2 of the Decision Notice states:

“The proposal would cause less than substantial harm to the significance of the following neighbouring designated heritage assets by reason of its impact on their settings: Slades Farmhouse (listed building, Grade II, entry 1103614), Hilfield Castle (listed building, Grade II star, entry 1103569), Hilfield Castle Lodge (listed building, Grade II, entry 1103570), Aldenham House Registered Park and Garden (Grade II, entry 1000902) and Penne's Place (Scheduled Monument entry 1013001). The public benefits of the development would not be sufficient to outweigh the less than substantial harm that would be caused to the significance of those designated heritage assets, and therefore the proposal is considered unacceptable, pursuant to Policy CS14 (Protection or Enhancement of Heritage Assets) of the Hertsmere Local Plan (Core Strategy) 2013 and pursuant to paragraph 202 of the National Planning Policy Framework 2021.”

Involvement and Scope of Evidence

- 1.7. I provided pre-application advice to the LPA on a scheme for the redevelopment of the site in December 2020 (HBC Ref: 20/0132/PA) and provided an advice letter pertaining to the planning application. I was subsequently instructed by the LPA to act as the Council's expert witness in heritage matters for this inquiry in September 2021.
- 1.8. My assessment specifically considers the effect of the proposed development on the significance of designated heritage assets. This assessment will not perform any balancing exercises of harm against benefit; this is addressed by Laura Ashton in the planning proof of evidence.
- 1.9. I have visited the site and its surroundings for the purpose of undertaking my assessment. I have also visited Slades Farmhouse, Aldenham House Registered Park and Garden and Penne's Place moated site. The results of which are described in sections 4 and 5 of this proof of evidence.
- 1.10. The LPA's Reason for Refusal (**CD- PA22**) identified five heritage assets which would be harmed by the appeal proposals, and these are the same five heritage assets I identified in my pre-application responses and consultation response. They are as follows:
- Grade II* Listed: Hilfield Castle (List Entry ID: 1103569);
 - Grade II Listed: Lodge to Hilfield Castle (List Entry ID: 1103570);
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- Grade II Listed: Slades Farmhouse (List Entry ID: 1103614);
 - Registered Park and Garden: Aldenham House (List Entry ID: 1000902); and
 - Scheduled Monument: Penne's Place Moated Site (List Entry ID: 1013001).
- 1.11. As part of my evidence, I have provided photographs (**Appendix B**) to illustrate some of the key points I make in relation to setting, views and potential impacts, in order to give a visual indication of the views to and from heritage assets referred to in my proof of evidence. In doing so I recognise that these do not purport to fulfil the same role as photomontages, the standards for which are set out in *Guidelines for Landscape and Visual Impact Assessment* and supplemented by the *Townscape Character Assessment: Technical Information Note 05/2017* published by the Landscape Institute (2013).

Structure of my Evidence

- 1.12. My evidence is structured as follows:
- 1.13. Section 2, in conjunction with **Appendix A**, identifies the relevant legislation, heritage policy, and guidance in the context of which a decision on this appeal must be made.
- 1.14. Section 3 sets out the methodology used in this evidence. I have made my own assessment of the heritage assets and have assessed the impacts that the proposed development will have on their setting and significance, and the ability to appreciate and enjoy that significance. My methodology follows steps 1 to 3 of the Historic England Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (2017) (**CD-NPP11**).
- 1.15. Section 4 assesses the heritage assets affected and their significance including the contribution made by the settings of the heritage assets to their significance.
- 1.16. Section 5 considers the impact of the proposed development on the significance of affected heritage assets. Section 6 provides conclusions and a summary.
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2. Legislation Planning Policies and Guidance

2.1. The relevant planning policy, national and local guidance, and background studies I have taken into account when preparing my proof of evidence include:

- Planning (Listed Buildings and Conservation Areas) Act 1990;
- National Planning Policy Framework 2021 (**CD-NPP1**);
- National Planning Practice Guidance: conserving and enhancing the historic environment 2019 (**CD-NPP13**);
- Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment 2015 (**CD-NPP10**);
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets 2017 (**CD-NPP11**);
- Conservation Principles, Policies and Guidance 2008 (**CD-NPP9**);
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets 2019 (**CD-NPP12**);
- BS 7913:2013 Guide to the conservation of historic buildings.

2.2. Key policies and guidance from these documents, relating to the assessment of the appeal site, are set out in **Appendix A**.

3. Methodological approach used in this proof of evidence

- 3.1. The heritage assets identified will experience indirect impacts from the proposed development through change within their settings. There are no direct impacts on any designated heritage assets.
- 3.2. The Historic England guidance document 'Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets' (2017) (GPA3) (**CD-NPP11**) sets out a methodology for assessing harm to the setting of heritage assets as part of the planning process, comprising a five-step process that applies proportionally to complex or more straightforward cases as follows:
- **Step One:** identifies which heritage assets and their settings are affected;
 - **Step Two:** assesses whether, how and to what degree these settings and views make a contribution to the significance of the heritage assets or allow significance to be appreciated;
 - **Step Three:** assesses the effects of the proposed development on that significance or on the ability to appreciate it;
 - **Step Four:** explores ways to minimise harm;
 - **Step Five:** is the making and documenting of the decision.
- 3.3. Steps One to Three of this assessment process have been used to determine the impact of the proposed development on the setting and significance of designated heritage assets which will be affected by the proposed development.
- 3.4. Steps Four and Five are not considered relevant to this assessment. Step Four relates to the development of the design of the proposed development and the ways in which mitigation can be incorporated into a scheme to address any impacts. Step Three of my assessment considers the proposed scheme, including any mitigation measures included. Step Five is concerned with documenting decision making and monitoring outcomes and is not relevant to this assessment.
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4. Assessment of Heritage Assets Affected

- 4.1. This section covers Steps One and Two of the stepped approach outlined within GPA3.
 - 4.2. As an aid to decision-making, it is important to assess each of the heritage assets' significance, and in the case of the proposed development, particularly the contribution that setting makes to their significance, in line with National Planning Policy Framework 2021 (paragraphs 194-195), which is the purpose of this section of my proof.
 - 4.3. Significance is defined in the NPPF Glossary (**CD-NPP1**) as "*the value of a heritage asset to this and future generations because of its heritage interest. Such interest may be archaeological, architectural, artistic or historic and it may derive not only from a heritage asset's physical presence but also from its setting*".
 - 4.4. The setting of a heritage asset is defined in the NPPF Glossary (**CD-NPP1**) 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*".
 - 4.5. Paragraph 9 of GPA3 (**CD-NPP11**) notes that the importance of setting "*lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance*".
 - 4.6. As set out in GPA3, the setting of a heritage asset is likely to include a variety of views that can be important contributors to understanding and appreciating an asset's significance. Important views can include those from, towards, through, across and including an asset. Some views which contribute to an appreciation of an asset's significance have been identified below.
 - 4.7. Planning Practice Guidance also recognises that, "*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*".
 - 4.8. GPA3 (**CD-NPP11**) indicates that the setting of a heritage asset is the surroundings in which the asset is experienced. "*Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset*" (para.
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20). It also identifies the fact that heritage assets can include overlapping settings, as well as having a setting of their own.¹

¹ Planning Practice Guidance, paragraph: 013, reference ID: 18a-013-20140306

Identifying the heritage assets affected, their significance and the contribution setting makes to their significance or the ability to appreciate their significance

- 4.9. In order to determine which heritage assets and their significance, including their setting, are affected by the proposed development, desk-based research and a site inspection was undertaken.
- 4.10. The potential effects of the proposed development on Hilfield Castle Gatehouse (Grade II Listed Building, List Entry ID: 1346907) and Aldenham House (Grade II* Listed Building, List Entry ID: 1346891) have been considered as part of 'Step One' but the setting and significance of these assets are not considered to be harmed by the proposal.
- 4.11. The designated heritage assets identified as being harmed by the proposed development are:
- Grade II* Listed: Hilfield Castle (List Entry ID: 1103569);
 - Grade II Listed: Lodge to Hilfield Castle (List Entry ID: 1103570);
 - Grade II Listed: Slades Farmhouse (List Entry ID: 1103614);
 - Scheduled Monument: Penne's Place Moated Site (List Entry ID: 1013001); and
 - Registered Park and Garden: Aldenham House (List Entry ID: 1000902).
- 4.12. A map showing the location of the key heritage assets is located in **Figure 6, Appendix B**.
- 4.13. The significance of these designated heritage assets has been considered further below. The list and scheduling descriptions for the heritage assets are reproduced in **CD-NPP33-37**. Figures, maps and viewpoints, which are referenced in the text, are located in the document which accompanies this proof (**Appendix B**).
- 4.14. To understand the contribution setting makes to the significance of these heritage assets, Historic England's advice note on setting (**CD-NPP11**) includes making a:
- “(non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance”. It may be the case that, ‘only a limited selection of the attributes listed will be of a particular relevance to an asset.’”*
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4.15. When referencing the attributes of setting from the non-exhaustive checklist noted above, they will be highlighted in ***bold italics***.

The Significance of Hilfield Castle (Grade II* Listed)

- 4.16. In statutory terms, the significance of Hilfield Castle has been recognised by its designation as a Grade II* listed building which defines the structure to be of 'more than special interest'.² The significance of the designated heritage asset is drawn from its historic, archaeological, architectural and artistic interest as a good example of a late eighteenth century Gothic Revival villa built by a notable Gothic Revival architect, Jeffrey Wyatt (later Wyatville).
- 4.17. Hilfield Castle (**Figure 1, Appendix B**) is a large and imposing house in the Gothic Revival style of particular architectural and artistic interest. It is symmetrical in form at three storeys with a later mansard roof and a single storey conservatory wing to the south-west. The front elevation has a prominent four storey central tower with turrets and crenellations, and a porte cochère with Tudor arches. Its elevations are rendered brick under slate roofs and the fenestration is varied with sash windows, arched casements and mullioned windows. The list description (**CD-NPP34**) provides a detailed and accurate architectural description of the building.
- 4.18. Its archaeological interest derives from the evidence the building provides of late eighteenth century construction techniques and use of materials, and later adaptations and extensions indicate both the changing needs of its inhabitants and the evolution of building techniques and materials.
- 4.19. In the Hertfordshire edition of the *Buildings of England* series, Hilfield Castle is described as follows:
- "It stands romantically by the reservoir, reached from Aldenham by Hilfield Lane, and from Bushey by a footbridge over the M1. Built c.1805 [a date of 1798-9 is attributed in the list entry] by Sir Jeffrey Wyatville for the second Earl of Clarendon. Originally known as Sly's Castle. Castellated, turreted, and cemented house with a gatehouse, complete with portcullis. Entrance and S sides both symmetrical. Outbuildings attached to the W, including a conservatory of ecclesiastical appearance."*³
- 4.20. According to the History of the County of Hertford: Volume 2 (Victoria County History), Hilfield Castle was built around 1795 for George Villiers, the brother of the Earl of Clarendon. It was originally called Sly's Castle, being located close to a place named Sly's Hill (Slyes Hill is labelled on the 1766 Dury and

² "Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II*", <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>

³ Bettley, J., Cherry, B. and Pevsner, N., 2019, *Hertfordshire (Pevsner Architectural Guides: Buildings of England)*, p.68

Andrews Map of Hertfordshire (**Figure 9, Appendix B**) to the north-east of Bushey).

- 4.21. In 1818 it was sold to John Fam Timins. The Tithe Map (**Figure 11, Appendix B**) and Apportionment of 1840 show 'Hill Field Lodge' (now Hilfield Castle), the surrounding parkland, including the lakes to the south, and some of the surrounding farmland, in the ownership of John Fam Timins.
- 4.22. The Tithe Apportionment recorded the plot of Hilfield Castle (no. 548) as 'mansion, waters and plantation'. The Apportionment also includes the details of land within the same ownership which formed the wider parkland of Hilfield Park and agricultural land, some associated with Hilfield Farm to the north-west of Hilfield Castle. The plots of land noted on the Tithe Map and Apportionment which now form the appeal site include:

Landowner	Occupier	Plan number	Name and description of land	State of Cultivation
John Fam Timins	John Fam Timins	516	Cox's Mead	Grass
John Fam Timins	John Fam Timins	518	Great Castle Field	Grass
John Fam Timins	John Fam Timins	518a	Little Castle Field	Grass
John Fam Timins	John Fam Timins	520	Letchmore Heath Field	Grass
John Fam Timins	John Fam Timins	540	Little Leys	Grass
John Fam Timins	John Fam Timins	540b	Part of Little Leys	Grass
John Fam Timins	John Fam Timins	541	North Park	Grass
John Fam Timins	John Fam Timins	542	Home Paddock	Grass
John Fam Timins	John Fam Timins	547	Western Lawn	Grass
John Fam Timins	John Fam Timins	606	Three acres	Grass

John Fam Timins	John Fam Timins	607	Nine acres	Grass
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- 4.23. Hilfield Castle remained in the possession of the Timins family until the house and park was sold to Lord Aldenham in 1906, although some of the land remained in the ownership of the Timins family. In 1908, when the County of Hertford volume of the Victoria County History was written, the house was unoccupied.⁴
- 4.24. It was advertised for sale in 1903 as a “*private asylum licensed for the reception of the ladies of the upper classes... standing in about 30 acres of park-like grounds, enjoying complete seclusion in the midst of charming rural scenery*”. At this time the property was licensed by H.M. Commissioners in Lunacy to house thirteen female residents. The 1903 sales particulars detail the layout and contents of the house and describe the surroundings as follows: “*the lawns and pleasure grounds surrounding the house slope towards the lakes, and are finely timbered... paddock and grass land, small swamp and coppice (affording wild duck, pheasant and other shooting), and ornamental water, consisting of three lakes affording boating and fishing; the whole covering an area of about 30 acres*”.⁵
- 4.25. The property was advertised for sale again in 1931 as a family residence. The plan within the sales particulars (dated 1927) is **Figure 12, Appendix B**. Along with a description of the house and ancillary buildings, the sales particulars describe the wider surroundings of the house: “*a most healthy situation, rarely equalled for such beautiful open scenery; when the trees are in leaf, hardly a house is visible except on the horizon. To the South rise the wooded slopes of Bushey Heath; to the East the open meadows of the Aldenham House Farms, overtopped by the Shenley woodlands; to the North an uninterrupted view over some 7 miles of heavily timbered Hertfordshire country; on the West, New Bushey obscured all view of Watford*”. The particulars also note that the ‘meadow’, forming part of the property, is laid out as a 9-hole miniature golf course with shrubberies, glades of grass and a hornbeam tree stated to be perhaps the largest in the county. The entire property is noted as being about 25 acres.⁶

⁴ 'Parishes: Aldenham', in *A History of the County of Hertford: Volume 2*, ed. William Page (London, 1908), pp. 149-161. *British History Online* <http://www.british-history.ac.uk/vch/herts/vol2/pp149-161> [accessed 10 September 2022].

⁵ HALS, William Blyth Gerish Collection (DE/Gr/5)

⁶ HALS, Sales Particulars of Hilfield Park 1903 (24928)

- 4.26. In 1955 the property was advertised for sale being “most suitable for institutional, office, scholastic, or religious purposes” and including 14 acres of land. A newspaper cutting of the same year notes that it had been used as offices for an insurance company during the Second World War.⁷
- 4.27. Hilfield Castle’s historic interest derives from its association with the prolific Gothic Revival architect Sir Jeffry Wyattville (1766-1840) who was the son of architect Joseph Wyatt and nephew and pupil of architects Samuel and James Wyatt. Wyattville changed his surname to Wyattville in 1824. His work was primarily for the aristocracy, and he worked at properties including Wollaton (for Lord Middleton), Endsleigh (for the Duke of Bedford), Woburn Abbey, Ashridge Castle (for the Earl of Bridgewater), and Chatsworth (for the Duke of Devonshire). He is best known for his work remodelling the royal apartments at Windsor Castle in the 1820s and in 1828 he was knighted by King George IV.
- 4.28. As an entirely new house built for the brother of the second Earl of Clarendon, Hilfield Castle is an important early example of his work. Despite a number of adaptations to different uses, the list description (**CD-NPP34**) highlights that, “*the garden (south) front differs only in minor detail from the extant elevation drawings representing one of Wyatt’s earliest known designs*”.
- 4.29. The 1895 Ordnance Survey (OS) map (**Figure 20, Appendix B**) shows Hilfield within its parkland setting with fishponds to the south surrounded by a wider agrarian landscape. The maps show little change in the landscape until the construction of North Western Avenue (A41) in the 1920s. The mid-late twentieth century saw much more change with the construction of the Elstree Aerodrome, Hilfield Reservoir and M1 in the late 1950s, 1960s and 1970s. The Grade II* listed building remains, nevertheless, located in a wider agrarian setting, particularly to the north, with the landscape here having been subject to little change since at least the mid-nineteenth century and remaining as undeveloped fields.

Contribution made by setting

- 4.30. The setting of the asset makes a contribution to its significance. The attributes of setting which contribute to significance are explored further below.
- 4.31. Exploiting the **topography** of the area, Hilfield Castle occupies a prominent hilltop position. In terms of **orientation and aspect**, the principal elevation faces north-west towards the open agrarian landscape, including the appeal site. The land to the immediate north, including part of the appeal site, was

⁷ HALS, Property card: Hilfield Park, Aldenham, 1955 (DE/X929/12)

historically part of the parkland and the part of the appeal site to the west was also within the same ownership.

- 4.32. Hilfield Castle has historic associative relationships with the **other heritage assets** of Hilfield Castle Gatehouse (Grade II Listed Building) and Hilfield Castle Lodge (Grade II Listed Building). These associations contribute to an understanding of the development of the house and estate, the status and aspirations of the Villiers family who commissioned its construction, and the requirements and infrastructure of eighteenth-century country estates. Thereby contributing to the asset's architectural, archaeological and historic interest.
- 4.33. The immediate gardens of the house and the wider undeveloped landscape to the north and west remain similar to the building's historic setting. The landscape to the north has changed over time from parkland to agricultural land, but its undeveloped character permits an appreciation of the historic rural setting of Hilfield Castle. The **green space, trees and vegetation** of the gardens and surrounding landscape contribute to an understanding of the historic layout of the estate. Twentieth century development and infrastructure, including the Elstree Aerodrome and Hilfield Park Reservoir have reduced the original scale of the parkland setting and wider agrarian landscape.
- 4.34. Early maps show that there has been some **degree of change over time** to the surroundings of Hilfield Castle since its construction in the late eighteenth century. The 1839 Tithe Map and early OS maps (**Appendix B**), show that the house was set within its parkland and a wider, agrarian landscape. The rural, agrarian setting of the building has been subject to change, particularly in the mid-late twentieth century with the construction of the A41, M1, Hilfield Reservoir and Elstree Aerodrome. The sales particulars from 1903, 1931 and 1955 have also shown how the number of acres associated with the house have diminished over time. Early OS maps show the location of the access drive from Hilfield Lane still occupies the same position and the arrangement of the gardens and buildings around the main house remains largely similar.
- 4.35. Hilfield Castle's relatively isolated position on a high point in the landscape affords it a degree of **prominence** which can still be appreciated despite the mature trees surrounding the property. Beyond the property boundary to the north and west is an agrarian landscape from which its prominence can still be appreciated, along with the house's intended isolated rural location surrounded by an undeveloped agrarian landscape. This **landscape character** aids the understanding and experience of the designated asset.
- 4.36. The surrounding **land use** consisting of the private grounds of the house and the wider landscape of agricultural land continue to make a positive
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contribution to experiencing the house in its historic rural surroundings and appreciating its historic and architectural interest. The historic OS maps, and Tithe Map, indicate that part of the appeal site historically formed part of the parkland associated with Hilfield Castle. The Tithe Map also shows that the remainder of the appeal site comprised agricultural land or grass land in the same ownership as Hilfield Castle. Evidence confirms there was historically a ***functional relationship*** between the appeal site and the asset which contributes to an appreciation of its historic interest.

Views

- 4.37. Due to the trees and woodland surrounding Hilfield Castle, views are limited. However, glimpsed views of the building permit an appreciation of its significance as a relatively isolated rural country house set within a historic undeveloped and agrarian landscape. **Figure 7 in Appendix B** shows the locations of viewpoints. Photographs taken from the viewpoints are also located in **Appendix B**.
- 4.38. **View 1** is located on public footpath 036 close to the A41 looking east towards Hilfield Castle; the top of the chimneys can be seen towards the centre of the view projecting beyond the treeline. This view looks across the agrarian landscape of the appeal site towards the asset allowing the position of the asset within a rural, undeveloped landscape to be appreciated.
- 4.39. **View 2** is located on Hilfield Lane beside the Lodge to Hilfield Castle and the southern driveway to Hilfield Castle. The view looks west towards the appeal site and is illustrative of the glimpsed views of the appeal site to the west of Hilfield Lane which are afforded whilst travelling along Hilfield Lane. The agrarian character of the appeal site can be seen in these views, and they contribute to an appreciation of the rural nature of the asset's surroundings when travelling along the driveway towards and from the asset.
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The Significance of Lodge to Hilfield Castle (Grade II Listed)

- 4.40. The significance of Hilfield Castle Lodge has been recognised by its statutory designation as a Grade II Listed Building which recognises the ‘special interest’ of the building. Its significance is drawn from its historic, artistic, architectural and archaeological interests as a good example of a late eighteenth century lodge in a Gothic Revival style to mirror the style of the main house, Hilfield Castle, and built by the same architect, Sir Jeffry Wyattville. The list description is provided in **CD-NPP33**.
- 4.41. The list description describes the lodge as a “Picturesque Gothic” building of two storeys with irregular fenestration and an octagonal crenelated corner tower. It is constructed in rendered brick with a pitched slate roof (**Figure 2, Appendix B**).
- 4.42. Hilfield Castle Lodge is of artistic, architectural and archaeological interest in demonstrating the building techniques and use of materials of the late eighteenth century and the popular Gothic Revival architectural style. It also provides an understanding of the development of small country estates at this time and the desire for lodges mimicking the style of the main house flanking entrance drives.
- 4.43. The historic interest of the lodge derives from its association with the notable Gothic Revival architect, Sir Jeffry Wyattville.
- 4.44. The lodge is the southernmost of two lodges along Hilfield Lane demarking the northern and southern entrances onto the historic carriage drive of the Hilfield Park estate. The sales particulars for the Hilfield Park estate (dated 1903, 1931 and 1955) noted above all include the two gate lodges.
- 4.45. Similar to Hilfield Castle, historic maps (**Appendix B**) show that the building has been located fronting Hilfield Lane and surrounded by a largely open, agricultural landscape since the mid-nineteenth century and likely earlier. The rural, agrarian setting of the building has been subject to change, particularly in the mid-late twentieth century with the construction of the A41, M25, Hilfield Reservoir and Elstree Aerodrome.

Contribution made by setting

- 4.46. The setting of the asset makes a contribution to the Lodge’s significance. The attributes of setting which contribute to significance are explored further below.
- 4.47. The **topography** of the appeal site to the west of the Lodge rises away from the Lodge to the west, permitting views of the field between gaps in the hedgerow from the Lodge and Hilfield Lane. The land of the appeal site rises away from Hilfield Lane, so the appeal site is prominent in views from the

Lodge. A first floor window on the western elevation of the Lodge faces directly towards the appeal site on the western side of Hilfield Lane.

- 4.48. Hilfield Castle Lodge has an associative relationship with the **other heritage assets** of Grade II* listed Hilfield Castle and Grade II listed Hilfield Castle Gatehouse. Due to the Lodge's position alongside the carriage drive to Hilfield Castle, the relationship with Hilfield Castle and Gatehouse remains legible and contributes to an appreciation of its significance. The assets together provide an appreciation of the development and status of the eighteenth-century estate.
- 4.49. The building is surrounded by a rural landscape which is defined by its agrarian use to the west and the remains of the formal parkland to the north, east and south. Whilst the parkland has been eroded, in part by Hilfield Park Reservoir, the lake to the south of the Lodge is a remnant of the lakes which historically characterised this part of the park. The **green space, trees and vegetation** of both the agrarian fields to the west and the more enclosed space of the parkland both permit an understanding of the asset's historic surroundings and an appreciation of the asset's historic interest.
- 4.50. The field directly to the west of the building forms part of the appeal site and has historically been in the same ownership, as shown on the 1839 Tithe Map (**Figure 11, Appendix B**). The linked ownership contributes to an appreciation of its historic interest as it provides an understanding of the changing land use and ownership of the land and the historic scale of the estate.
- 4.51. The historic agrarian and parkland landscape in which the building was constructed remains legible, although it has been subject to some **degree of change over time**. During the twentieth century there were a number of changes to the surroundings of the Lodge including the construction of the reservoir and the A41 and M1 roads, however, the historic open land of the appeal site to the west has remained undeveloped.
- 4.52. The **landscape character** of the surviving open and agrarian land, including the appeal site, continues to make a positive contribution to the appreciation of its significance as a lodge dwelling forming part of a country estate. As such the **land use** of the appeal site, in its undeveloped form, is considered to make a positive contribution the setting and significance of the designated heritage asset.

Views

- 4.53. Views which contribute to the significance of the heritage asset will be affected by the proposed development. **Figure 7 in Appendix B** shows the locations of

viewpoints. Photographs taken from the viewpoints are also located in **Appendix B**.

4.54. **View 2** is taken from Hilfield Lane beside the Lodge and the southern drive to Hilfield Castle. In this view the agrarian landscape of the appeal site can be seen. This view is illustrative of the glimpsed views which are gained when travelling along Hilfield Lane. From here the undeveloped, agrarian landscape surrounding the Lodge is experienced and this contributes to an appreciation of the asset's position as part of a country estate within a wider rural landscape.

The Significance of Slades Farmhouse (Grade II Listed)

- 4.55. In statutory terms, the significance of Slades Farmhouse has been recognised by its designation as a Grade II Listed Building which defines the structure to be of ‘special interest’. The significance of the designated heritage asset is drawn from its architectural and artistic, historic and archaeological interest as a late eighteenth century farmhouse with later additions and alterations. The list description is provided in **CD-NPP35**.
- 4.56. Slades Farmhouse (**Figure 3, Appendix B**) is a two storey with attic, brick built building with pebble-dashed elevations under a clay tile half-hipped gambrel roof. The building is three bay with a central doorway under a lead canopy, mirrored over the ground floor sash windows. The listing description states the building is of late eighteenth century derivation, extended in the nineteenth century with later extensions to the rear. Architecturally the building is a good example of an attractive multi-phase vernacular farmhouse and evidentially is important in demonstrating the evolution of domestic architecture over several centuries to meet the needs of its occupants. Its brick construction and later rendering reflects traditional materials and construction techniques as well as changing fashions of the region in its external elevations. In regard to its archaeological interest, it provides evidence of regional construction techniques in its use of vernacular materials as well as its adaptations and extensions indicating the changing needs of its inhabitants.
- 4.57. Historic maps, the earliest referenced being the 1766 Dury & Andrews Map of Hertfordshire (**Figure 8, Appendix B**), show the farmstead in an open, agrarian landscape prior to the construction of Butterfly Lane in the 1880s. Slades Farmhouse fronted Sawyers Lane running north-south. The farmstead appears in a courtyard arrangement. The 1839 Tithe Map shows a similar arrangement. The 1895 OS map still depicts Sawyers Lane running to the west of Slades Farm, but New Grubb’s Lane (now Butterfly Lane) is shown to the south.
- 4.58. A 1786 survey of the estate of Robert Hucks Esq. demonstrates that Slades Farm was in the same ownership as the wider Aldenham Estate.⁸ The 1840 Tithe Apportionment recorded the plot (no. 376), in which the farmhouse is located, as “Homestead”. The farm was within the ownership of Sarah Noyes, who was also the owner of Aldenham House at this time, and occupied by Henry Dickinson. The house remains part of the Aldenham Estate.

⁸ HALS, Surveys and Plans of the Estates of Robert Hucks Esq of Aldenham in the Parishes of Edgeware and Whitchurch in the County of Middlesex and Aldenham and Elstree in the County of Herts, 1786 (DE/Am/P1)

4.59. The Apportionment also includes the details of fields within the same ownership which formed the land of Slades Farm. The field names found here typically relate to arable land use expected of a historic farm complex. Part of the appeal site is located on land in the same ownership as Slades Farmhouse in 1840 as shown in the table below. The plots of land noted on the Tithe Map and Apportionment which now form part of the appeal site include:

Landowner	Occupier	Plan number	Name and description of land	State of Cultivation
Sarah Noyes	Henry Dickinson	373	Pond field	Grass
Sarah Noyes	Henry Dickinson	375	Five acres	Grass
Sarah Noyes	Henry Dickinson	442	Chizells	Grass
Sarah Noyes	Henry Dickinson	443	Thirteen acres	Grass
Sarah Noyes	Henry Dickinson	445	Wards Lane par field	Grass

Contribution made by setting

4.60. The setting of the asset makes a contribution to its significance. The attributes of setting which contribute to significance are explored further below.

4.61. The **topography** of the appeal site is largely flat but rises slightly to the west, and this affords views towards the principal elevation of the farmhouse alongside its historic barn from footpath 042.

4.62. The **open green space, trees and vegetation** of the surrounding fields and field boundaries, including parts of the appeal site, contribute to an appreciation and understanding of the farmhouse set within a wider agrarian landscape with which it has had a historic **functional relationship**. The surrounding fields, including those which form the appeal site are part of the historic landholding. The 1839 Tithe Map and 1840 Tithe Apportionment show that part of the appeal site was within the same ownership as Slades Farmhouse and occupied by the same tenant. The 1766 Dury and Andrews map shows buildings in the location of the farm and surrounded by the open landscape. This historic functional relationship is still very much discernible and positively

contributes to the significance of the heritage asset. Whilst there is no functional link between the appeal site and the farmhouse today, they both remain within the ownership of the Aldenham Estate.

- 4.63. Historic mapping (**Appendix B**) clearly indicates that Slades Farm was constructed in an agrarian landscape. This has been subject to a **degree of change over time** with the relocation of Grubb's Lane (now Butterfly Lane) in the 1880s and the addition of modern agricultural buildings to the east, but the open fields of the appeal site and its historic open setting viewed from the farmhouse has remained largely unchanged.
- 4.64. The domestic curtilage to the building and the farmstead's historic configuration is still readily discernible despite more recent alterations and additions to the building and the farmstead. The surviving elements of the farmstead and the surrounding landscape contribute to the understanding that this is a historic farm complex which formed part of a historic rural economy which has shaped the landscape here.
- 4.65. Slades Farmhouse was constructed to service the adjacent open rural landscape, of which the appeal site forms a part. As such the **land use** of the appeal site, in its agricultural form, is considered to make a positive contribution to the setting and significance of the designated heritage asset.

Views

- 4.66. A variety of views form part of the setting of the heritage asset and these can be important contributors to understanding and appreciating an asset's significance. Views which contribute to the significance of the heritage asset will be affected by the proposed development. **Figure 7 in Appendix B** shows the locations of viewpoints. Photographs taken from the viewpoints are also located in **Appendix B**.
- 4.67. **Views 3 and 4** shows the asset within its agrarian landscape setting with the principal elevation overlooking the southernmost part of the appeal site (eastern parcel). These views are taken from different locations on public footpath 042 looking south-east towards Slades Farmhouse. The views permit an appreciation of the significance of Slades Farmhouse as part of a historic rural farmstead with a historic functional link to the surrounding landscape.
- 4.68. **Views 5 and 6** are located on public footpath 040 looking south and south-east towards Slades Farmhouse over the appeal site. In these views Slades Farmhouse is experienced within its agrarian landscape surroundings with which it has a historic functional link. These views provide an appreciation of the historic farmstead as part of the rural landscape which it was built to serve.

- 4.69. **View 7** is a view looking north towards the appeal site from within the garden of Slades Farmhouse, in a position to the north of the building. The domestic garden is bounded by a fence but in this view the agrarian landscape beyond, with which the building has a historic connection, can be appreciated.
- 4.70. **Views 8 and 9** are taken from inside Slades Farmhouse looking towards the appeal site. View 8 is from a first floor window on the northern (side) elevation of the building looking north-west towards the appeal site. View 9 is from the northernmost attic window in the eastern (principal) elevation of the building also looking north-west towards the appeal site. The surrounding agrarian landscape which contributes to an appreciation of the asset's significance is experienced within these views.
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The Significance of Penne's Place Moated Site (Scheduled Monument)

4.72. In statutory terms, the significance of the heritage asset has been recognised by its designation as a Scheduled Monument. The scheduling description provides a useful outline of the monument's history and physical state (reproduced in **CD-NPP36**). In terms of significance the scheduling description notes:

Penne's Place moat is a good example of a double moated site, and has well documented connections with the Penne family dating back to the 13th century. The moat displays a diversity of features including an external bank and associated pond. As illustrated by observations in 1962-4, despite later alterations the site retains significant archaeological potential.

4.73. The majority of moats within Hertfordshire date from the twelfth and thirteenth centuries. There are approximately 160 within Hertfordshire and most were the sites of manor houses, although some in the north-east of the county (where the greatest number are located) surrounded the houses of wealthy peasants.⁹ As noted in the scheduling description, the majority of moated sites contained prestigious houses of the aristocracy or manorial lords, with the moats acting as a statement of status rather than as military defences. In Hertfordshire they are also noted as providing drainage and for use as fishponds. They are important in permitting an understanding of the distribution of wealth and status in the medieval countryside.

4.74. The double moated site contains two rectangular enclosures and once surrounded the house of Penne's Place. The Penne family had settled in the parish of Aldenham since at least the middle of the thirteenth century. The original house of Penne's Place is thought to have been demolished in 1540¹⁰, however, the list description for Aldenham House Registered Park and Garden (**CD-NPP37**) notes that Penne's Place was a substantial brick house when Henry Coghill purchased the property in 1640, becoming known as Aldenham Hall. Furthermore, surveys and plans of the Aldenham estate dating to 1786 refer to "Pens Place" as containing "a cottage being the remains of the mansion house with an orchard island".¹¹

⁹ Rowe and Williamson (2013), *Hertfordshire: A Landscape History*, p.30

¹⁰ Le Lievre, Audrey. "An Account of the Garden at Aldenham House and of Its Makers: Henry Hucks Gibbs, Vicary Gibbs and Edwin Beckett." *Garden History*, vol. 14, no. 2, 1986, pp. 173–93.

¹¹ HALS, Surveys and Plans of the Estates of Robert Hucks Esq of Aldenham in the Parishes of Edgeware and Whitchurch in the County of Middlesex and Aldenham and Elstree in the County of Herts., 1786 (DE/Am/P1)

- 4.75. The history and ownership of Penne's Place and Aldenham House and Park are intertwined from the early seventeenth century when Henry Coghill acquired Penne's Place and Wigbournes to the south. According to the *History of the County of Hertford: Volume 2* (Victoria County History) Coghill built a 'fair house of brick' known as Wigbournes in c.1632 which is thought to form part of the present Aldenham House. However, the list description for the Registered Park and Garden notes that Wigbournes was rebuilt by Henry Coghill in c.1672 and the list description for Aldenham House itself (Grade II* listed) attributes the same date of c.1672.
- 4.76. The name is thought to have changed from Wigbournes to Aldenham House after 1769. With the estate of Aldenham House, the moated site of Penne's Place eventually passed to George Henry Gibbs in 1842 via his unmarried cousin, Sarah Noyes (noted on the 1840 Tithe apportionment, plot 438 'Pens Place').¹² The estate was tenanted until 1868 when Henry Hucks Gibbs (who was created the first Lord Aldenham in 1896) moved into the house with his family.
- 4.77. The double moat of Penne's Place (**Figure 4, Appendix B**) now forms part of the garden of Aldenham House and was incorporated into the nineteenth century designed landscape which includes the 1880/'90s Pulhamite water garden consisting of channels running below bridges into a swimming pool which empties into the original moat.
- 4.78. It is well established that the site is of both high historical and archaeological interest.

Contribution made by setting

- 4.79. The setting of the asset makes a contribution to its significance. The attributes of setting which contribute to significance are explored further below.
- 4.80. Typologically these types of moated sites were constructed outside of urban locations and in the rural landscape and acted as a statement of status rather than as military defences. In Hertfordshire they are also noted for providing drainage and fishponds.
- 4.81. Penne's Place has a historic association with the **other heritage assets** of Aldenham House (Grade II* listed) and Aldenham Registered Park and Garden. As noted above, Penne's Place and Aldenham House (then Wigbournes) came under the same ownership in the early seventeenth century with the house once occupying the island in the moat being superseded by the

¹² 'Parishes: Aldenham', in *A History of the County of Hertford: Volume 2*, ed. William Page (London, 1908), pp. 149-161. *British History Online* <http://www.british-history.ac.uk/vch/herts/vol2/pp149-161> [accessed 10 September 2022].

seventeenth century Wigbournes (eventually Aldenham House). The moat at Penne's Place became part of the parkland and was deliberately integrated into the late nineteenth century Pulhamite water gardens. Therefore, the remains of the surrounding designed landscape and gardens and their **green space, trees and vegetation**, contribute positively to the moat's setting and permit an appreciation of its evolving use and function once its original use was redundant.

- 4.82. The history and development of the Aldenham Estate and designed parkland contribute positively to its setting and to an appreciation of the significance of the moat and its changing use. There has been a high **degree of change over time** to the moat's the setting, including the changes in the seventeenth century with the construction of Wigbournes to the south, the development of the Aldenham House parkland, changes to the designed landscape in the nineteenth century and more recently the development associated with the Haberdashers' Aske's School.
- 4.83. The realignment of Grubb's Lane (now Butterfly Lane) in the 1880s from the south of the moated site to its current position to the north brought the asset into the designed nineteenth century landscape, evidenced through its incorporation into the Pulhamite water garden. Although Butterfly Lane has separated to some degree Penne's Place from the agrarian landscape to the north, it is this aspect of its setting which has remained relatively unaltered as shown on historic mapping (**Appendix B**). The landscape to the north, including the appeal site, is therefore an important aspect of the setting of the moated site which is closest to the historic agrarian landscape in which it was originally constructed. The landscape here permits an appreciation of the medieval landscape, despite changes brought about by enclosure in the early nineteenth century (**Figure 10, Appendix B**), and enhances understanding of the rural, undeveloped surroundings in which the moated site was constructed, contributing to an appreciation of its historic and archaeological interest.
- 4.84. Both the **landscape character** of the designed parkland of which the moat is a part, and the wider agrarian landscape to the north contribute positively to the monument's setting and appreciation of its changing use and surroundings over the centuries. The **land use** of the park and the agricultural land also contribute to this.

Views

- 4.85. Views which contribute to the significance of the heritage asset will be affected by the proposed development. **Figure 7 in Appendix B** shows the locations of viewpoints. Photographs taken from the viewpoints are also located in **Appendix B**.
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4.86. **View 10** is a view looking north towards Butterfly Lane and the appeal site beyond from the driveway to Aldenham House which runs through the centre of the scheduled moated site. The driveway is positioned between the two rectangular islands of the moated site with the surviving water-filled moats located on the right of the photograph behind the timber picket fence. Another short length of water-filled moat is located further to the north, to the left of the photograph. In this view, the agrarian landscape of the appeal site can be seen beyond the late nineteenth century dates and piers which mark the entrance into the Aldenham Estate on Butterfly Lane. **View 11** is a view from beside the northern part of the moated site looking north-west to the nineteenth century gates and the open land of the appeal site beyond. Glimpsed views of the landscape beyond the designed RPG are important in appreciating and understanding its historic setting within a rural, vernacular landscape as opposed to the ordered design of the RPG.

The Significance of Aldenham House (Grade II Registered Park and Garden)

- 4.87. The significance of the Aldenham House Registered Park and Garden (RPG) has been recognised through its inclusion on the Historic England 'Register of Parks and Gardens of Special Historic Interest in England'. Set out in the Historic Buildings and Ancient Monuments Act 1953 (Section 8C), the register identifies designed landscapes of particular historic significance and is a material consideration in the planning process with RPGs being considered as designated heritage assets under the provisions of the NPPF.¹³
- 4.88. The list description (reproduced in **CD-NPP37**) provides an overview of the historic development of the RPG:

Two country houses developed close to each other on either side of Grubb's Lane in the southern part of the manor of Aldenham during the C16 and C17, these being united under the ownership of the Coghill family in the early to mid C17. The preferred residence of the family was Penn's Place to the north of the Lane, a substantial brick house surrounded by a moat, which, having been bought by the tenant Henry Coghill in 1640, came to be known as Aldenham Hall. The Coghills had acquired the adjacent Wigbournes to the south of the Lane in the early C17, which was rebuilt c 1672 by Henry Coghill, and was generally occupied by a younger son of the family. Wigbournes came to be known as Aldenham House. The estate passed by marriage into the Hucks family in 1735. By the late C18 (estate map, 1786) Aldenham House was surrounded by formal gardens and groves, with a small landscape park laid out to the east and south, and the former Penn's Place/Aldenham Hall having largely disappeared leaving little trace except for the moat, which still remains (1999). Henry Hucks Gibbs (1819-1907, cr first Lord Aldenham 1896) moved with his family to Aldenham in 1869, developing the park and gardens with his son Vicary Gibbs (1853-1932). Henry Gibbs kept a Year Book from 1869 to 1902, detailing alterations to the gardens as well as the House and estate. The whole garden was celebrated in the early to mid C20 for its variety, extent and extreme horticultural excellence, becoming 'the period's most discussed virtuoso garden' (Elliott 1986); the arboretum was particularly renowned. Edwin Beckett and Arthur J Sweet were Vicary Gibbs' most noted gardeners. In the mid C20 Aldenham House became the centre of the Haberdashers' Aske's School, in which use it remains (1999), with considerable associated mid to late C20 building to the north and south.

¹³ Policy CS14 of the Hertsmere Local Plan Core Strategy (January 2013) also specifically refers to and seeks to protect Historic Parks and Gardens

- 4.89. As documented above, the history of the Aldenham House estate and Penne's Place overlap from the early seventeenth century when they were both in the ownership of Henry Coghill. The estate, including the thirteenth century moat and seventeenth century house surrounded by designed landscape features and parkland, is of historic, archaeological, and artistic interest.
- 4.90. Gibbs family, who moved to Aldenham House in 1869, kept detailed records of alterations to the house and estate and are responsible for the enlargement and major remodelling of the gardens, pleasure grounds and parkland. Within the gardens this included, in the 1890s, the laying out of the water gardens by Pulham and Sons. They feature a series of pools, two bridges, a waterfall and a swimming pool which empties into the medieval moat of Penne's Place. The water gardens are constructed from 'Pulhamite' a type of artificial stone developed by the firm Pulham and Sons who moved to Hertfordshire in the 1830s.
- 4.91. The relocation of Grubb's Lane from the south of Penne's Place to the north in the late 1880s was part of the redesign of the estate at this time (Aldenham Road to the west of the RPG was also relocated further west and sunk into the landscape at the same date). It allowed the moated site to be better incorporated into the landscape design, most notably the Pulhamite water garden. The relocation of the road also included a new driveway from Butterfly Lane flanked by two pairs of stone piers and elaborate iron gates with iron railings, dating to the late nineteenth or early twentieth century.
- 4.92. Opposite the appeal site on along the eastern side of the RPG are the remnants of Vicary Gibbs' arboretum. Pevsner in the Hertfordshire edition of the *Buildings of England* series notes, "*the grounds [of Aldenham House] became famous in the early C20 for the botanical collections of Vicary Gibbs. Many fine trees survive, and remnants of his water gardens, with a sequence of small lakes and bridges N of the house*".
- 4.93. To the west of the driveway from Butterfly Lane, also opposite the appeal site, is an area of overgrown woodland which was formerly laid out with groves between groups of trees. The parkland is located to the east and south of Aldenham House and consists of pasture with mature trees with Tykes Water Lake at its centre alongside Home Farm which was rebuilt as a model farm in the late nineteenth century.
- 4.94. Interventions and additions to the RPG in the twentieth century have degraded parts of the designed landscape, including buildings and infrastructure associated with the schools. However, whilst compromised in places, its significance is still apparent.

Contribution made by setting

- 4.95. Whilst the Aldenham House RPG derives its significance from its historic, archaeological, architectural and artistic interest, its wider landscape setting also contributes to its significance and permits an appreciation of its significance. The attributes of setting which contribute to significance are explored further below.
- 4.96. The gently undulating **topography** of the appeal site to the north of the RPG permits views back towards the park, although these views are screened and filtered by planting along much of the boundary.
- 4.97. As well as the heritage assets contained within the boundary of the RPG, including Aldenham House, Penne's Place and Home Farmhouse (Grade II listed, list entry no. 1103644), **other heritage assets** within its setting permit an understanding of the wider landholding of the Aldenham Estate, both historically and in present day. Relevant to this appeal, one of these heritage assets is Slades Farmhouse to the north which is shown to be in the same ownership as Aldenham House at the time of the 1840 Tithe Apportionment and remains part of the Aldenham Estate.
- 4.98. The RPG contains the ordered, designed landscape of the parkland associated with Aldenham House. The parkland has a considered design in comparison to the working agrarian landscape surrounding it. There is a distinct **hierarchy** of spaces from the ordered parkland to the more disordered, working landscape beyond. The appeal site forms part of the agricultural landscape and setting of the northern part of the RPG. It has been stated that "*the creation of parks and gardens cannot be examined in isolation from the wider 'vernacular' landscape, which formed both the raw materials and the setting of the design... the two kinds of landscape, 'designed' and 'vernacular', were never as distinct or as hermetically sealed from each other as historians sometimes assume*".¹⁴ This experience of moving from a working, agrarian, "vernacular" landscape into an ordered, designed landscape contributes positively to the setting of the RPG and the appreciation of the RPG's significance as a historic country retreat which has evolved to meet the desires and aspirations of its owners to create a sense of order within their private parkland from the disorder of the working landscape. This remains legible despite later alteration and additions, principally the Haberdashers' Aske's School.
- 4.99. The **green spaces, trees and vegetation**, primarily consisting of fields and field boundaries, of the appeal site are an attribute of setting contributing to the appreciation of the RPG's significance for the reasons noted above.

¹⁴ Williamson, T. (2012) 'Gardens and industry: The landscape of the Gade Valley in the nineteenth century', *Hertfordshire Garden History Volume 2: Gardens Pleasant, Groves Delicious*

- 4.100. Both the RPG and aspects of its setting have been subject to a **degree of change over time**. Areas of the heritage asset itself have changed, particularly in the western section and along the northern boundary with the growth of both schools and the addition of structures, hardstanding and buildings. The setting and surroundings of the heritage asset have also changed over time, including the relocation of Grubb's Lane (now Butterfly Lane) in the 1880s and additions to the farmstead of Slades Farm. Whilst the setting has been subject to change, the appeal site retains an important open aspect allowing the historic agrarian setting of the RPG to be experienced. This surviving agrarian landscape enhances the appreciation and understanding of the RPG and its agrarian landscape setting.
- 4.101. The **landscape character** and the agrarian **land use** of parts of the landscape which surrounds the RPG, including the appeal site to the north, makes a positive contribution to its setting. It enhances the understanding of Aldenham House RPG's wider landscape context and the function of the parkland for the inhabitants of Aldenham House in creating a sense of designed order from a disordered, working landscape.

Views

- 4.102. The appeal site forms part of the setting of the RPG and is a surviving part of this historic agrarian landscape. However, despite the relatively flat topography, it is limited in its intervisibility with the RPG. Views from within the RPG towards the appeal site are limited because of trees and woodland along the northern boundary, however, historic OS maps show that the density of woodland has change over time so this is not necessarily reflective of the historic situation in which views over the surrounding landscape could have been more readily available.
- 4.103. Views which contribute to the significance of the heritage asset will be affected by the proposed development. **Figure 7** in **Appendix B** shows the locations of viewpoints. Photographs taken from the viewpoints are also located in **Appendix B**.
- 4.104. **View 12** is a view looking north along the drive within the RPG towards the late nineteenth century gates and piers marking the entrance on Butterfly Lane. Beyond the gates there is a view of the undeveloped land of the appeal site beyond which contributes to an appreciation of the landscape setting of the RPG and its significance as a designed landscape within a wider agrarian landscape. **View 13** is from public footpath 042 looking south towards the same gates and piers. This view is across the appeal site and allows the RPG to be experienced within its wider landscape setting with the boundary

between the working landscape and the designed landscape picked out by the gates and piers.

5. Assessing the effect of the proposed development on the setting and significance of the assets

- 5.1. In the previous section of my proof, I identified and described those attributes of setting that contribute to the significance of the designated heritage assets. In this section of my proof, I summarise my assessment of specific effects of the proposed development, whether beneficial, harmful or neutral, on the significance of the heritage assets or on the ability to appreciate their significance. This approach broadly equates to Step 3 of the advice on assessing impacts on setting provided in the guidance from Historic England, *The Setting of Heritage Assets (GPA3) (CD-NPP11)*.
- 5.2. The impacts I have identified are the visual or environmental impact of the proposed development on the significance of the heritage assets, to which their settings make an important contribution. It is an impact that affects people's experience of the assets and the ability to appreciate their significance. In arriving at my conclusions about the impact that the proposed development would have on the settings of heritage assets, on their significance, and the ability to appreciate that significance, I have had regard to the legal provisions, statutory duties, and national heritage policy and guidance outlined previously.
- 5.3. Where the impacts result in harm to the significance of the heritage assets, I have articulated the extent of the harm in accordance with the PPG¹⁵. The harm identified is less than substantial and the extent of harm is considered on a scale of low, mid and high.
- 5.4. With regard to the non-exhaustive checklist of potential attributes of a development affecting setting, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing the heritage assets:

Location and siting of development:

- Proximity to asset;
- Position in relation to key views to, from and across; and
- Orientation.

Form and appearance of development:

¹⁵ "Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated." Paragraph: 018 Reference ID: 18a-018-20190723

- Prominence, dominance, or conspicuousness;
- Competition with or distraction from the asset;
- Dimensions, scale and massing;
- Architectural and landscape style and/or design;
- Materials (texture, colour, reflectiveness, etc); and
- Diurnal or seasonal change.

Wider effects of development:

- Change to built surroundings and space;
- Lighting effects and light spill;
- Change to general character (urbanising or industrialising); and
- Changes to land use, land cover, tree cover.

Permanence of development:

- Anticipated lifetime/temporariness.

- 5.5. Not all attributes of the proposed development will be relevant to each heritage asset. The attributes pertinent to each heritage asset are discussed under the general subheadings and are highlighted in ***bold italics***.
- 5.6. I have also considered the effect of cumulative change within the settings of the heritage assets. GPA3 states, “*Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting... consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset*” (p.4). As noted below, many of the heritage assets have experienced change within their settings but this does not necessarily provide justification for further change if this change could result in further harm to the significance of the heritage asset.
- 5.7. Furthermore, I have considered the potential impacts of the proposed mitigation measures which include screening planting (Landscape and Ecology Enhancement Plan; **CD- PA26**). GPA3 notes that “*Where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take*
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account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection” (p.14).

Hilfield Castle (Grade II* Listed)

Location and siting of development

- 5.9. The proposed development will be located on land which historic maps show as being undeveloped and either forming part of the parkland or in agricultural use. The proposal will occupy land to the north and west of Hilfield Castle, changing the character of the heritage asset's surroundings. The inter-visibility between the proposed development and heritage asset is not the only consideration in terms of setting as changes to the experience of the heritage asset in wider views and whilst moving through the landscape towards the asset can have a negative impact.
- 5.10. The proposed development will negatively impact upon **views** towards Hilfield Castle from footpath 036 (close to the A41) (**View 1, Appendix B**) and from Hilfield Lane, beside the Lodge and the southern drive (**View 2, Appendix B**), by introducing modern structures to the landscape. These effects will detract from the appreciation and understanding of the heritage asset as a country estate in a rural setting.

Form and appearance of development

- 5.11. The **scale** of development proposed will undoubtedly result in harm caused by the removal of the undeveloped agricultural landscape character which contributes to the setting and significance of the designated heritage asset and the ability to appreciate its significance.
- 5.12. The appearance and extent of the proposed solar panels and the contrast with the existing undeveloped farmland of the appeal site will result in them appearing **conspicuous** within the landscape. The **materials**, including their dark **colour** and **reflectiveness**, will have an incongruous industrial appearance within the rural environs of Hilfield Castle and will result in a negative adverse impact on the wider agrarian landscape in which the heritage asset is experienced.
- 5.13. The design of the proposals is utilitarian by nature. The solar panels themselves are between approximately 0.8 metres and 3 metres in height, interspersed with sixteen inverter/transformer stations and 2.2 metre high security deer-type perimeter fencing with CCTV cameras. In regards to **landscape design** it is proposed to introduce stretches of 'new screening structure planting' to screen views of parts of the site. Screening is proposed to the boundaries of the appeal site to the north and west of Hilfield Castle (Landscape and Ecology Enhancement Plan; **CD- PA26**) and whilst this may limit views of the solar arrays within the landscape setting of the asset, the

introduction of planting which will enclose the existing agricultural land and inhibit wider views of the landscape will detract from the surroundings of the asset and the way it is experienced within the wider landscape. As noted in paragraph 5.7 above, “screening may have as intrusive an effect on the setting as the development it seeks to mitigate”.¹⁶

- 5.14. **Seasonal change** will affect the visibility of both Hilfield Castle itself and the proposed scheme. Hilfield Castle is bounded by tree planting, however, when the deciduous trees are not in leaf there are more glimpsed views of the building from the Hilfield Lane and surrounding footpaths (**View 1, Appendix B**), permitting an understanding of the historic and architectural interest of the building as a relatively isolated country house occupying a prominent position within an agrarian landscape. The proposed development will undermine this experience. Furthermore, the proposed screening planting may be less effective when the trees are not in leaf, increasing the visibility of the solar farm within the building’s setting.

Wider effects of development

- 5.15. The proposed development will result in a **change to general character**; the proposal will have an **industrialising** impact on the agrarian landscape of the appeal site. The undeveloped, agrarian landscape of the appeal site has been found to contribute to the setting of Hilfield Castle by permitting an appreciation of its significance as a country house set within a rural landscape.
- 5.16. The **changes to land use** and **land cover**, from agricultural to an industrial solar farm, will adversely impact the contribution the appeal site makes to the setting of Hilfield Castle and how the asset’s significance is appreciated within its surroundings. This land is and has historically been agricultural land and in its rural, undeveloped form positively contributes to the experience of the setting and significance of the heritage asset, and ability to appreciate its significance. The appeal site also had a historic relationship with the asset through shared ownership. The change in land use undermines the ability to appreciate the historic connection between the appeal site, which once formed part of its extended parkland and surrounding agricultural land, and Hilfield Castle.
- 5.17. The additional **tree cover** from the proposed screening planting will introduce an enhanced sense of enclosure in the landscape surrounding Hilfield Castle, obscuring views into the wider landscape which contributes to an appreciation of the building’s significance.

¹⁶ GPA3, para. 40 (CD-NPP11)

Permanence of the development

- 5.18. The *anticipated lifetime* of the proposed development is 35 years.¹⁷ During this time the proposed development will have a detrimental impact within the setting of Hilfield Castle through the loss of the agrarian landscape and the introduction of an incongruous, industrial development. The agrarian landscape has been found to positively contribute to the experience of the asset and ability to appreciate its significance.
- 5.19. The proposed development does have a degree of *reversibly*. It is noted within the Design and Access Statement (**CD-PA5**), that at the end of its useful life, the development may be decommissioned, replaced or refitted. If decommissioned, the landscape has the potential to be reinstated, however, the screening planting is likely to be established and its impact in limiting wider views across the landscape will remain.

Summary of Effect

- 5.20. The proposed development would cause harm to and fail to preserve the setting and significance of Hilfield Castle and the ability to experience and appreciate its significance. Whilst the setting of Hilfield Castle has been compromised through changes in the twentieth and twenty-first centuries, including the addition of roads and infrastructure, when considered cumulatively, the proposed development will cause further harm.
- 5.21. In their current undeveloped state, the fields of the appeal site provide an appropriate rural setting for the heritage asset, which contributes to the ability to appreciate and understand its significance as a rural residence. The proposed development would damage the rural setting of the listed building and erode the appreciation of the functional and historic relationship of the heritage asset with its rural surroundings.
- 5.22. The proposed development will have a negative effect on the setting of the listed building resulting in the alteration of the views from footpath 036 and from Hilfield Lane. From these positions, the significance of the building is experienced as an historic country house in the wider undeveloped agrarian landscape which has been a situation for hundreds of years.
- 5.23. It has been found that attributes of the building's setting contribute to its significance or allow an appreciation of its significance including green space, trees and vegetation; landscape character; land use; and functional relationships. These attributes of setting will be undermined and detrimentally impacted by the proposed development, thereby reducing the contribution the

¹⁷ Design and Access Statement, section 5.3 (**CD-PA5**)

heritage asset's setting makes to its significance and the appreciation of that significance.

- 5.24. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. As such the harm to Hilfield Castle would be 'less than substantial harm' and therefore paragraph 202 of the NPPF would apply. If we consider this in the scale of low, mid and high, I consider the harm lies at the low end of the scale.

Lodge to Hilfield Castle (Grade II Listed)

Location and siting of development

- 5.25. Historic maps show the land of the appeal site to be undeveloped and agricultural in use. The proposed development will occupy land that is located to the west of Hilfield Lodge in a prominent location, fundamentally changing the character of the heritage asset's environs. The proposed development will negatively impact upon the experience of the surroundings of the asset and **views** towards and from the asset which have been assessed to contribute to its setting and significance.
- 5.26. **View 2** is illustrative of the kinetic glimpsed views of the agrarian land of the appeal site to the west of Hilfield Lane. These views will be detrimentally altered by the proposed development by removing the rural landscape of the appeal site which contributes to the setting of the heritage asset and introducing a solar farm development.

Form and appearance of development

- 5.27. The **scale** of development proposed will result in harm caused by the removal of the agricultural landscape character of the fields to the west of the Lodge which, as historic areas of agricultural land once within the same ownership as the Lodge, contribute to the setting and significance of the asset and the ability to appreciate its significance as a part of a rural estate.
- 5.28. As noted above, the proposed solar arrays with associated structures including fencing, will appear **conspicuous** within the setting of the asset due to the **colour** and **reflectiveness** of the **materials** which are at odds with the rural landscape setting of the Lodge. Due to its conspicuous appearance and the location of the development to the west of Hilfield Lane, the proposed development will result in a degree of **distraction from the asset**.
- 5.29. The utilitarian design of the proposed development is necessitated by its function. The proposed **landscape design** includes lengths of 'new screening structure planting' to screen views of parts of the site. Screening is proposed to the boundaries of the appeal site to the west of Hilfield Lodge alongside Hilfield Lane (Landscape and Ecology Enhancement Plan; **CD-PA26**). The land of the appeal site rises away from Hilfield Lane to the west, so views of the site are relatively pronounced from the Lodge. The proposed screen planting may limit views of the solar arrays within the setting of the asset, but the introduction of planting could also substantially reduce the views of the agrarian landscape of the appeal site from and beside the Lodge. This will detract from the surroundings of the asset and the way it is experienced and

appreciated within the wider landscape. As noted in paragraph 5.7 above, “screening may have as intrusive an effect on the setting as the development it seeks to mitigate”.¹⁸

- 5.30. Both existing trees and hedgerows and the proposed screening planting could be affected by **seasonal change**. When the existing deciduous trees are not in leaf the visibility of both the Lodge and the appeal site to the west is more pronounced, permitting an understanding of the historic and architectural interest of the building as a part of a country estate within a wider agrarian landscape. The proposed development will become more apparent, and the proposed screening planting may be less effective when the trees are not in leaf, increasing the visibility of the solar farm within the building’s setting.

Wider effects of development

- 5.31. The proposal will result in a **change to general character** of the asset’s surroundings through the loss of a landscape with an agrarian character and the **industrialising** effect of the proposed solar farm on that landscape. The agrarian landscape of the appeal site to the west of the Lodge has been found to contribute to its setting and significance and allows an appreciation of that significance. The proposed development will remove this aspect of its setting.
- 5.32. The proposed development will result in the **change of land use** and **land cover** in the environs of the asset from agricultural use to a solar farm. This land has historically been in agricultural use and has had historic associations with the heritage asset through a shared ownership. The change in land use to a solar farm development will reduce the ability to appreciate the significance of the asset as part of a country estate set within an agrarian landscape which was, historically, held in the same ownership. Changes in **tree cover** through the proposed screening planting to the edge of the appeal site could contribute to the loss of views over the wider landscape which contributes positively to the setting of the Lodge.

Permanence of the development

- 5.33. Similar to the effect noted above for Hilfield Castle, during the 35-year **anticipated lifetime** of the proposed solar farm it will have a detrimental impact within the setting of the Hilfield Castle Lodge through the loss of the agrarian landscape and the introduction of an incongruous, industrial development. The agrarian landscape has been found to positively contribute to the experience of the asset and ability to appreciate its significance.

¹⁸ GPA3, para. 40 (CD-NPP11)

5.34. The proposed development does have a degree of **reversibly** once decommissioned if the landscape is reinstated, although the then established screening planting may continue to have an impact.

Summary of Effect

5.35. The proposed development would cause harm to and fail to preserve the setting and significance of Hilfield Castle Lodge and the ability to appreciate its significance. The setting of Hilfield Castle Lodge has been compromised through changes, including the addition of roads and other infrastructure in the twentieth and twenty-first centuries. However, when considered cumulatively, the proposed development will detract further from the building's setting.

5.36. In their current undeveloped state and agricultural use, the fields of the appeal site to the west of the Lodge provide an appropriate rural setting which fundamentally contributes to the ability to experience, appreciate and understand its significance. The proposed development would damage the rural setting of the listed building and erode appreciation of the historic relationship of the heritage asset with its rural surroundings as part of a country estate held in the same ownership as parts of the appeal site.

5.37. The alteration of the experience of the asset in views from footpath 036 as well as from Hilfield Lane will have a negative effect on the setting of the asset and the ability to experience and appreciate its significance as part of a country estate set within a wider agrarian landscape.

5.38. Certain attributes of the asset's setting have been found to contribute to its significance or the ability to appreciate that significance. These include green space, trees and vegetation; landscape character; land use; and functional relationships. The proposed development will have a detrimental impact on these attributes of setting and will reduce the contribution the heritage asset's setting makes to its significance and the appreciation of that significance.

5.39. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' and paragraph 202 of the NPPF would apply. If we consider this in the scale of low, mid and high, I consider the harm lies at the low end of the scale.

Slades Farmhouse (Grade II Listed)

Location and siting of development

- 5.40. The proposed development will be located on land which historic maps record as being undeveloped, and agricultural in use. It is located to the north of the farmstead and in a prominent location in views from footpaths 040 and 042 (**Views 3, 4, 5 and 6, Appendix B**). The proposed development will be prominent in these views and will detract from the building's setting and significance by fundamentally changing the character of the heritage asset's environs from agricultural land to development of an industrial character, bounded in part by enhanced screening planting which will also have an impact on openness.
- 5.41. **Views 7, 8 and 9 (Appendix B)** are taken from within the garden and from inside Slades Farmhouse looking towards the appeal site. The agrarian landscape surrounding the building can be appreciated from the building itself and these views will also be detrimentally impacted by the proposed development which will remove the agrarian landscape character and replace it with a development of a more industrial character.
- 5.42. The proposed development will negatively impact upon **views** towards the asset which have been assessed to contribute to its setting and historical significance.

Form and appearance of development

- 5.43. The utilitarian and industrial appearance of the proposed development will appear **conspicuous**, in contrast to the agrarian landscape of the appeal site, which has historically been agrarian in character and connected in function to the asset. The **colour** and **reflectiveness** of the proposed **materials** will also have a detrimental impact on the appearance of the wider landscape setting of the asset. Due to this and considering the development's location to the north of the asset and extent, the proposed development will be a **distraction from the asset**.
- 5.44. The **scale** of development proposed will undoubtedly result in harm caused by the removal of the agricultural landscape character which contributes to the setting and significance of the heritage asset and the ability to appreciate its significance.
- 5.45. The proposed development includes some additional screening planting to the northern side of Butterfly Lane (west of the listed building) and to the field boundary to the north-west of the building alongside a permissive path. This element of proposed **landscape design** may screen the proposed solar
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panels from view but will also inhibit views of the wider agrarian landscape from the building, and views from the landscape towards the asset. In this way the experience of the listed farmhouse as part of an agrarian landscape with which it has a historic functional link will be impeded.

- 5.46. The proposed screening planting could also be affected by **seasonal change** increasing views of the proposed solar farm when trees are not in leaf.

Wider effects of development

- 5.47. The agrarian landscape in which the listed building is located has been found to contribute positively to the setting of the heritage asset, allowing an appreciation of its significance as a historic farmhouse with a functional connection to its surroundings. This appreciation will be undermined through the **change to general character** of the appeal site and the **industrialising** effect of the proposed development.
- 5.48. The proposed development will result in the **change in land use** within the immediate environs of the designated heritage asset. This land has historically been in the same ownership as and farmed by Slades Farm and positively contributes to the setting and significance of the heritage asset and the ability to appreciate its significance. The change in land use and the **land cover** of the proposed development can only be considered harmful to the historic farmhouse, and its historically associated agricultural land, as the result of the removal of part of its historic landscape context and the truncation of the link this building has with that context which was its purpose to functionally serve.
- 5.49. The change of land use will add modern structures and infrastructure which all can be considered intrusive to the setting and significance of the heritage asset and to how it is experienced and appreciated. The proposed development will change the character and setting of the farmhouse by undermining the functional link between it and its historical agricultural surroundings.
- 5.50. The additional screening planting will also change the **tree cover** at the edge of the appeal site and along some field boundaries, limiting and screening views of the wider landscape in which the asset is experienced.

Permanence of the development

- 5.51. For its 35-year **anticipated lifetime**, the proposed solar farm will have a negative impact within the setting of Slades Farmhouse through the loss of agrarian land and the introduction of an incongruous development. The agrarian landscape has been found to positively contribute to the experience of the asset and ability to appreciate its significance.
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5.52. The proposed development does have a degree of **reversibly** once decommissioned if the landscape is reinstated, although the screening planting may continue to have an impact.

Summary of Effect

5.53. The proposed development would cause harm to and fail to preserve the setting and significance of Slades Farmhouse and the ability to appreciate and enjoy its significance.

5.54. Particular attributes of the asset's setting have been found to contribute to its significance or the ability to appreciate that significance. These include green space, trees and vegetation; landscape character; land use; and functional relationships. The proposed development will have a detrimental impact on these attributes of setting and will reduce the contribution the heritage asset's setting makes to its significance and the appreciation of that significance.

5.55. Through the removal of the agrarian landscape of the appeal site, the proposed development undermines the appreciation of the historic functional link between the agrarian landscape and the farmhouse. The existing land use is fundamental to the building's setting and contribution to significance and its alteration is considered to be harmful.

5.56. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' and therefore paragraph 202 of the NPPF would apply. If we consider this in the scale of low, mid and high, I consider the harm lies in the low-mid part of the scale.

Penne's Place Moated Site (Scheduled Monument)

Location and siting of development

5.57. The appeal site is located on land which has historically been in agricultural use to the north of the scheduled monument. Historic mapping shows that whilst the surroundings of the moated site have changed to the south with the changes to the parkland and landscape design in the nineteenth century, the land to the north, including the appeal site, has been in agricultural use since at least the eighteenth century and likely since the construction of the moat. The enclosure, Tithe and OS maps show little change in the arrangement of the fields and field boundaries (**Appendix B**).

5.58. **Views 10 and 11** taken from within the scheduled monument and at its northern edge permit a glimpsed view of the agrarian landscape of the appeal site to the north. This landscape has been found to contribute to an appreciation of the asset's significance as it allows for an appreciation of the historic, rural landscape in which the moated site was constructed, in contrast to the designed landscape and parkland of the Aldenham House RPG. Views of the proposed solar panels will be limited due to the retention of an open field immediately to the north of Butterfly Lane, however, it is proposed to add screen planting to this boundary which in itself will inhibit views of the landscape of the appeal site.

Form and appearance of development

5.59. The **scale** of the proposed development results in the loss of a large area of agricultural land and the **colour** and **reflectiveness** of the proposed **materials** results in an incongruous and **conspicuous** addition to the landscape. Despite a number of changes, the moated site has been located within a wider agrarian landscape for hundreds of years and the appeal site is a remnant of this which contributes to an experience of the asset and an appreciation of the asset's significance as the remains of a high-status rural property.

5.60. The proposed **landscape design** includes screening planting to the north of Butterfly Lane, close to the moated site. This is intended to screen the proposed development from view but will also have the effect of further restricting views of the undeveloped, agrarian landscape to the north. **Seasonal change** may permit glimpsed views through the screening planting to the land beyond which is remaining free of development immediately to the north of the moated site, but beyond this will contain the solar arrays.

Wider effects of development

5.61. The proposed development will result in a ***change to general character*** of the appeal site through the loss of the agrarian landscape and the ***industrialising*** effect of the proposed solar farm. There will also be changes to land use from agricultural to solar farm and changes to tree cover through the proposed screening planting. The wider agrarian landscape has been found to make a positive contribution to the setting and the ability to appreciate the significance of the asset so the ***change to land use*** of the appeal site and the ***land cover*** of the proposed development will have a detrimental impact.

Permanence of the development

5.62. The effects will be apparent for the 35-year ***anticipated lifetime*** of the proposed solar farm through the loss of the agrarian landscape and the introduction of development of an industrial character. The agrarian landscape contributes to the experience of the asset and ability to appreciate its significance as a site within a historic rural landscape.

5.63. Following the 35-year lifetime, if the proposed solar farm is decommissioned and the landscape reinstated, there is a degree of ***reversibly***, although the screening planting may continue to have an impact.

Summary of Effect

5.64. The appeal site to the north of the asset, in its current undeveloped form and with its agrarian character, has been assessed to form part of the wider setting of the Penne's Place moated site Scheduled Monument and permits an appreciation of its significance. The proposed development will remove the agricultural landscape character of this part of the asset's setting and introduce an incongruous form of development.

5.65. Green space, trees and vegetation, landscape character, and land use are attributes of the asset's setting which have been found to contribute to its setting and an appreciation of its significance. These assets are detrimentally altered by the proposed development through the loss of the undeveloped, agrarian land of the appeal site.

5.66. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' therefore paragraph 202 of the NPPF would apply. If we consider this in the scale of low, mid and high, I consider the harm lies at the lowest end of the scale.

Aldenham House (Grade II Registered Park and Garden)

Location and siting of development

- 5.67. Part of the appeal site is located to the north of the RPG boundary. Historic maps show that Aldenham House RPG was surrounded by an agricultural landscape of which the appeal site is a remnant on its northern side. The agrarian landscape of the part of the appeal site within the setting of the RPG is primarily discernible from the public footpath 042 and from Butterfly Lane. Views of the landscape are limited but, nonetheless, the fundamental change in the character of the land from undeveloped and agrarian to a solar farm development would remove this element of the setting of the RPG and adversely impact the way it is experienced and appreciated.
- 5.68. **View 12** is looking north from the drive within the RPG where a view of the open landscape of the appeal site can be seen through the entrance gates. Whilst views of the proposed solar panels may be limited, the proposed screen planting on the northern side of Butterfly Lane will inhibit views of the open landscape beyond and undermine the ability to appreciate the historic agrarian landscape setting of the RPG.
- 5.69. **View 13** looks south from footpath 042 across the appeal site and towards the entrance gates into the Aldenham House RPG. The proposed development will detract from this view as the footpath will be bounded by a fence to the north-east with the solar arrays beyond and screen planting to the south-west, impeding the experience of the undeveloped, agrarian landscape in which the RPG was laid out.

Form and appearance of development

- 5.70. The proposed development will occupy undeveloped land with built form removing the agricultural landscape character which contributes to the wider setting and appreciation of the significance of the RPG. The **scale** of the proposed development over a large area of agricultural landscape and the **colour** and **reflectiveness** of the proposed **materials** undermines the contribution the appeal site makes to the wider setting of the RPG.
- 5.71. Due to the utilitarian nature of the proposed solar farm and industrial appearance, it will appear **conspicuous** within the landscape detracting from the setting of the RPG to the north.
- 5.72. The proposed **landscape design** includes screening planting to the north side of Butterfly Lane, opposite the RPG. This is intended to screen the proposed development from view but will also have the effect of further restricting views of the undeveloped, agrarian landscape to the north from the edge of the RPG
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along Butterfly Lane and predominantly in views from the driveway looking north. **Seasonal change** may permit more glimpsed views through the proposed screening when trees are not in leaf, but this may then result in views of the proposed solar farm beyond.

Wider effects of the development

- 5.73. The appeal site forms part of the agricultural land historically surrounding the RPG. The character of the undeveloped, agrarian landscape contributes to an understanding of the relationship between the development of the designed landscape and parkland within the Aldenham House RPG and it's the vernacular, working landscape setting beyond. The alteration of the agrarian land and **change to land use** and **change to land cover** is considered to be harmful to the experience of the significance of the RPG as a rural estate where the contrast between the ordered parkland and gardens and the disordered working landscape contributes to an appreciation of the status of the estate and the desire to create a sense of order from the landscape.
- 5.74. The **change to tree cover** resulting from the proposed screening planting will in itself prevent views from the north of the RPG, particularly the driveway, to the undeveloped landscape beyond.
- 5.75. The loss of the agrarian landscape also results in a **change to general character** and the **industrialising** of the appeal site. Whilst this could be considered a 'working' landscape, it is no longer the historic, vernacular landscape within which the RPG was positioned and designed.

Permanence of the development

- 5.76. For the 35-year **anticipated lifetime** of the proposed solar farm, the effects of the loss of the agrarian landscape and the introduction of development of an industrial character will be realised. The agrarian landscape contributes to the experience of the asset and ability to appreciate its significance as a designed landscape within a historic vernacular landscape.
- 5.77. If the proposed solar farm is decommissioned and the landscape reinstated at the end of its 35-year lifetime, there is a degree of **reversibly**. However, the screening planting may continue to have an impact in obscuring views of the open landscape beyond.

Summary of Effect

- 5.78. The appeal site, in its current undeveloped form and agrarian character, has been assessed to form part of the wider setting of the Aldenham House RPG and makes a positive contribution to an appreciation of its significance. The removal of the agricultural landscape character of this part of the area's setting and its replacement with a development which is industrial in character
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undermines the appreciation of the historic context in which the RPG was laid out. The RPG is of significance as an ordered, designed landscape which was intended to replicate elements of the wider landscape but with order and control. Understanding the asset's setting of a working, agrarian landscape enhances the appreciation of the designed landscape which created a sense of order and hierarchy within a more disordered landscape.

- 5.79. Certain attributes have been found to contribute to the asset's setting and these include hierarchy; green space, trees and vegetation; landscape character; and land use. These attributes will be undermined by the proposed development of the appeal site.
- 5.80. Whilst elements of the northern part of the RPG have been degraded through modern development or additional planting (including self-seeded trees and woodland), the experience of moving through the agrarian landscape into the designed landscape of the estate along Butterfly Lane can still be appreciated. The impact on the setting to the north of the RPG does not depend on changes, detrimental or otherwise, within the RPG itself.
- 5.81. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' and therefore paragraph 202 of the NPPF would apply. If we consider this in the scale of low, mid and high, I consider the harm lies at the lowest end of the scale.
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6. Summary and Conclusions

- 6.1. I am the Principal Built Heritage Consultant at Place Services, Essex County Council.
- 6.2. The evidence I have prepared relates to the effect the proposed development will have on the significance of heritage assets including the contribution to significance made by their settings. This proof has assessed and considered harm to the following heritage assets:
- Grade II* Listed: Hilfield Castle (List Entry ID: 1103569);
 - Grade II Listed: Lodge to Hilfield Castle (List Entry ID: 1103570);
 - Grade II Listed: Slades Farmhouse (List Entry ID: 1103614);
 - Scheduled Monument: Penne's Place Moated Site (List Entry ID: 1013001); and
 - Registered Park and Garden: Aldenham House (List Entry ID: 1000902).
- 6.3. In Section 4 of my proof, I outlined the significance of these heritage assets including the contribution made by their setting:
- **Hilfield Castle** is of architectural and artistic interest as an attractive, well-detailed late eighteenth century Gothic Revival country house in a prominent position at a high point in the landscape. The historic design features, materials and construction techniques employed contribute to its archaeological interest as do the adaptations and extensions made to address changing fashions and needs of its occupiers. Its historic interest derives from its association with the architect Sir Jeffry Wyattville and its construction by the Earl of Clarendon. Its surroundings and setting contribute to the ability to experience and appreciate the heritage asset's significance.
 - **Hilfield Castle Lodge** is of architectural and artistic interest as a good example of a late eighteenth century lodge in a Gothic Revival style, mirroring the style of the main house. Its historic interest derives from its design by Sir Jeffry Wyattville for the Earl of Clarendon. It is of archaeological interest in demonstrating the building techniques and use of materials of the late eighteenth century and the popular Gothic Revival architectural style. It also provides an understanding of the development of small country estates at this time and the desire for lodges mimicking the style of the main house flanking entrance drives. The setting contributes to an experience and appreciation of its significance.
 - The architectural and artistic interest of **Slades Farmhouse** derives from its style, materiality and construction techniques. Its fabric is also of
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archaeological interest in demonstrating the evolution of domestic architecture, the use of traditional materials and construction techniques, and changing architectural fashions of the region. Its historic interest derives from its age and legibility as a historic farm complex which formed part of a significant and prominent historic rural economy which has shaped the landscape here. The surrounding landscape and setting contribute to the experience and appreciation of the heritage asset's significance.

- The significance of **Penne's Place Moated Site** derives from its archaeological and historic interest as a good example of a double moated site which had well documented connections with the Penne family dating back to the thirteenth century. Its adaptation to form part of the Pulhamite water garden in the nineteenth century also contributes to its historic interest as part of the Aldenham House designed landscape. The site is also recognised as retaining significant archaeological potential as many moated sites provide favourable conditions for the survival of organic remains. Its setting within the parkland and the wider landscape contributes to an appreciation of the asset's significance.
 - The **Aldenham House Registered Park and Garden** derives its significance from its historic, archaeological and artistic interest as a designed landscape and parkland developed from the eighteenth century incorporating the remains of a thirteenth century moated site, a country house with seventeenth century origins and elements of a late nineteenth century landscape including Pulhamite water gardens and an arboretum. The surrounding landscape contributes to the experience and appreciation of the heritage asset's significance.
- 6.4. Section 5 of my assessment has demonstrated that there would be detrimental change within the surroundings of Hilfield Castle, Hilfield Castle Lodge, Slades Farmhouse, Penne's Place and Aldenham House RPG which negatively impacts attributes of their setting, and therefore their setting would not be preserved. The impacts I have identified are either visual impacts on the settings of the heritage assets or impacts that affect the experience of the assets and the ability to appreciate their significance.
- 6.5. For the reasons I have set out in this proof of evidence, harm would be caused by the proposed development to the significance of the designated heritage assets. While that harm is less than substantial harm, paragraph 199 of the NPPF makes it clear that 'great weight' should be given to the conservation of these assets; that is to "*the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance*" (NPPF 2021, Glossary). Paragraph 199 also states that the more
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important the asset, the greater the weight should be. As a Grade II* listed building Hilfield Castle is a “*particularly important building of more than special interest*”.¹⁹

- 6.6. The proposed development will have a negative effect on the setting of **Hilfield Castle**. The modern development and infrastructure on the site will reduce the ability to appreciate and understand the heritage asset’s significance as a relatively isolated rural residence set within a wider agrarian landscape of which the appeal site is an important remnant. The resulting ‘less than substantial’ harm to the heritage asset’s significance is considered to lie at the low end of the scale.
- 6.7. In their current undeveloped state, the fields of the appeal site provide an appropriate rural setting for the **Lodge to Hilfield Castle** from which the significance of the asset as part of a country estate can be appreciated. The resulting ‘less than substantial’ harm to the heritage asset’s significance is considered to lie at the low end of the scale.
- 6.8. The proposed development will damage the rural setting of **Slades Farmhouse** and erode appreciation of the functional and historic relationship of the heritage asset with its rural surroundings, undermining the ability to appreciate and understand its significance. The proposed development will remove the appreciation of the historic functional link between the agrarian landscape and the farmhouse and will add incongruous modern structures its setting. The resulting ‘less than substantial’ harm to the heritage asset’s significance is considered to lie in the low-mid part of the scale.
- 6.9. The appeal site is a relatively unchanged remnant of the agrarian landscape in which the **Penne’s Place Moated Site** has been located for hundreds of years. It permits an understanding of the asset’s position and status within the historic undeveloped landscape which contributes to an appreciation of its significance. The proposed development will remove part of this landscape setting. The resulting ‘less than substantial’ harm to the heritage asset’s significance is considered to lie at the lowest end of the scale.
- 6.10. The proposed development will have both a detrimental impact on the setting of **Aldenham House Registered Park and Garden**. The appeal site contributes positively to the significance of the RPG due to its undeveloped state and as a remnant of the historic agrarian landscape surrounding the RPG. The proposed development which will undermine the experience and appreciation of the significance of the heritage asset as an ordered, designed landscape set within a working landscape. The resulting ‘less than substantial’

¹⁹ Historic England, *Listed Buildings*. Accessed at <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/> on 20/09/2022.

harm to the heritage asset's significance is considered to lie at the lowest end of the scale.

- 6.11. Mitigation through design and landscaping has reduced the harm caused to the heritage assets, but not removed it completely. Following pre-application advice, efforts have been made to reduce the impact through the positioning of the proposed solar arrays further away from the heritage assets, including being set back from Butterfly Lane to the north and Hilfield Lane to the west. The mitigation has been most successful for the Penne's Place Moated Site and Aldenham House RPG where the proposed solar panels are located further north than the initial pre-application scheme which has resulted in the harm being at the lowest end of the scale. Screening planting is also proposed to some areas on the site boundary and within the site itself, however, in places this is detrimental as it inhibits views and an experience of the undeveloped landscape of the appeal site.
- 6.12. Case Law²⁰ states that, if the proposed development would cause harm to the setting of a listed building, there is a strong presumption against planning permission being granted. The presumption is a statutory one as set out in the Planning (LB & CA) Act 1990 Section 66(1). The presumption to refuse permission can nonetheless be outweighed by material considerations, provided those considerations are powerful enough to do so. The presumption is not irrebuttable.
- 6.13. Accordingly, the starting point in considering the proposal in accordance with the Planning (LB & CA) Act 1990 is that planning permission should be refused unless there are any sufficiently significant material considerations (when balanced against the harm caused by the development upon the setting and significance of the three listed buildings, scheduled monument and Registered Park and Garden) to rebut that strong presumption. In other words, there is statutory presumption in favour of preserving the setting of the listed buildings and, notwithstanding other considerations, finding harm to their significance should be given considerable importance and weight.
- 6.14. In considering the harm to the significance of the scheduled monument and Registered Park and Garden, great weight should be given to their conservation (NPPF, paragraph 199).

²⁰ East Northamptonshire DC v SSCLG [2014] EWCA Civ 137 (Barnwell Manor wind turbine case)

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8. Appendices

A. Legislation Planning Policies and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the special statutory duty which applies when considering development that affects the setting of listed buildings:

“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.”

- 8.2. Case law²¹ has clarified how the statutory duty is to be exercised when considering development affecting a listed building or its setting. The Courts have confirmed that, a decision maker should give "considerable importance and weight" to any harm to the setting and significance of a listed building and to the desirability of preserving that setting. Because of this, where such harm exists it gives rise to a "strong presumption" that planning permission should be refused. The presumption to refuse permission can nonetheless be outweighed by material considerations, provided these considerations are powerful enough to do so.

National Planning Policy Framework, 2021 (NPPF) (CD-NPP1)

- 8.3. The planning policy context for the assessment of impact on the setting of heritage assets is set out in the National Planning Policy Framework. Annex 2: Glossary of the NPPF defines the terms ‘heritage asset’, ‘significance’ and ‘setting’.

*“**Designated heritage asset:** A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.*

***Heritage asset:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in*

²¹ Most notably East Northamptonshire DC v SCLG [2014] EWCA Civ 137 (Barnwell Manor wind turbine case) as further explained by the High Court in R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) (Penshurst Place affordable housing case)

planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

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.*

Significance (for heritage policy): *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*

- 8.4. Paragraph 189 of the NPPF sets out that heritage assets should be conserved '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'.
 - 8.5. The following paragraphs in the NPPF are of particular importance when considering the impact of development on the setting of heritage assets:
 - 8.6. Paragraph 194 requires applicants 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 potential impact of the proposal on their significance.
 - 8.7. Paragraph 199 states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 - 8.8. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
 - 8.9. Paragraph 202 sets out that where less than substantial harm is involved this harm should be weighed against the public benefits of the proposal.
 - 8.10. Paragraph 206 states local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and
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within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

National Planning Practice Guidance, 2019 (NPPG) (CD-NPP13)

- 8.11. National Planning Practice Guidance reiterates that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Key elements of the guidance relate to assessing harm to a heritage asset. In paragraph 018, the PPG advises that what matters in assessing if a proposal might cause harm is the impact on the significance of the heritage asset, and confirms that significance derives not only from a heritage asset's physical presence, but also from its setting. It is the degree of harm to the asset's significance rather than the scale of development that is to be assessed and the guidance confirms that harm may arise from development within the setting of a heritage asset. Whether a proposal causes substantial harm will be a judgment for the decision maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases.
- 8.12. Paragraph 006 explains that in legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.
- 8.13. In paragraph 013, it is stated that 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.
- 8.14. Paragraph 013 confirms that 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.
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8.15. Furthermore, paragraph 013 states that Local Planning Authorities should consider the implications of cumulative change when assessing the impact of a proposed development on the setting of a heritage asset.

Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015 (CD-NPP10)

8.16. The Historic Environment Good Practice Advice Note 2 (2015) provides a useful summary of the approach that Historic England promotes in cases where development may affect the significance of heritage assets. Paragraph 4 explains the overarching purpose of the guidance:

“Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with knowledge and understanding of the significance of the heritage assets they may affect”

8.17. This is expanded in paragraphs 8 to 10 which suggest that decision making should be guided by a sound understanding of the level, extent and nature of this identified significance.

Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets, 2017 (CD-NPP11)

8.18. The Historic England Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (2017) provides the base framework for the assessment of proposed changes to the setting of a heritage asset. This Good Practice Advice Note was published on 25th March 2015, and updated December 2017, both superseding The Setting of Heritage Assets (2011).

8.19. Relevant extracts from the Advice Note include:

“Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated (explicitly recognised in green belt designations).”
(Paragraph 8)

“Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what

it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” (Paragraph 9).

8.20. Paragraph 9 also confirms that the effect of cumulative change should be considered:

“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.”

Conservation Principles, Policies and Guidance, 2008

8.21. The document “Conservation Principles: policies and guidance for the sustainable management of the historic environment”, although published in 2008 under the auspices of English Heritage, is still a valuable document that provides a comprehensive national framework for the management of the historic environment. The document articulates a range of heritage values, including the evidential, historical, aesthetic and communal values that can be assigned to heritage assets, which provides a useful tool for assessing and expressing the significance of heritage assets.

Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets, 2019 (CD-NPP12)

8.22. This Historic England advice note covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets.

B. Figures, Maps and Viewpoints (Document 2 of 2)

