

# Summary of Heritage Proof of Evidence

## Land off Butterfly Lane and Hilfield Lane, Aldenham



**Client:**

Hertsmere Borough Council

**Date:**

September 2022

**Author:**

Maria Kitts BA (Hons) MA PGCert



Essex County Council



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

---

- 1.1. 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. I have over ten years of experience as a Local Authority Conservation Officer and a Built Heritage Consultant.
  - 1.2. 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).
  - 1.3. 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 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.
- 1.4. 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.
- 1.5. 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 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”.<sup>1</sup>*

- 1.6. 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.
- 1.7. 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.
- 1.8. 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.
- 1.9. 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.
- 1.10. 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

---

<sup>1</sup> Historic England, *Listed Buildings*. Accessed at <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/> on 20/09/2022.

appreciation of the significance of the heritage asset as an ordered, designed landscape set within a working landscape. The resulting 'less than substantial' harm to the heritage asset's significance is considered to lie at the lowest end of the scale.

- 1.11. 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.
- 1.12. Case Law<sup>2</sup> 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.
- 1.13. 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.
- 1.14. 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).

---

<sup>2</sup> East Northamptonshire DC v SSCLG [2014] EWCA Civ 137 (Barnwell Manor wind turbine case)