Planning, Design, Access and Flood Statement

Howards House Hotel, Teffont Evias

September 2023

Registered company number: 9402101 Registered in England & Wales
Registered office: Unit 5 Designer House, Sandford Lane, BH20 4DY

RTPI
Chartered Town Planners

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1. Introduction

1.1 Chapman Lily Planning Ltd. have pleasure in submitting a planning and listed building consent application for development associated with the reopening of the Howards House Hotel with an improved dining experience for its customers and local people.

1.2 The application is submitted on behalf the of the property owner and the Beckford Group Ltd.

1.3 Howards House Hotel (closed) is a Grade 2 listed building owned by the Keatinge family for the last 250 years and is located in the conservation area of the historic village of Teffont Evias, 10 miles west of Salisbury and 4 miles east of Tisbury, in Wiltshire:



1.4 Howards House Hotel was formerly a residential dwelling but has been in hotel use for a generation but is currently closed due to the modern pressures on the hospitality industry.

1.5 The owners have partnered with the Beckford Group; "*A small but diverse group of acclaimed Southwest-of-England hospitality businesses that bring the finest of traditional English conviviality to venues and locations of outstanding natural and physical beauty*"[1].

1.6 The applicant team have determined that the hotel's layout no longer serves a modern purpose; there is insufficient dining space, which in turn does not justify the provision of more bedroom space. In order for the hotel to run viably in the future, it needs to be able to attract non-resident diners, but also local people too.

1.7 If the hotel use is lost, this would mean the loss of the last commercial/community facility in the village. Likewise, retention and investment in the hotel would be a significant benefit to the village, the listed building and the conservation area through the upkeep of the building but also the potential provision of at least 30 full time permanent local jobs and the economic development that fans out from there.

[1] https://beckford.group/

1.8 This planning application follows the submission and subsequent withdrawal of three applications submitted to Wiltshire Council by the then agent:

- PL/2023/00353 planning application to construct single storey hardwood orangery to the south elevation to form a functioning dining room.
- PL/2023/00403 application for listed building consent to construct a single storey hardwood orangery to the south elevation to form a functioning dining room.
- PL/2023/00530 application for listed building consent for formation of enlarged opening within timber framed partition between existing dining room and lounge at ground floor level within main hotel.

1.9 Pre-application advice was sought in March 2023 after the withdrawal of the three applications, a site visit was had with a planning officer and conservation officer from Dorset Council, but to date no response has been received. It was our client's intention to resubmit for planning and listed building consent having benefitted from further advice from the Council, but commercial realities have meant the planning application needed to be submitted.

1.10 Compared to the previous submissions, this application includes for additional car parking so that the likely success of the new venture in attracting much needed patrons does not exacerbate existing parking on the charming local streets:



1.11 The proposals have been formed up into one single proposal because the various elements of the scheme are inextricably linked and interdependent.

1.12 The proposals include:

- The orangery extension – because of the need to expand and improve the quality of the offer at Howard House Hotel.
- Internal alterations forming enlarged opening between dining room and lounge.
- Improved parking provision, a short walk from the venue.

2. Our Client's Rationale

2.1 *Howards House Hotel has occupied this former residence for the last 30 years and is currently configured as a 10 bedroom guest house style hotel that provides high quality food for its residents (currently 20 covers maximum, to be increased to 60 covers).*

2.2 *The hotel has been successful in the past, but has become fundamentally economically unviable because of its physical configuration. It does not have enough guest bedrooms to viably trade and, more immortally, it does not have enough dining area in its common parts to accommodate further bedrooms and most critically, non-resident guests.*

2.3 *The vastly changed landscape of modern hotel economics, particularly the increased wage costs for chefs and unrecognisably high operating costs, mean that it is simply not viable to successfully trade a hotel in a location such as this, without being able to cater for non-resident diners. We feel therefore that the hotel needs at least 60 covers.*

2.4 *Furthermore, a regenerated, revitalised, successful hotel, with larger common parts that can be open to locals as well as its residents, will provide a new beating heart of the village. The last village pub closed 20 years ago, and so this is the only public amenity left in Teffont Evias and Teffont Magna. As such, we will be renaming the new hotel: Teffont House Hotel to reflect its importance in its local community.*

2.5 *The economic benefits of hotels to rural villages are well-understood. A viable hotel will enable at least 30 full-time permanent local jobs and will generate valuable business rates for local government as well as several hundred thousand pounds in VAT and other taxes for central government.*

2.6 *The produce we will use will be substantially sourced from local providers whilst local tradesmen will enable the upkeep of these historic buildings under our stewardship. Should the Orangery not be permitted, the hotel's likely permanent closure and reversion to a domestic property will be deeply damaging to the community and its economy.*

2.7 *This is a long-term collaboration between experienced local, hotel operators The Beckford Group and the Keatinge Family who have owned, and been the stewards for most of the surrounding land for the last 500 years.*

2.8 *Our intention is to provide a fitting addition to the existing physical buildings of the new Teffont House Hotel and also to run the hotel as we have done with all our other successful small businesses in Wilshire. We are not interested in short term profits but aspire to create places that become local institutions for the long term, generating interesting and safe jobs for local people and helping them develop over many years.*

2.9 *The hotel's buildings are stunningly beautiful but the current fit out is dull and completely out of date. The Orangery addition will be part of a wider refit and refurbishment of the hotel throughout and adding two bedrooms. We aim to bring the hotel up to date and most importantly, sensitively, very much maintaining its historic charm. There will also be a re-landscaping of the 'walled garden' opposite that will grow some of the produce for the hotel and provide a further amenity for local people to congregate and socialise. The enlarged public*

areas mean increased visitors and this has been considered with further off-site car parking being provided so that on-road parking should not be required.

2.10 *Beckford Group Ltd is run by Dan Brod, Charlie Luxton and Matt Greenlees who all work day to day within the businesses. With experience in developing the Soho House Group from one site to a major international hospitality brand operating across the globe, Beckford was formed with a completely different (even opposite) agenda, to develop a small group of high quality but affordable hospitality venues in the South West.*

2.11 *The plan was always to grow very slowly and organically, keeping a very close eye on quality and local integration, developing sites that become local institutions over the longer term, and being good stewards for the ancient buildings we look after.*

2.12 *Currently Beckford operate a number of sites and businesses (one is our freehold and the others are long leases): The Beckford Arms, Tisbury, The Lord Poulett Arms, nr. Crewkerne, The Talbot Inn, Mells, The Bath Arms at Longleat, The Beckford Bottle Shop & The Beckford Canteen in Bath and Bramley Products based in Semley.*

2.13 *Our key philosophy is to stay small and focussed and simply to try to do everything well – good food at sensible prices, accommodation with an attention to detail and a real belief in great service & hospitality. Every single customer that comes through the door should leave really happy and pleased they came. Backing all this up is an efficient administrative function and good PR and marketing. Our best marketing, we always believe, is word of mouth and customers coming back again and again.*

2.14 *We also engage in hospitality consulting to other hotels and restaurants throughout the UK, having consulted on many heritage projects. This work is generally confidential and is involved in marketing, operations and systems, management and service, interior design, fit-out and menus.*

2.15 *Beckford Group's values:*

- ***To be integral part of communities over the long term***
- ***Locations with something special*** *- genuine and attractive*
- ***Thoughtful stylish design -*** *appropriate to the architecture*
- ***Comfortable and relaxed -*** *a club like feel but open to all*
- ***Affordable*** *- a guest experience that overall is great value for money*
- ***Local, friendly and genuine staff*** *- highly trained knowledgeable staff that care*
- ***High attention to detail -*** *small details that surprise and delight*
- ***A superb overall guest experience*** *– an experience that is varied and considered*
- ***Great food -*** *genuine local provenance but popular and approachable menus*
- ***Modern services*** *- from good water pressure to decent wifi*
- ***Luxury where it matters*** *- good linen, toiletries, attention to the things guests touch*
- ***Hospitality and generosity at the core of everything*** *- every customer is unique*

3. Pre-application Advice

3.1 The Council offers a pre-application advice service which its website describes thusly:

"*We offer a pre-application advice service to anyone wanting help with a development before the submission of a planning application.*

The aim of our pre-application service is to provide responsive, consistent, and timely advice that de-risks the application process and reduces the time taken to deal with your application through the formal-decision making stage".

3.2 Pre-application advice was sought in March 2023. Amongst other things it stated:

"*We are seeking pre-application advice on the nature of the physical works to the building, as well as the principle of the proposals in both heritage and economic development terms.*

We are looking for the Council to provide a balanced view, necessarily consulting as required colleagues in heritage, flood and ecology departments.

We require the following from this pre-application advice request:

- *Positive and constructive comments on the listed building element of the proposals.*
- *Steerage on the likely outcome of the planning-balance with advice on how to maximise the balance in favour of both achieving planning permission/listed building consent, but also achieving the applicant's plans for the future.*
- *Guidance on the likely ecological surveying and reporting requirements.*
- *Feedback from the Council's flood officer on any surveying and reporting required to support a future planning application, not received when the previous planning application was running.*
- *Confirmation of the constraints and designations relevant to the site and the proposal.*
- *Confirmation of the development plan context, status and the policies relevant to the scheme.*
- *Confirmation of the range of supporting surveys and reports needed for validation purposes*".

3.3 A site visit with the Council's Planning and Conservation officers was held on 5th May 2023.

3.4 To date the Council has not issued its pre-application advice, although comments from the Conservation officer have latterly been forwarded and are dealt with below.

3.5 Commercial pressures have forced the need to submit this planning application to avoid further delays.

4. Pre-application Heritage Comments

4.1 The Council's conservation officer has said (our emphasis in bold):

"From: Wiltshire Council <planning@sf.wiltshire.gov.uk>
Sent: Wednesday, September 20, 2023 2:51 PM
To: Steven Bainbridge <steven.bainbridge@clplanning.co.uk>
Subject: HOWARDS HOUSE HOTEL, TEFFONT EVIAS, SALISBURY, SP3 5RJ : ENQ/2023/00388

I've realised that I never gave a written response to this enquiry, although the main issues regarding the orangery had been raised previously and discussed on site. The hotel building is grade II listed and in the exceptional conservation area of Teffont Evias within which most of the buildings are listed. The NHLE entry describes the evolution of the building, with the earliest part being a two-storeyed building with its gable to the road, raised in height and paired with a second block to the north under a 'Swissh chalet' roof in the 1837-8, according to VCH Wiltshire. The south elevation of the building is therefore the most significant of the earliest parts surviving, and in its altered C19 form is formal and relatively grand, and of a crafted architectural design. The proposal to erect a large single-storey extension, or orangery, across the whole of the southern front, of approx 8mx11m. This would completely sever the relationship between the historic core and the garden, and have a significant impact on the setting of the building. ***I consider the proposal would fall within the realm of substantial harm in NPPF terms****, and would not preserve the character or setting of the listed building as expected by sections 16/66 of PLBCA Act 1990. The impact on the CA and setting of other LBs would be much lower. I do not consider that any form of extension would be appropriate on the southern elevation."*

4.2 The approach to whether there is substantial harm to a designated heritage assets is:

- Is there substantial or serious harm to the significance of the asset?
- Have in mind that this is a high test;
- The question is whether the 'the adverse impact seriously affects a key element' of the asset's significance. An alternative is to ask whether its significance is very much reduced.

4.3 In any balancing exercise, substantial weight would be given to benefits and harms to listed buildings and the conservation area.

4.4 Two relevant statutory duties apply specifically to the heritage effects in this case.

4.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Listed Buildings Act') applies to effects on listed buildings and provides that:

"*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*."

4.6 Section 72(1) of the same Act imposes a general obligation in respect of conservation areas when determining planning applications:[2]

[2] Amongst other decisions.

"*In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection 2, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*."

4.7 The approach to the two provisions is essentially the same. Preserve means to cause no harm.[3] The statutory duty to have special regard to listed buildings was thoroughly reviewed by the Court of Appeal in *East Northamptonshire District Council v Secretary of State for Communities and Local Government*[4]. *Sullivan LJ held that:*[5]

4.8 *'*Parliament's intention in enacting s.66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise'.

4.9 Harm and benefits to listed buildings and conservation areas are to be given considerable weight. There is a strong presumption against the grant of planning permission for development which harms these assets.[6]

4.10 Whether a proposal preserves a listed building or conservation area (or enhances the latter) is to be judged by weighing up the impact of the entire proposal,[7] including the removal of any existing works and the erection of new building. Positive and negative elements would be considered[8] for an overall view to be taken.[9]

4.11 Listed buildings and conservation areas are designated heritage assets under the National Planning Policy Framework (2021).[10] The NPPF requires (para 199):

"*When considering the impact of a proposed development on the significance of a designated heritage asset*[11]*, great weight should be given to the asset's conservation (and 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*."

4.12 The first sentence encompasses great weight being given to benefits as well as harms. Harm is judged by the effect of the development on the significance of the asset in heritage terms.[12] Significance (for heritage policy) is:

"*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*

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[3] *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141.
[4] Sub nom *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2012] EWCA Civ 137, [2015] 1 WLR 45.
[5] At para 29.
[6] *South Lakeland* at 146 per Lord Bridge.
[7] *Bohm v Secretary of State for Communities and Local Government* [2017] EWHC 3217 (Admin) at para 33 per Nathalie Lieven QC.
[8] *Spitfire Bespoke Homes Ltd v Secretary of State for Housing, Communities and Local Government* [2020] EWHC 958 (Admin) at para 35 per Andrews J.
[9] *R(Safe Rottingdean Ltd) v Brighton and Hove City Council* [2019] EWHC 2632 (Admin) per Sir Duncan Ouseley.
[10] See NPPF, Annex 2: Glossary.
[11] Including listed buildings and conservation areas.
[12] See also Planning Practice Guidance, I D: 18a-018-20190723.

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."

4.13 Three categories of harm are listed, 'substantial harm, total loss or less than substantial harm' but substantial harm and total loss are subject to the same tests. In practice therefore the distinction is between substantial and less than substantial harm.

4.14 Substantial harm to or total loss of a grade II listed building should be exceptional.

4.15 Additionally, paragraph 201 of the NPPF applies to all designated heritage assets:

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

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

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

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

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

4.16 The test to be applied to less than substantial harm is in paragraph 202 of the NPPF:

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

4.17 Heritage benefits to the designated heritage asset may be accounted for in two ways: either netted off against harms to generate a conclusion whether there is net harm or included in public benefits against the harm which is identified.[13] In Stonehenge Holgate J said that when deciding whether harm was substantial or less than substantial:

"*193 … In the light of Bramshill at [71] it is common ground that in reaching this judgment, the decision-maker may take into account benefits to the heritage asset itself (referred to as an "internal balance") but he is not obliged to do so*" (and see [74]).

"194 In Bramshill at [78] Lindblom LJ stated:-

"*Cases will vary. There might, for example, be benefits to the heritage asset itself exceeding any adverse effects to it, so that there would be no "harm" of the kind envisaged in paragraph 196 [of the NPPF]. There might be benefits to other heritage assets that would not prevent "harm" being sustained by the heritage asset in question but are enough to outweigh that "harm" when the balance is struck. And there might be planning benefits of a quite different*

[13] *R(Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport* [2021] EWHC 2161 (Admin), [2022] PTSR 74 at para 193-199 per Holgate J.

kind, which have no implications for any heritage asset but are weighty enough to outbalance the harm to the heritage asset the decision-maker is dealing with."

4.18 For the purposes of the present case, two points may be drawn from that passage.

"195 First, when assessing the impact of a project on a heritage asset it is permissible to combine both the beneficial and the adverse effects on that asset. That is not so much a balancing exercise as a realistic appraisal of what would be the net impact of the project on the asset, viewed as a whole and not partially. That approach was followed in the ES in that case. It was necessary to take into account the A303 as part of the existing baseline and to take into account the beneficial impact on an individual asset of removing that road as well as any harmful impact on that asset from the new scheme. The net outcome might be positive, neutral or negative."

4.19 Where the only possible level of harm is less than substantial then it makes no practical difference whether heritage benefits reduce the harm or are weighed against it.

4.20 The NPPF does not provide any further assistance as to what is substantial or less than substantial harm in a listed building context.[14] The Planning Practice Guidance is published by the government in support of the NPPF. It says on the boundary between categories of harm:[15]

"*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 National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting."

4.21 It is worth emphasising from this that 'In general terms, substantial harm is a high test'. An example is given for works to a listed building as to whether 'the adverse impact seriously affects a key element of its special architectural or historic interest'.

[14] NPPF (2021) para 207 says 'Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.' This does not assist in the present matter.

[15] ID: 18a-018-20190723.

4.22 The approach of the courts is in general to leave the judgement of what is planning harm to the planning authorities. In City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government Sir Keith Lindblom SPT said in the Court of Appeal:[16]

"*What amounts to "substantial harm" or "less than substantial harm" in a particular case will always depend on the circumstances. Whether there will be such "harm", and, if so, whether it will be "substantial", are matters of fact and planning judgment. The NPPF does not direct the decision-maker to adopt any specific approach to identifying "harm" or gauging its extent. It distinguishes the approach required in cases of "substantial harm … (or total loss of significance …)" (paragraph 195) from that required in cases of "less than substantial harm" (paragraph 196). But the decision-maker is not told how to assess what the "harm" to the heritage asset will be, or what should be taken into account in that exercise or excluded. The policy is in general terms. There is no one approach, suitable for every proposal affecting a "designated heritage asset" or its setting*."

4.23 The Bramshill judgment does not refer to the Planning Practice Guidance on 'substantial harm', but that must be relevant to determine what category of harm applies.

4.24 In 2013 the question of substantial harm was considered in Bedford Borough Council v Secretary of State for Communities and Local Government[17] was that the substantial harm to or total loss of significance by setting would only occur in 'a very extreme case' and an Inspector had acted lawfully in considering that 'something approaching demolition or destruction' was required for a setting impact to be so serious (paragraphs 18, 22 and 26). Mr Justice Jay summarised the Inspector's assessment as:[18]

"*What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away*."

4.25 The judge asked:[19]

"*but does the phrase "something approaching demolition or destruction" add a further layer of seriousness as it were? The answer in my judgment is that it may do, but it does not necessarily. All would depend on how the inspector interpreted and applied the adjectival phrase "something approaching". It is somewhat flexible in its import. I am not persuaded that the inspector erred in this respect*."

4.26 Jay J also observed:[20]

"*One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*."

4.27 Bedford became a judgement which was heavily cited by consultants and often followed by Inspectors. Bedford however predated the advice in the PPG which is quoted above.

[16] [2021] EWCA Civ 320, [2021] 1 W.L.R. 5761 at para 74. The references are to the previous 2019 version of the NPPF, which was materially identical.
[17] [2013] EWHC 2847 (Admin).
[18] At para 24.
[19] At para 26.
[20] At para 25.

4.28 In the subsequent case of East Northamptonshire[21] the Court of Appeal were more willing to find that there could have been substantial harm. This concerned the effect of a proposed wind farm on the setting of Lyveden New Bield. The Inspector had found the harm to be 'less than substantial' under the Planning Policy Statement 5 test which was subsequently carried through into the NPPF. Sullivan LJ held that 'the Inspector did not assess the contribution made by the setting of Lyveden New Bield, by virtue of its being undeveloped, to the significance of Lyveden New Bield as a heritage asset'.[22] He considered that the effect of the proposal on the ability of the public to appreciate a heritage asset is one, but by no means the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset (at paragraph 37). The Inspector's view that any reasonable observer would know that the turbine array was a modern addition to the landscape misapplied the tests. Sullivan LJ held:[23]

"*If that test was to be the principal basis for deciding whether harm to the setting of a designated heritage asset was substantial, it is difficult to envisage any circumstances, other than those cases where the proposed turbine array would be in the immediate vicinity of the heritage asset, in which it could be said that any harm to the setting of a heritage asset would be substantial: the reasonable observer would always be able to understand the differing functions of the heritage asset and the turbine array, and would always know that the latter was a modern addition to the landscape*."

4.29 In Forest of Dean v Secretary of State for Communities and Local Government[24] an inspector had been entitled to find that one gypsy site scheme would cause substantial harm to the setting of listed buildings, although the site was outside their curtilage.

4.30 Bedford was not referred to in the East Northamptonshire judgments and it was not the subject of consideration by the High Court after full argument until the decision in the Holocaust memorial case.

4.31 The approach to substantial harm and the Bedford judgment were considered by the High Court in the challenge to the proposed Holocaust Education memorial in Victoria Tower Gardens at Westminster: London Historic Parks and Gardens Trust v Minister of State for Housing.[25] The Inspector had said 'it is the serious degree of harm to the asset's significance which is the key test'.[26] Considering Bedford Mrs Justice Thornton considered that said the notion of significance being drained away was not the test for substantial harm:

"*52. It is plain that Jay J saw the Inspector's approach as essentially the same as the approach that he (Jay J) endorsed in [25] as a correct basis for addressing the question, i.e. a decision maker would properly both interpret and apply the concept of substantial harm in the NPPF, if s/he assessed whether the impact of the proposed development was sufficiently serious in its effect that the significance of the designated heritage asset, including the ability to appreciate*

[21] *East Northamptonshire District Council v Secretary of State for Communities and Local Government (sub. nom. Barnwell Manor v East Northamptonshire District Council)* [2014] EWCA Civ 137 [2014] 1 P. & C.R. 22.
[22] At para 35.
[23] At para 44.
[24] [2013] EWHC 4052 (Admin) at para 68.
[25] [2022] EWHC 829 (Admin).
[26] Judgment at para 33.

that asset in its setting, was (if not vitiated altogether) at least very much reduced. Jay J considered the reference to significance being "very much …drained away" as no more than an alternative, metaphorical means of expressing the concept of substantial harm. In considering that "substantial' and 'serious' may be regarded as interchangeable adjectives in this context" [26], his judgment is consistent with the advice in the Planning Policy Guidance that, when considering whether or not any harm is "substantial", an important consideration would be whether the adverse impact seriously affects a key element of special architectural or historic interest.

53. Accordingly, read as a whole and in context, Jay J's judgment does not import a test of 'draining away' to the test of substantial harm. He was not seeking to impose a gloss on the term. The judgment in Bedford accords with the approach stated by the Senior President of Tribunals at [74] in Bramshill . It is clear from cases like Tesco v Dundee [2012] UKSC 13; R(Samuel Smith) v North Yorkshire County Council [2020] UKSC 3; Bramshill and others, that a word like 'substantial' in the NPPF means what it says and any attempt to impose a gloss on the meaning of the term has no justification in the context of the NPPF. The policy framework and guidance provide a steer that relevant factors include the degree of impact, the significance of the heritage asset under scrutiny and its setting. It is not appropriate to treat comments made by a Judge assessing the reasoning of an individual decision maker, when applying the test of 'substantial harm' to the circumstances before him/her, as creating a gloss or additional meaning to the test."

4.32 Consequently, the approach to whether there is substantial harm to a designated heritage assets is:

- Is there substantial or serious harm to the significance of the asset?
- Have in mind that this is a high test;
- A question is whether 'the adverse impact seriously affects a key element' of the asset's significance. An alternative is to ask whether its significance is very much reduced.

4.33 The starting point is to assess what contributes to the significance of the listed building.[27] It is then a matter of considering the effect of the proposal on that significance. This is a matter of heritage professional judgement.

4.34 There are various elements which could be seen to be entirely positive: the reversibility of the orangery extension, the benefit to the conservation area of removing car parking from the roads to the parking area, and finding a long term beneficial use for Howards House which will see the mainstay of the buildings retained in good keeping for the future.

4.35 The use of Howards House Hotel should seek to provide the optimum viable use. If the hotel were to find itself unable to continue operating as a hotel, then the applicant team are unconvinced that the building would be economically attractive to a potential residential owner – there hardly being a queue of potential purchasers willing to invest the time and funds necessary to deal with the repair bill. So, whilst in some minds reverting Howards House back to a dwelling might be considered the optimum use, it is not the optimum viable use.

[27] See Historic England's *Historic Environment Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment*.

4.36 The effect of the proposals on the significance of the assets is addressed in the heritage statement. It is quite clear that:

"*Changes in the economic climate mean that the hotel and catering business of Howard House Hotel also requires change; the proposal has potential to result in a low level of less than substantial harm. However, this is outweighed by the public benefit of preserving the building for future generations by means of giving it a sustainable long-term use and providing enhancement*".

4.37 If approached positively, and taking NPPF paragraphs 55 and 56 into account, it is clear that mitigation in the form of a planning condition requiring reversal of the development at some key future trigger point could allow development to go ahead.

4.38 Effects on a listed building can amount to substantial harm, but that depends on the significance of the asset and the effect of the scheme. Such substantial harm will be quite infrequent; it is a matter of heritage professional judgement and the heritage statement is perfectly clear that ongoing and adapted hotel use is the only acceptable and feasible way of securing the viable future of the asset.

4.39 According to the submitted HIA, the harm to the significance of the heritage assets is clearly less than substantial. Conserving the asset from this less than substantial harm is given great weight in the heritage impact exercise. The less than substantial heritage harms include:

- Fixing the orangery to the building and its effect on significance and setting.
- The internal intervention and its effect on historic fabric.
- Any harm arising from the car park.

4.40 The heritage benefits are given great weight in the heritage impact exercise. The less than substantial heritage benefits include:

- Funds for future renovations to the fabric of the building.
- Removing/reducing on-street overflow car parking from the conservation area.

4.41 The heritage harms and benefits could be seen to balance each other out, however, taking a precautionary approach that a little harm to ensure the greater good is not a neutral outcome, then the public and planning benefits can be weighed against any residual less than substantial harm (although the applicant contends that the harm are countered by the benefits) and include:

- Securing the optimum viable use and therein contributing to the asset's conservation (great weight referring to NPPF paragraph 199)
- Economic development (significant weight as per NPPF paragraph 81).

4.42 In this case the applicant contends that, on balance, there is no overall harm in planning-terms. However, if the Council consider there to be some residual heritage harm, over and above the heritage benefits, then the applicant contends that the public benefits are sufficient to find favour in the proposal from the NPPF paragraph 202 approach.

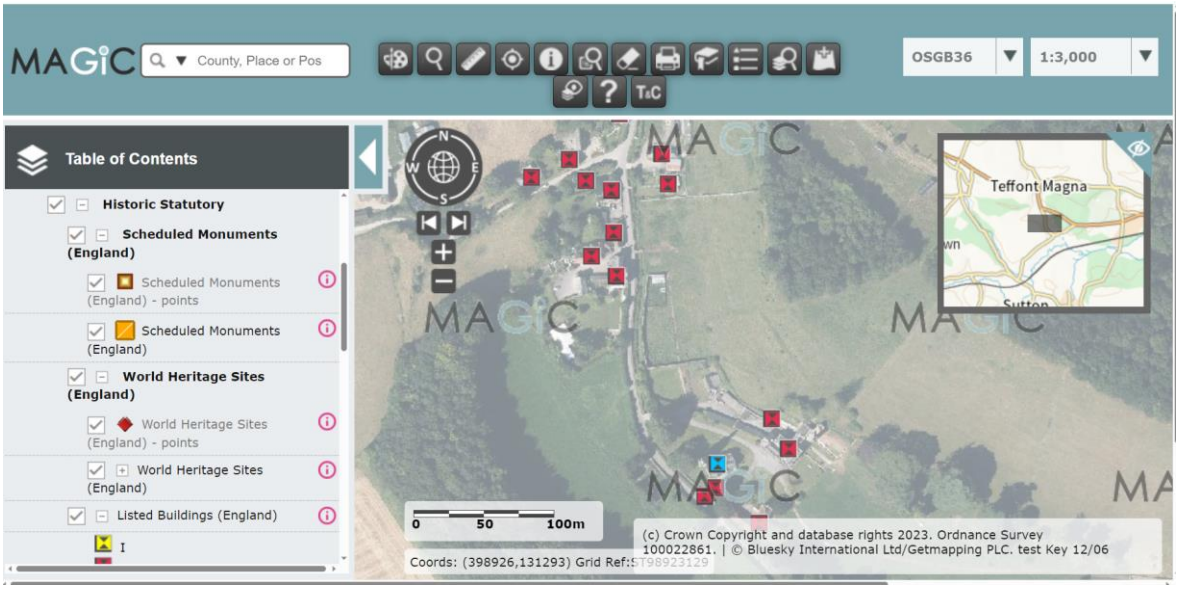
5. Site Location and Description

5.1 Howards House is a Grade 2 listed building located in the village of Teffont Evias, which is around 10 miles west of Salisbury 'as the crow flies'.

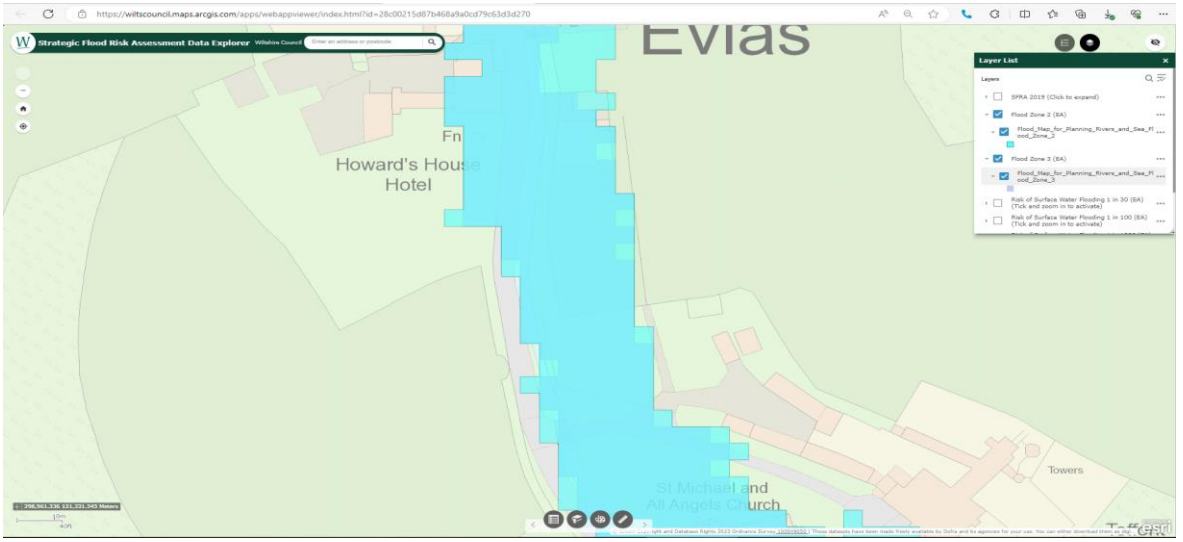
5.2 Howards House is located in the southern end of the historical pairing of Teffont Magna and Teffont Evias, whose history is well described on the following websites: https://www.teffont.com/index.php/local-history and http://www.teffont.org.uk/



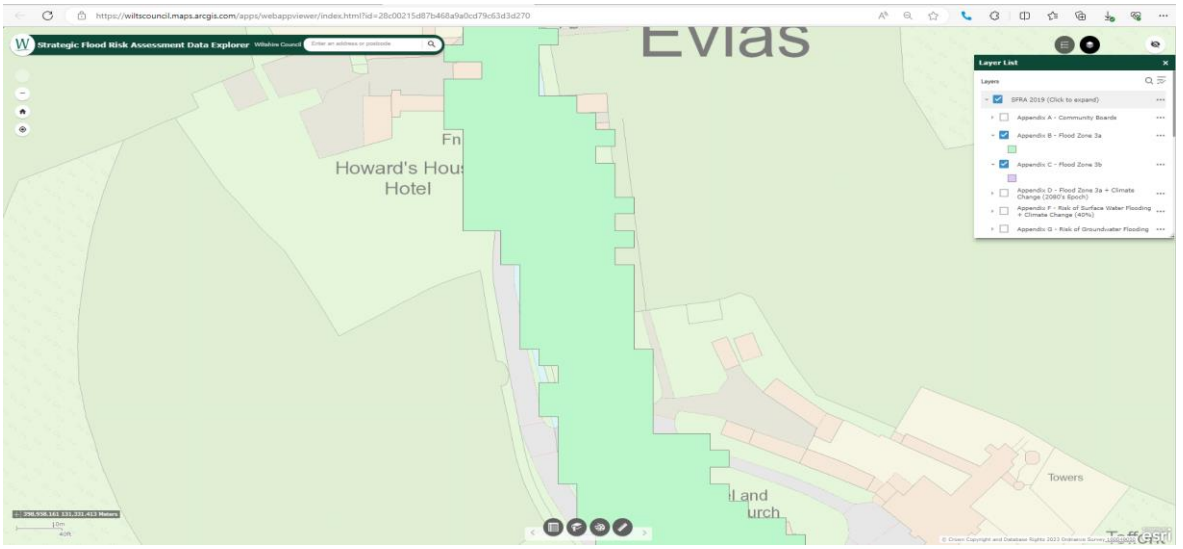
5.3 To the southeast of Howards House is the Grade 2* Church of St Michael and All Angels and the Grade 2 Teffont Manor, with various associated Grade 2 structures within the curtilage of the church and manor house:



5.4 The area for the proposed car park is shown thus in the Council's SFRA mapping:



5.5 The car parking area is in flood zones 2 and 3.



5.6 The SFRA mapping shows that the car parking site is in flood zone 3a but not 3b.

5.7 NPPF Annex 3 categorises car parks as 'less vulnerable [to flooding] development':

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

5.8 The PPG is clear on this form of development's 'compatibility' with flood zone 3b:

Table 2: Flood risk vulnerability and flood zone 'incompatibility'

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

5.9 If necessary, a flood evacuation or management plan can be conditioned for the new car park.

6. Development Plan and National Policy

6.1 The Development Plan consists of:

- Wiltshire Core Strategy 2015
- Saved policies of the 2003 Salisbury District Local Plan

6.2 The following development plan policies are considered pertinent to these proposals:

- Core Policy 33 Spatial Strategy for the Wilton Community Area
- Core Policy 39 Tourist Development
- Core Policy 40 Hotels
- Core Policy 48 Supporting Rural Life
- Core Policy 49 Protection of Rural Services and Community Facilities
- Core Policy 50 Biodiversity
- Core Policy 51 Landscape
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 58 Ensuring the Conservation of the Historic Environment
- Core Policy 60 Sustainable Transport
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk

- E19 Employment in the Countryside
- C24 Extensions to Buildings in the Countryside

6.3 Material policy considerations from the NPPF include:

- Paragraph 11 and the Presumption in Favour of Sustainable Development
- Paragraph 81 and the Significant Weight to be given to economic growth and productivity.
- Paragraphs 84 and 85 under the topic Supporting a Prosperous Rural Economy
- Paragraph 176 and the Great Weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.
- Paragraph 199 and the great weight given to conservation of heritage assets
- Paragraph 202 and the weighing exercise of any[28] less than substantial harm to designated heritage assets and the public benefits of the proposal which include those referred to in NPPF paragraph 206.

6.4 It is understood the following planning and environmental designations are relevant to the site and its immediate environs:

- Area of Outstanding Natural Beauty (AONB)
- Conservation Area
- Grade 2 Listed Building
- Nearby Listed Buildings
- Flood Zones 2 and 3 and Surface Water Flooding

6.5 The National Planning Policy Framework (NPPF) is clear on the identification of strategic and non-strategic policies and how they should be used in decision making:

*"20. Strategic policies should set out an **overall strategy** for the pattern, scale and design quality of places, and make sufficient provision for:*

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

*21. **Plans should make explicit which policies are strategic policies**. These should be limited to those necessary to **address the strategic priorities of the area** (and any relevant cross-boundary issues), to **provide a clear starting point for any non-strategic***

[28] In the heritage weighing exercise it is essential to be clear on the 'internal balancing' of heritage benefits and harms, and whether this has been undertaken leading up to the heritage conclusion or afterwards.

policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies*".*

6.6 The National Planning Policy Framework (NPPF) is clear on how non-strategic policies should be used in decision making:

"28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods ***or types of development****. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and* ***setting out other development management policies****".*

6.7 There are only two saved development control policies relevant to this proposal.

6.8 The 2015 Core Strategy (submitted to the Secretary of State for examination in 2012 and therefore ostensibly written in the years preceding that) was written under the auspices of the Local Development Framework process, which foresaw the production of further Development Plan Documents including a Development Management Policies DPD as part of its "*portfolio*" of policy documents. No such document was produced or has been inherited by Wiltshire Council for the former Salisbury Local Plan area.

6.9 The 2012 NPPF, published around the time of the Core Strategy examination, introduced neighbourhood planning into national planning policy. Wiltshire has a large number of made neighbourhood plans, and it is clear that they have been regarded as delivering the non-strategic policies for their respective neighbourhoods under the strategic overview of the Core Strategy. There is no neighbourhood plan for the Teffont parish within which the site is located.

6.10 In essence there is a clear dearth of development management policies for development of this nature. The NPPF is clear that strategic policies (intended to cover entire districts or unitary areas) "*should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans* (not relevant) *or other non-strategic policies* (not relevant/saved)".

6.11 In very basic terms the applicant takes the view that using strategic policies to resist small scale development goes against the ethos extolled in the NPPF and is tantamount to 'using a hammer to crack a nut' and is not the "positive and creative" approach required by NPPF paragraph 38. Acknowledging this, the policy appraisal below is viewed through that lens.

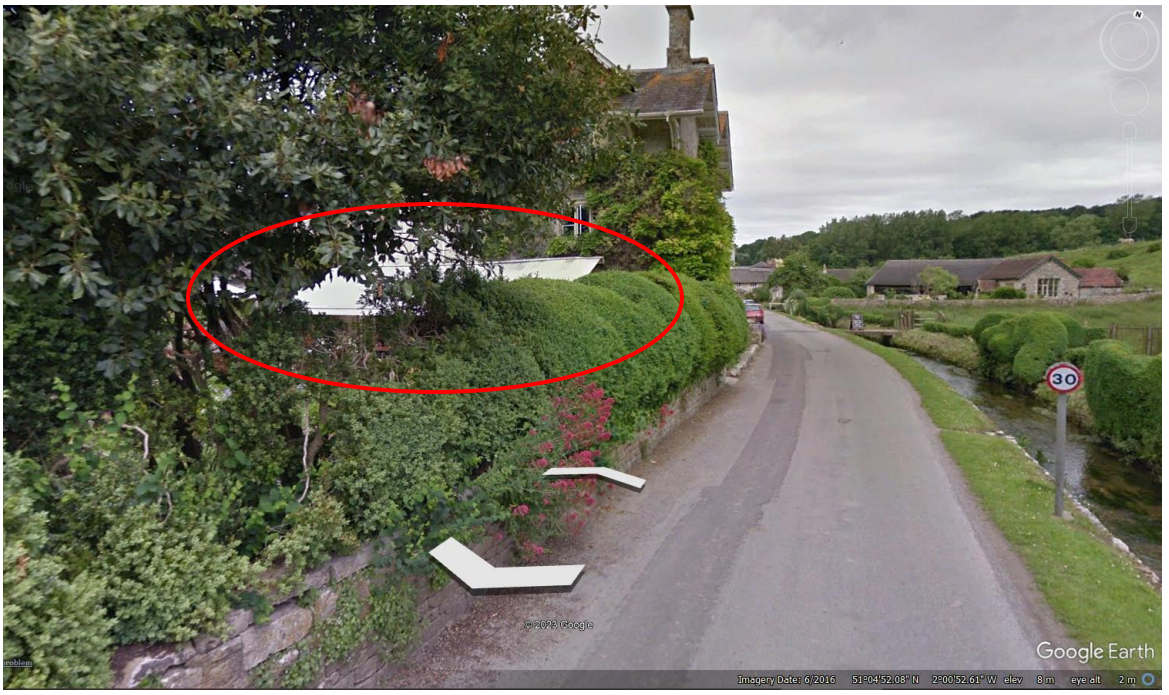
6.12 Core Policy 33 relates to the Wilton Community Area which encompasses Teffont Evias. The policy requires development proposals to demonstrate how the relevant issues and considerations in the Core Strategy's paragraph[h 5.174 will be addressed. Only bullet points 4 and 5 are relevant and are responded to thusly:

- The built environment will be protected because the applicant's are keen to invest in the listed property which has a long, unenviable and expensive minor repairs list.

- This proposal will conserve the AONB insofar as it will allow for the general upkeep of this important host building to the setting of the village in the AONB.

6.13 Strategic Policy 39 supports tourism, and making this hotel more viable supports tourism. The policy requires extensions to existing facilities to be appropriate in scale to their location and help to ensure the viability of the business. The scale of the orangery is directly linked to the future viability, as assessed by the applicant team which includes the local landowner and an expert hospitality group.

6.14 Strategic policy 40 cocnerns hotels and is clear that the sensitive extension of existing facilities will be supported within Small Villages such as Teffont Evias where proposals are appropriate in scale and character within the context of the immediate surroundings and settlement as a whole. The new orangery will me marginally more visible in the street scene than the existing canopy:



6.15 The proposal will not have a detrimental impact on the vitality of any town centre and the proposed overflow car parking will avoid unacceptable traffic generation.

6.16 Strategic policy 48 supports proposals which support rural life, but has no specific criteria relevant to this proposal.

6.17 Strategic policy 49 seeks to retain community facilities from loss. This proposal is not relevant to the policy, but in the alternative, this proposal seeks to help retain/return a community facility by providing the village with a pub once more.

6.18 Strategic policy 50 seeks to protect biodiversity and requires development to incorporate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. This application is supported by species surveys which demonstrate compliance with the policy, and a grassland mitigation site to more than offset the proposal for the overflow parking area.

6.19 Strategic policy 51 requires that development protect, serve and where possible enhance landscape character and not have a harmful impact upon landscape character. The proposed orangery is single story and mostly hidden from view by the Hotel's boundary wall and ornamental hedging. The materials are sympathetic to the local area, mitigating any potential for negative impacts to an acceptable level.

6.20 Strategic policy 57 states that a high standard of design is required in all new developments including extensions, where they create a strong sense of place through being complimentary to the locality and sympathetic to the conserving historic buildings and historic landscapes. The local plan supports development which supports the viability of the rural economy and hotels, and on the basis that this hotel requires an extension to its dining space to be more viable, then the proposed development is a sensitive manner in which to achieve the aim.

6.21 Strategic policy 58 states that development should protect and conserve the historic environment and listed buildings. The proposed orangery has been designed to require a minimal level of physical intervention into the building. Listed buildings such as this form part of a living environment and must adapt with the times, provided any developmental harm is minimised. In this case the level of harm can only be less than substantial, as the HIA asserts. The benefits of economic development arising from this development, according to paragraph 81 of the NPPF, are to be afforded significant weight. This can be weighed against the great weight to be assigned to conserving the heritage asset which goes both ways in this case; great weight to any harm from the impact of the orangery on the asset and great weight to keeping the buildings existing and optimal viable use alive.

6.22 Strategic policy 64 concerns demand management. This proposal includes an overflow car park which ahs been included to reduce the impact of any overflow parking on local roads from the use of the expanded hotel. The charming local roads of Teffont would not be well served by the overt presence of parked cars, the photos below show how nearby dwellings which have no parking have discharged their parking onto the lane causing unavoidable car-domination, which serves as an example of what this proposal is actively seeking to avoid:



The lane outside the site in its current state



Example of on-street parking just 30m from site

6.23 Strategic policy 67 concerns flood risk. As set out above, the car park element of this proposal is compliant with flood risk considerations and, if need be, an evacuation plan can be required by planning condition if it were necessary to do so.

6.24 Saved policy C24 states, in somewhat negative terminology, that extensions to buildings in the countryside will 'only' be permitted if they are sympathetic in scale and character with the existing building and surroundings and fall within the existing curtilage. The proposed

orangery is within the existing curtilage. In so far as the hotel requires extending to be viable, then the orangery is a sympathetic means by which to achieve this.

6.25 Saved policy E19 is more positively worded, and supports proposals to enlarge existing employment sites where the development takes place within the existing boundaries of the site.

7. Conclusion

7.1 This proposal will improve the hospitality offer at Howards House Hotel, to be renamed Teffont Hotel, providing in turn the means by which the listed building receives the necessary investment and attention it needs.

7.2 This proposal will also provide a hub of significant local employment and will support the local food supply industry.

7.3 The proposal is generally compliant with the strategic policies of the Core Strategy and the two aged saved policies. The proposal is compliance with the development plan when its policies are proportionately applied.

7.4 Significant weight is to be given to economic development.

7.5 Great weight is to be given to the conservation of heritage assets. This proposal causes, at most, less than substantial harm, but also conserves the asset, with great weight in both directions, the attribution of great weight is neutralised.

7.6 These material considerations lend further support to the grant of planning mission and without further delay.