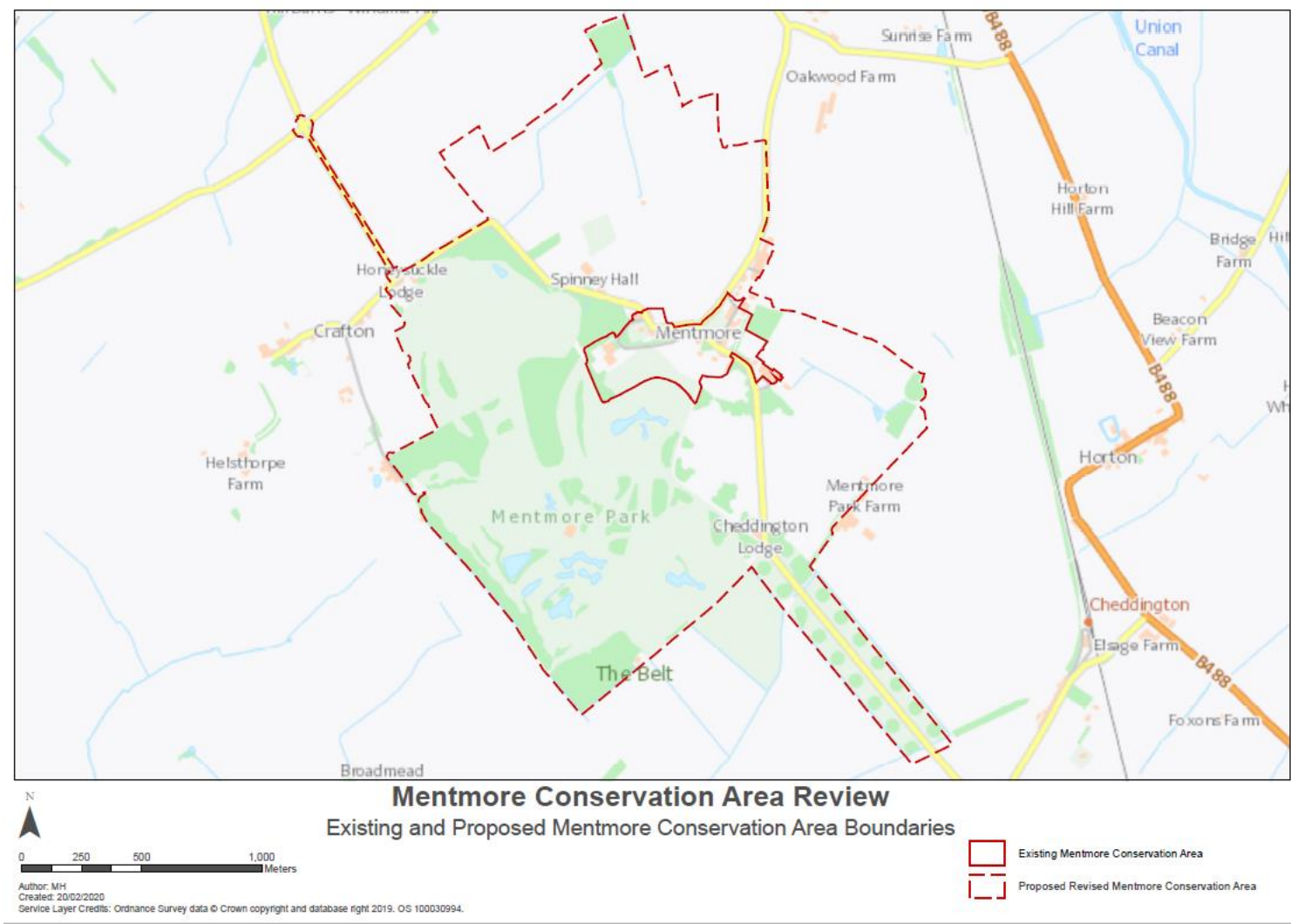


Appendix 1 – Proposed Boundary Map



Appendix 2 – Consultation Responses

	Comments	Council Response
Mentmore Parish Council	<p>Mentmore Parish Council supports the recommendations in the Mentmore Conservation Area Appraisal with the following comments;</p> <ul style="list-style-type: none"> • We note that large areas of arable farmland, outside the listed park, are being included and we are concerned that this will create bureaucracy where none is required • We support the inclusion of the Avenue from the Mentmore Crossroads to what was Wing Lodge but would note there is currently a campaign being supported by Mentmore Parish Council to alter the Mentmore Crossroads junction on safety grounds 	<p>Noted, although as noted in the response to the land owners agricultural PD remains unchanged within Conservation Areas.</p>
Historic England	<p>Thank you for consulting Historic England on the proposed extension to Mentmore conservation area and the appraisal of the whole of that proposed new conservation area.</p> <p>This is an important review of the Mentmore conservation area that Historic England supported.</p> <p>We are therefore supportive of the amendments to extend the conservation area, and concur with the appraisal of both the new and current areas, which brings the Rothschild Mentmore estate landscape under this one designation.</p>	<p>Noted</p>
Resident 1	<p>I would like you to confirm the following.</p> <p>The CA review states that it seeks to extend the new CA boundary to include the listed park and gardens of Mentmore Towers, which also includes that part of the Belt in the West</p>	<p>Following a meeting, the issue regarding the exact location of the Conservation Area boundary has been resolved.</p>

park, which is adjacent to but does not include my property.

As my property is not located in the park or gardens and it is not proposed to be included in either the Crafton or Mentmore CA, I would request that you more accurately locate the red line when you plot the extent of the CA on the definitive map, as your current line has drifted over my boundary, probably due to the large scale photos and maps that you have used.



As you are no doubt aware, and evident from the photos within your accompanying reports, Lodge road historically continued south to the southern tip of the West Park between the Park and the boundary to my property. Whilst this section of the track is no longer in use within the Belt, it is still evident within the woods beyond my barn and does provide a reference point for the boundaries. I would suggest that the new CA boundary be drawn on the eastern side of this track, adopting the same principle that you have with Lodge road, or you will be putting

the access to our property within the new CA, which I do not believe is the intention of the CA review, given our property has previously been assessed and omitted from both the Crafton CA and now the Mentmore CA reviews.

7	Crafton Stud West of Crafton Lane, at south end of Crafton settlement, near Crafton Lodge entrance into Mentmore park	Low: Late addition to racehorse breeding operation for Lord Rosebery; lesser architectural merit than other related buildings. Part of experience of Crafton, not designed to relate to Mentmore park (ref 1 above).	Medium: Farm buildings residential, but otherwise
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Going forward, this will provide a clear and manageable delineation and buffer between the Park & Gardens, the CA and my property, you have adopted a similar principle to the Lodge which is located to the east of the un-named road (Lodge road).

On the subject of Lodge road, which you are now proposing will become the western boundary of the new CA. We currently maintain, at our personal cost, several hundred meters of hedgerow and verge along this road and some is adjacent to the eastern side of Lodge road. This is done due to the absence of either highways, the owner or the parish undertaking this very necessary function. Are you suggesting that we will now need a management plan to even cut the hedge or fell the odd tree that occasionally falls over, if so could you provide details of the procedure or a contact at AVDC with whom we can take this forward?

Making this even more onerous, is likely to result in a lack of maintenance. Potentially undoing something we have worked hard at over the last ten years to unwind and restoring the very features you are also seeking to champion and protect within the CA objectives!

A meeting has been organised with Council's Tree Officer in order to give assistance and advice regarding the production of a management plan for the trees in this area.

	<p>In researching the issue of maintenance to the verges and hedges adjoining the highway you will quickly understand our frustration at the thought of even more restrictive legislation. You will see how difficult implementing even this basic maintenance becomes. We have just been through a similar process earlier this year, north of Stud cottage, where significant lengths of the hedgerows had been neglected for over twenty years and are now restored at our personal cost (myself and one other resident paying £3500 to a contractor) as the parish, county and highways denied any responsibility and to make things worse they simply made things harder and more costly to undertake than they needed to, by requesting formal applications etc.</p>	
<p>Collective landowners</p>	<p>This letter is written for and on behalf of those (ADVC redaction of names) who collectively own and farm extensive areas of land surrounding Mentmore and the existing Conservation Area (CA).</p> <p>Your letter of 16th September 2019 has drawn our attention to the Council's review of the CA and we have now had the opportunity to read the draft CAA, as well as the Landscape Appraisal and Setting Study on which the CAA is largely based. We have also been able to obtain preliminary specialist planning and legal advice on the CAA.</p> <p>We shall certainly submit formal representations on the CAA before the expiry of the consultation period, but before doing so we would be grateful for your assistance on the following matters:</p> <p>1 Acknowledgements / Report Input</p> <p>We are surprised to see in the Acknowledgements on p6 of the</p>	<p>In response to your first query, the three individuals that we have acknowledged on page 6 of the Conservation Area Appraisal were Mr. Peter Brazier (Chairman of the Parish Council), a local historian and a member of Bucks Archaeological Society. It is an established part of the process at AVDC that when we commence work on a potential Conservation Area review, we inform the Parish Council that we are undertaking the review. As is often the case when this occurs, the Parish Council put us in touch with individuals who may have relevant background information, in this case a local historian who had lots of old photographs and information about Mentmore House and the estate. Our consultant Mr. Geoff Huntingford discussed with a contact he has at the Bucks Archaeological Trust the churchyard at Mentmore. All of the people acknowledged gave us historical information or photographs to help inform the independent assessment of the area and none were privy to any discussions regarding potential boundary changes. Once the assessment is completed, we consult all relevant</p>

	<p>CAA that 3 individuals from Mentmore have been ‘very helpful in preparing the document and that their input is greatly appreciated’</p> <p>All other people listed are either funders of the CAA or consultants employed by the Council to prepare the document or are Council Officers who have no doubt assisted with the work.</p> <p>We are concerned about the participation of these 3 individuals <u>before</u> the consultation period even began. We have no knowledge what their input has been, but by virtue of the commendation they are given raises the question why those individuals seemingly has preferential access to the Council’s consultants to the exclusion of others with detailed knowledge of the Estate’s history and/or responsibility for farming the extensive area proposed for inclusion in the CA. This is of particular concern as you have not consulted with the main land owners directly impacted by this proposal, which was stated in the public meeting (30th September in Mentmore Village Hall) to have occurred but of which we have no knowledge.</p> <p>In these circumstances we invite you to:</p> <ol style="list-style-type: none"> 1. Explain precisely what input these 3 individuals have given and when; 2. Disclose any correspondence or communications or documentation passing between them and those involved in preparing the CAA; and 3. Explain why it was not thought appropriate to have any dialogue with the major landowners most directly affected by the proposed major expansion of the CA onto agricultural land. 	<p>owners/occupiers and stakeholders on the proposal, as we are currently carrying out and as stated before we await your formal comments on the document and proposal.</p> <p>With regard to your second query, the Mentmore Conservation Area Management Plan is contained on page</p>
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	<p>2 CA Management Plan (CAMP)</p> <p>We note from the Council's SPD on Conservation Areas (2.8.2) that CA Management Plans (CAMP) will be prepared at the same time as CAAs and will be sent out at the same time as the appraisal document. We are sure your letter would have referred to the proposed CAMP if it had been prepared. Therefore, please will you explain why a CAMP has – contrary to your own policy – not been prepared and when you anticipate such a plan will become available.</p> <p>In addition to this, we also note that CAA p92, section 15 states that 'Residents and stakeholders will have an opportunity to propose additional recommendations as part of the CAA and MP consultation.' This clearly indicates that the two documents will be available for scrutiny and comment at the same time.</p> <p>As major landowners of the areas proposed for inclusion in the expanded CA and responsible for the use and management of these areas, we are concerned that our ability to engage properly in the current consultation exercise will be impaired by the absence of a CAMP.</p>	<p>91 of the Conservation Area Appraisal document and is therefore currently part of the public consultation. You will note on page 91 that there is reference made to the fact that the Management Plan should be read in conjunction with the District Wide Management Plan. A link to this document can be found on the same page. The District Wide Management Plan is a substantial document that was produced with grant funding from English Heritage which deals with generic issues found throughout our conservation areas in the AVDC district. This document was widely consulted on at the time of its publication.</p>
Resident 2	<p>Further to my email of 01 October, I have now had opportunity to study the Mentmore Conservation Area Review in greater detail. Bearing in mind, the Conservation Area is being increased by an enormous area, multiple times; the consultation period is far too short.</p> <p>I have not only grown up, lived around Mentmore and own a</p>	<p>Thank you for the letter dated 28th October regarding the Conservation Area Review at Mentmore. We are in the process of collating all the comments we received during the consultation period and responding to the issues identified. You raised a couple of points in this letter that we would be grateful if you could clarify and/or provide us with additional information/references/photographs that would help</p>

farm here, I also own a huge unpublished archive of Mentmore related documents going back to the 19th century and have a great interest in local history. I am in contact with the Rothschild Archives at Windmill Hill and am also trained and authorised by the Rothschild Foundation to give tours and talks at its Eythrope Estate, so I do have knowledge of the Rothschilds, their landscaping and gardening. I am concerned by the quantity of unreferenced conjecture and personal opinion in the review; conjecture unsubstantiated by documentary evidence.

I strongly object to my entire 140 acre farm being placed within the Conservation Area for no documented or referenced reason. Even if there were sound reason, this farm is a means of earning a serious livelihood, not an antique toy to be frozen in a 19th century time warp.

With regard to the many mentions of my own farmland: no researcher has set foot on it or saw fit to consult me. Therefore, I would like to take this opportunity to correct just a few of the more glaring errors.

Regarding the “inter-visible views” between the Rothschild Estates referred to at the public meeting, these are a much-repeated myth. If the Rothschild family could see each other from another of their houses, it was happy coincidence rather than intention. Mostly it was impossible. The concentration of Rothschild houses in Buckinghamshire was for two reasons only – hunting and establishing a political power base. (See Waddesdon Manor: The Heritage of a Rothschild House. Michael Hall; 2002. Page 36)

On P19 of the review, there is the first of many mentions of the

us fully consider your concerns.

Firstly you speak of the Mentmore stud as a 'public stud' and 'not operated for profit'. You also indicate that the stud did not form part of the Rosebery racing operation based at Crafton. When you use the term 'public.' please could you clarify whether you are indicating that the stud at Mentmore was owned by an individual entirely unconnected to the Rosebery family, or that the stud was owned/built by the Rosebery's, but the horses bred there were not raced competitively by the family or if there was another arrangement. If you could supply us with your evidence for this 'public' use/arrangement this would be useful.

Secondly you refer to your six fields located below the former stud. We would be really grateful if you could provide us with photographs of these fields and in particular the drainage ditches to which you refer, which we identified from maps as double boundaries.

We will write to you with a formal response to your letter dated 28th October once we have had time to consider the additional evidence/information which we hope you will be able to supply. We are aware that Montagu-Evans have submitted a joint representation from yourself and other landowners and we will be responding to this representation separately and will address our response to it directly to Montagu Evans.

“North Park.” There never was and never has been a ‘North Park’ at Mentmore. This is a term which Dr Rutherford has admitted to coining herself and is based on misinterpretation and conjecture. To the North, Mentmore Towers was surrounded and protected from view by dense belts of trees and diverted roads. P41 of the review actually confirms this: “Thus the park is largely enclosed by public routes.” The belts of trees were and still are the boundary of the extended parkland. Apart from the narrow highway avenue to Wing lodge (now Honeysuckle Lodge), there never was a deliberate landscape or planting scheme for land north of the Towers. Even this avenue has now lost its best trees and, most importantly, its focal point.

Contrary to the review’s assertion, the land between the Village Green and Wing (the fictitious “North Park”) remained a patchwork of small fields unchanged by the Rothschilds or Roseberys. As farming changed in the 1960s and 70s these fields became amalgamated into larger fields. My 60-acre field in front of the Village Green was amalgamated from two remaining fields by me as late as 1989. Despite this P78 says: “The area [North Park] has survived intact. “Completely wrong. It bears no resemblance whatsoever to its 19th century appearance. Trees, hedgerows and the many small fields have all gone. The trees were mostly Elms, due to Dutch Elm disease, I felled 300 on this farm alone.

P21 of the Review states that the shaded map indicates the extent of the designed landscape. It does not; it is map showing the land which was farmed in hand – meaning it was farmed commercially by the estate’s farm manager rather than a tenant. Some of it, especially to the north and Wing was almost certainly ploughed – there is early land drains indicating this – unless a

marsh, only arable land was heavily drained before the 20th century.

Across the Leighton Buzzard road to its southern side: My own house, converted from a 20th century stable, and adjacent farm buildings (breeze block and asbestos, circa 1980) are not mentioned at all. However, these are included in the scheme. This is plainly ridiculous.

Staying on the southern side of the road: P83: 12.1.5 states "Stud House and Howell Hill Close Historic Significance: HIGH These mid-late C19 buildings."

I owned the Mentmore Stud buildings from 1977 and can assure you they were not built in the 19th century. The buildings and the adjacent Stud House (former groom's house) were built from 1914, with an interruption for World War 1 and finished about 1920. P146 of the review confuses the earlier and long demolished Manor Farm with the newer Mentmore Stud. Once completed, Mentmore Stud operated as a public stud for just 54 years. It ceased equine use in 1974 and has operated as a commercial agricultural holding since 1977; for 43 years. So why these first 54 equine years are more important and take precedence over agricultural use is not clear.

It should also be made clear that Mentmore was a public stud operated for profit; it was not part of the famed, but private Rosebery racing operation based at Crafton. Mentmore Stud buildings were converted for cattle in 1977 and have been residential since 1989. Today, my home, Mentmore Stud Farm retains the name for historical and nostalgic reasons only.

Coming to what concerns me most are my six fields (80 acres in total) below the former stud. P84: "Stud fields below/south east of Stud House/Howell Hill Close Historic Significance: MEDIUM Part of stud operation, with double boundaries flanking tracks indicating specific use for moving horses to paddocks serving the adjacent stud building." I can only describe this as complete rubbish. There was once a short horse corridor (post and rail) which was erected in 1970 and by the 1980s had disappeared without trace. What are presumed to be "double boundaries" are, and always have been drainage ditches. Someone can't read an OS map.

P87 states: "a few tracks apparently survive." This is completely false: there is one tractor track through the lower arable fields which I put down in 2010 following an agreement with the neighbouring farmer to cross his land in order to use the private bridge under the railway line to access my own land on the other side of the railway. Is my ten-year-old tractor track now of historical importance? Where is this information coming from?

Furthermore, my three most southern fields were part of an arable and grass rotation from at least the 1960s and never part of the "stud operation." They were part of the former Home Farm and only joined to Mentmore Stud Farm (to make the holding more commercially attractive) when first offered for sale in 1974. These three fields are lower than the railway line and certainly do not form part of any "iconic view."

The two upper grass fields were mostly used for grazing Lord Rosebery's beef cattle. I think Mentmore Stud is being confused with Crafton Stud. Mentmore was the "public stud" – other people's mares came to be "covered" following which they went away, only returning to foal. Hence, the buildings were more an equine maternity hospital than place for constant stabling and

grazing. So, any “High visual connection with Manor (sic) Farm stud from E & SE including the railway” (P87) of the six fields is erroneous.

Furthermore, there no documentary evidence to suggest that any view from the railway line was deliberate. As the review clearly states, the Rothschilds and their guests left the London train at Cheddington, so would not have been viewing from after Cheddington Station. In fact, much of the estate’s deliberate planting seems to have been designed to hide the railway line from aristocratic eyes and give the estate privacy. Even in my lifetime, the stud wouldn’t have been clearly visible from the railway line due to the many elms.

It seems an attempt to preserve the setting of the crumbling Mentmore Towers has been misguidedly transformed into stopping the clock for the whole of the extended former estate. Most of the estate was sold by Lord Rosebery in 1944; hence, a great deal of the fictitious “North Park” was part of the Estate for barely 90 years.

The author of the review’s belief that the estate declined from 1900s onwards is also completely false. It was given to Harry Rosebery and his wife, Eva, in 1922 and they streamlined and re-energized the estate – Harry Rosebery had been running it since 1914 and improving its profitability, so why is the clock being stopped so early?

Returning to the present day, agriculture and associated farmland have to constantly evolve to meet modern demands; this very flawed conservation scheme is putting the local farmers in an impossible situation. Looking at the recommendations and management suggestions, it seems you want us to put on smocks and revert to being peasants in an idealised rustic

	<p>landscape. Modern agriculture is hard enough, without this added burden.</p> <p>There are numerous further errors concerning other properties, architectural attributions and land - far too many to mention here as I am conscious of the length of this letter. I do not consider the review to be an accurate foundation for the proposed scheme. It seems to contain a great deal of myth and wishful thinking. Consequently, I would very much like you and/or some cabinet members to come to Mentmore to meet me and discuss this and see the land for yourselves. I understand, Robert Honan, of Sir Evelyn de Rothschild's Ascott Estate, will be making a similar offer, as the Estate also queries the existence of the "North Park" and, like me, question aspects of the proposal. I would very much like to resolve this amicably before incurring huge cost for all sides.</p>	
Resident 3	<p>The proposals in the Mentmore conservation area review would, if implemented, do much to help improve and conserve the historic settlements, parklands, gardens and countryside of the parish of Mentmore.</p> <p>As a resident of Mentmore village, I fully support the recommendations contained in this review.</p>	<p>Thank you for taking the time to respond to me regarding the review of Mentmore Conservation Area. I am very pleased that you support the Council's proposed boundary alterations. I will make sure that your comments are included in the final report when it is submitted to Cabinet.</p>
Resident 4	<p>First of all, I enjoyed the recent presentation given by yourself and others in Mentmore Village Hall recently, and we all appreciate the huge amount of research and scholarship that has gone into the draft documents. If you eventually have the final version bound, I would love to buy a copy.</p>	<p>Thank you so much for taking the time to email me about the Mentmore Conservation Area Review. I am really glad that you enjoyed the presentation and the documents that have been produced.</p> <p>I will make sure that the corrections that you have highlighted</p>

	<p>I have one or two minor corrections that struck me when I was reading through the material, regarding the houses I am familiar with:</p> <p>Review document p132 34 The Green - 1st para, last sentence - there is no iron gate in the hedging.</p> <p>p135 31& 35 The Green - this should read 33 & 35. This error also occurs in Vol 1 of the documents, p68, item 26. There has never been a no 31 while I have lived here</p> <p>I also noticed somewhere, and I can't now identify the page or which document, that there is a reference to more recent usage of Mentmore Towers as a 'religious retreat'. It was used as the headquarters for the Transcendental Meditation movement and later under the same ownership as the headquarters of the Natural Law Party and may well have been used as a retreat, but although it was called the Age of Enlightenment, it was never a religious movement. I am sure of this, as I visited the Towers to find out more about them when they first arrived and images of the Maharishi were prominent. This gave me an uncomfortable feeling at the time and I asked the question about whether they thought of themselves as a religious movement. The answer was firmly no and the next time I went, the figure had gone from its position on the mantelpiece.</p>	<p>are altered in the final text. We are keen to get all our factual information right, so it is incredibly helpful to us when people point things out that aren't correct.</p> <p>It is very interesting what you said about the organisations using Mentmore Towers. I'm going to forward your email onto Dr. Sarah Rutherford and she'll make the amendments to the text.</p>
Resident 5	<p>Thank you for the information on the proposed changes to the conservation area in Mentmore, which I read with great interest.</p> <p>I currently live in Spinney Cottage, which, as you pointed out in your documentation, has been adapted to residential use from</p>	<p>The purpose of Conservation Area designation is to acknowledge the special architectural, historic interest and character of an area. It is important to note that the purpose of the designation is not to preclude development, but to inform development where it is deemed acceptable and to</p>

	<p>its previous industrial origins.</p> <p>I am keen to better understand the implications for my property, which is not clear from your documentation; if Spinney Cottage is to become part of the conservation area, what will this, in effect mean in real terms?</p>	<p>make sure that is in keeping with the character and appearance of the built historic environment. The Conservation Area Appraisal document that justifies the designation helps to establish exactly what is significant about the area and what the key characteristics are. It is therefore a useful document which can help residents wishing to develop their properties to create a design that is sympathetic and to use materials that are sensitive to the historic character of the area. Likewise, the document is used by planners to help inform their decisions on planning applications.</p> <p>Conservation Area designation is far less onerous than for example the legislation designed to protect listed buildings but it does reduce by a small degree the amount of permitted development allowed on the rear elevation of an unlisted building in a Conservation Area before planning permission is required. It also reduces the size and position of outbuildings allowed before planning permission is required. In addition, it controls cladding, the erection of means of enclosure over a certain height fronting a public highway, demolition of buildings and structures, the erection of satellite dishes and works to trees.</p> <p>Our Conservation Area Appraisal guidance which can be viewed on the AVDC website, gives additional information about planning controls within Conservation Areas. Information can also be found within the Planning (Listed Building and Conservation Area) Act 1990 which is available on the internet. We always advise owners to ask their local authority whether permission is required before undertaking works to a property in a Conservation Area. If there is</p>
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		anything specific that you were concerned about then I would be very happy to seek advice from my planning colleagues.
Resident 6	<p>Just a couple of questions on the above.</p> <p>1. Will they introduce or do anything to conserve the 'rural' roads in these areas? le reduce the speed, weight and volume of traffic that passes through the area? With the ever-increasing development on the out skirts of the conservation areas the roads are become rat runs for commuters and access links to industrial sites on farm developments.</p> <p>I am for a maximum of 40mph or less on all rural roads. We have no street lights or pavements yet our roads are used by equestrians, pedestrians and wild life, for which there is no safe haven!</p> <p>We have blind bends, entrances and summits, large, slow agricultural Machinery coming out of hidden gate ways yet the highways deem it safe to have a national speed limit on these roads.</p> <p>2. Will anything be done to conserve the rural life style, ie a slower, quieter pace of life in these areas?</p> <p>3. Will we see more accessible safe off-road riding for the many of equestrians in the area. There is an abundance of footpaths, barely used by walkers and more frequently by off road bikers!</p>	<p>Thank you so much for taking the time to write to me regarding the review of Mentmore Conservation Area. I will make sure that your comments are included in the report that is submitted to Cabinet Members at AVDC at the end of the public consultation process, so that they are made aware of the issues relating to the roads around Mentmore.</p> <p>Management of the roads in the Aylesbury Vale District is the responsibility of Buckinghamshire County Council and therefore it is not within AVDC's authority to control speed restrictions. The Conservation Area designation is a planning designation specifically designed to recognise the special character and interest of the historic built environment, although there are occasions (like Mentmore) where designed landscapes, related to important historic buildings are included. Obviously roads and traffic, do have a significant impact of the character and appearance of the historic built environment as you have so clearly pointed out in your comments, but although we are able to highlight these impacts within our Conservation Area Appraisal documents, unfortunately the designation itself is not designed to control or manage traffic.</p> <p>Having said this we do consult the Highways Department at Bucks County Council, so they will be aware that we are currently reviewing the Conservation Area at Mentmore. There is also a document called The Highway Protocol, which you can find on the AVDC website which we wrote a few years ago and Highways signed up to, that expressly states</p>

	<p>4. Will over development of agricultural sites into industrial or housing be included?</p> <p>5. Will they introduce a reduced speed limit along the Mentmore straight and up into Mentmore? There is so much road kill along there plus it runs alongside a bridle path with a bridle path crossing at the Cheddington end, yet it is national speed limit! Might just as well ride our horses along the hard shoulder of a motorway!</p> <p>On another note I noticed recently they have put a new highway signs up at the Mentmore cross roads directing Aylesbury traffic through the tiny rural village of twisty lanes of Wingrave and likewise traffic to Leighton Buzzard through small, barely noticeable village of Ledburn.</p> <p>Surely it would be more direct and safer to direct the traffic up to Wing where there is a major A road, with good visibility and traffic flow and less used by equestrians and a pathway for pedestrians?</p> <p>Both Wingrave and Ledburn are used by equestrians, there being a bridle path coming out into that road, which is national speed limit and no warning signs of horses to that entrance way.</p>	<p>that extra care should be taken with Highway works in Conservation Areas. This covers things like, loss of historic street surfaces, signage and sympathetic means of traffic management. The document also states that Highways should consult the Heritage Department at AVDC if they intend to undertake works to roads within Conservation Areas.</p> <p>Below is the link to the Highway Protocol document. It is worth a read and it can prove to be a useful document to remind the Highways of their agreed responsibilities regarding works within Conservation Area. Also if you do raised your concerns with Highways regarding speed, it is worth supporting your arguments with the facts that Mentmore is a Conservation Area and if the proposals to expand the designation to include the grounds of Mentmore Towers is successful then this, along with its existing status as a Registered Park and Garden, does make it a very important and nationally significant landscape which it is desirable to preserve and enhance.</p> <p>https://www.aylesburyvaledc.gov.uk/highway-protocol</p>
Resident 7	<p>The proposal represents a great improvement on the present conservation plan for Mentmore.</p> <p>As a resident of Mentmore I fully support it.</p>	<p>Thank you so much for your email regarding the review of Mentmore Conservation Area. I am so pleased that you support our proposed alterations to the existing boundary and I will make sure that your comments are included in the final report to Cabinet.</p>

Resident 8	Enquiry regarding whether the boundary runs through her property.	Council confirmed line of existing boundary.
Resident 9	I wholeheartedly support the proposals. All those contributing to this review should be congratulated on the documents thoroughness, detail and conclusions. I hope the adoption is imminent	

Appendix 3 – Representations and Responses from Thrings Solicitors and Montagu Evans.

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

SUBMISSIONS IN RELATION TO THE PROPOSED MENTMORE CONSERVATION AREA REVIEW

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THRINGS
SOLICITORS

INTRODUCTION

- 1.1 Thrings LLP are instructed by [REDACTED],
- 1.2 Mentmore Park Farms operate an arable farm on the outskirts of Mentmore, Leighton Buzzard. The farm operates over approximately 2,000 acres. The farm is located within the administrative boundary of Aylesbury Vale District Council (“the Council”) in the open countryside and outside of the current Mentmore Conservation Area designation.
- 1.3 Mentmore Park Farms also own Mentmore Golf and Country Club (“the golf course”).
- 1.4 Land owned by Mentmore Park Farms, including arable farm land and the golf course will fall within the amended boundary for the Mentmore Conservation Area should the Council proceed as proposed.

2. BACKGROUND

- 2.1 Conservation Areas are designated areas which serve to manage and protect the special characteristics of an area. The main attributes that define the special character of an area are its physical appearance and history. This includes the form and features of buildings and the spaces between them, their former uses and historical development. Where there are a number of periods of historical development, the character of individual parts of the conservation area may differ. Contrasts between the appearance of areas and the combination of buildings of various ages, materials and styles may contribute to its special character.
- 2.2 A local planning authority has a duty to 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'. This is usually done through the development management process. There are over 100 designated conservation areas within Aylesbury Vale and which the Council are responsible for.
- 2.3 The Mentmore Conservation Area was designated on 12 July 1978. It includes a number of listed buildings (Mentmore Towers, St Mary's Church and the Manor House). The original designation and Conservation Area appraisal resulted in the designation of a limited area in the centre of Mentmore.
- 2.4 In 2000 the Council began a review of all of the conservation areas within its administrative boundary. This includes the Mentmore Conservation Area.

3. **PROPOSED REVIEW**

- 3.1 The Council is required to periodically review Conservation Area designations to ensure that they are still appropriate and that boundaries are up to date.
- 3.2 The review of the Mentmore Conservation Area has purportedly been prompted by a number of factors. The Council lists the following reasons:
- (a) advances in scholarship;
 - (b) greater interest in Victorian architecture, designed landscapes and social conditions; and
 - (c) additional listed buildings within the village.
- 3.3 In addition, the Council state that the character of the wider area has changed due to the proliferation of new houses in the village, the number of residential conversions in the area and the deterioration of the condition of the mansion and its designed landscaped setting.
- 3.4 The Council maintain that the existing Conservation Area appraisal is too brief and that results in a risk that the Area and its wider surroundings are vulnerable to further change which could be damaging to the distinctive historic character. To deal with those issues, a revised proposal has been created.
- 3.5 The draft Mentmore Conservation Area boundary and appraisal document was released for public consultation on Monday 16th September. It was originally due to run until Friday 8th November 2019; however, this has been extended until Sunday 17 November 2019.
- 3.6 This document provides submissions in relation to the review on behalf of our Client.

4. STATUTORY FRAMEWORK AND GUIDANCE

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (“LBA 1990”) is the relevant legislation for considering Conservation Areas designations. The LBA 1990 confirms that:

(a) A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (section 69(1) LBA 1990); and

(b) A local planning authority is under a duty to designate conservation areas within its locality and to review them from time to time (section 69(2) LBA 1990).

4.2 There is nothing within the LBA 1990 which constitutes a requirement for the review to take place at particular intervals.

4.3 Most conservation areas are designated by the local planning authority for the area in which they are sited. However, the Secretary of State can designate conservation areas in exceptional circumstances and, in London, Historic England has the power to designate a conservation area (see section 70(1), LBA 1990).

4.4 There is no statutory requirement for consultation, however many local authorities have policies that require consultation. In any event, Historic England advise that consultation should occur as widely as possible. The guidance suggests that this should not only be with local residents and amenity societies, but also with:

(a) Chambers of Commerce;

(b) Public utilities; and

(c) Highway authorities.

4.5 There is no formal designation procedure set out in legislation and there is no statutory requirement on the level of detail that must be considered by an authority before designation. The statutory procedure simply involves a council resolution to designate

being made. The date of the resolution is the date the conservation area designation will take effect.

- 4.6 Notice of the designation must be published in at least one local newspaper circulating in the authority's area and in the London Gazette (section 70(8), LBA 1990). The Secretary of State and Historic England must also be notified (section 70(5)). There is no requirement to notify the owners and occupiers of premises in the area. The conservation area must be registered as a local land charge (section 69(4), LBA 1990).
- 4.7 A local authority should only designate a conservation area to protect and enhance the special architectural or historic interest of an area. If a local authority takes in to account any other consideration its decision may be liable to challenge. Local authorities should bear in mind that it is important that conservation areas are seen to justify their status and that the concept is not devalued by areas being designated that do not have any special interest.
- 4.8 The National Planning Policy Framework ("NPPF") sets national policy and gives guidance on conservation areas and heritage assets. A conservation area comes within the definition of a "designated heritage asset".
- 4.9 Historic England have published their "Conservation Area Appraisal, Designation and Management" advice note ("the Historic England advice"). The most recent version was updated on 8 February 2019. It is intended to provide guidance on the approach to the appraisal, designation and management of conservation areas. It is an important document in the designation of new, and management of existing, conservation areas. This advice states that it is vital an area's special architectural or historic interest is defined and recorded in some detail. A published character appraisal is highly recommended.
- 4.10 In relation to the status of existing Conservation Areas, the Historic England advice does not seem to support large scale extensions. It states that:

‘With appropriate management procedures in place, the character and appearance of a conservation area should not change rapidly for the worse and a review might typically result in an addendum to an existing appraisal, recording:

- what has changed*
- confirming (or redefining) the special interest that warrants designation*
- setting out any new recommendations; and*
- revising the management strategy.*

The updated appraisal and related management proposals can then be re-adopted by the local authority”

5. CASE LAW

- 5.1 As the decision to designate a conservation area can be amenable to judicial review there are a few relevant cases.
- 5.2 Despite there being no statutory duty to consult, a legitimate expectation for consultation can be engaged. In *Trillium (Prime) Property GP Ltd v London Borough of Tower Hamlets [2011] EWHC 146 (Admin)*, the landowner was not consulted about the designation of a conservation area affecting a property they owned. The court held that there was a legitimate expectation for consultation to take place given the advice of Historic England and a policy requiring consultation to take place within the local authority area.
- 5.3 In *the Queen on the application of Arndale Properties Ltd v Worcester City Council [2008] EWHC 678 (Admin)* the High Court quashed the conservation area designations made by Worcester City Council on the basis that the council had not demonstrated that it had genuinely made the designations to protect and enhance the area designated. Rather, it appeared as though it had used the designations to prevent developers demolishing a particular building that had particular historic interest.
- 5.4 *Metro Construction Limited v London Borough of Barnet [2009] EWHC 2956* confirmed that whilst there is nothing wrong in the desire to protect a specific building being the driver for the assessment of the historic interest of an area with a view to a conservation area designation, it must not be the driving impetus.
- 5.5 Away from conservation areas specifically, the general principles concerning public consultation were set out in *R v N E Devon HA ex p Coughlan [2001] QB 213*. Lord Woolf MR specified that: “*It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be*

conscientiously taken into account when the ultimate decision is taken: R v Brent London Borough Council, Ex p Gunning (1985) 84 LGR 168.”.

6. SUBMISSIONS

6.1 We have considered the draft Mentmore Conservation Area Appraisal Review (2019), visited the land in our Clients ownership that will be affected by the new designation, and reviewed relevant guidance. We conclude that the proposed extension of the Mentmore Conservation Area would be an inappropriate designation. It is apparent that there is no meaningful historic or architectural interest or connection between the current heritage assets and our Clients land. The amended boundary would include land that has no consistent architectural quality, and which has been subject to successive change and alteration.

6.2 There are three fundamental reasons behind this conclusion.

- (a) The lack of new evidence to support an extension;
- (b) The designation is an inappropriate use of statutory powers; and
- (c) Inaccuracies in the supporting statement.

6.3 We will deal with each of these points in turn.

6.4 We have seen a draft of a report prepared by Montague Evans on behalf of a number of affected parties including our Client. We do not intend to repeat their evidence in this submission but are largely in support of the comments that they make.

Lack of new evidence to support an extension

6.5 We have reviewed the evidence presented by the Council and do not believe that it demonstrates any rationale for the proposed extension. In the Council's appraisal the following factors are highlighted:

'Several factors have prompted this review. These include advances in scholarship, and greater interest in Victorian architecture, designed landscapes and social conditions, recognised by the many additional listed buildings in the village, and the inclusion of

much of the park in the Historic England Register of Parks and Gardens of special historic interest.

In addition, the private country estate of the character has changed with the advent of new houses in the village and residential conversions, the deterioration of the condition of the mansion and its designed landscaped setting, including the laying-out of a golf course with its clubhouse. The existing Conservation Area appraisal is so brief that the area and its wider setting are vulnerable to further change which could be damaging to the distinctive historic character.'

- 6.6 Despite assertions, there does not appear to be any new information about the Mentmore Estate that reveals important connections or historic associations. The information presented does not go beyond what was understood about the history of the Mentmore Estate and the surrounding land at the time of the designation of the Conservation Area in 1978.
- 6.7 The proposed extension to the boundary of the conservation area is substantial and will result in the conservation area being approximately 18 times bigger. The existing character of the conservation area is an intimate village around a large manor house. It is uncontroversial that the proposals will significantly change this character which cannot be considered wholly as a benefit or improvement to the conservation area's quality. The inclusion of large tracts of farm land and the golf course, in particular, cannot provide any specified benefit or improvement. This goes against the original intent of the designation.
- 6.8 Overall, the present character of the land outside the Mentmore Conservation Area is not one which can be described as possessing significant architectural or historical interest and so there does not appear to be a rational justification for designating the land.
- 6.9 There are a number of buildings caught by the extended area that are of architectural and historical interest individually. However, the land which surrounds them has no particular intrinsic architectural or historical interest. Those buildings can, and should, be protected via other means in such a way that the designation of the land as a conservation area adds nothing.

- 6.10 The inclusion of this extensive new area within the boundary of an extended conservation area would serve to dilute and erode the character of the conservation area currently defined by the original designation.
- 6.11 Of particular relevance to our Client is the fact that their property, which is a large and evolving arable farm, and a large area of leisure grounds, is to be covered by the extended designation. It is apparent that there is no special historical character that arises from the changing nature of the farming enterprise, or the golf course, and their relationship with the existing Mentmore Conservation Area.
- 6.12 Consequently, the extension of the Conservation Area cannot be supported and should not be undertaken.

Inappropriate use of statutory powers

- 6.13 On review of the Councils proposals, it appears as though the extended conservation area is being pursued because of the development control advantages that the designation will provide.
- 6.14 The appraisal identifies *'rural topography and landscape, includes medieval and postmediaeval landscape features (DMVs, ridge and furrow, farms, fields, lanes, footpaths etc.), locally significant designed landscapes,'* as vulnerable to planning changes as well as land management. It goes on to set out issues that should guide the preservation of the character of the newly defined area. These guiding principles seem to go beyond the preservation and enhancement of the character and setting of the conservation area in a strict sense and are rather about ensuring other limitations and controls are available to the Council. This is an inappropriate use of designation powers.

Factual Inaccuracies

- 6.15 This is covered in some detail in the Montague Evans report and we do not intend to go in to further detail on this here. However, the important point is that these factual inaccuracies must be corrected, and our Client has a legitimate expectation that there will be further consultation on any amendments.

7. CONCLUSION

- 7.1 Whilst it is accepted that there is no requirement for consultation, both the actions of the Council in relation to previous conservation area reviews and the Historic England advice create a clear legitimate expectation that consultation will occur.
- 7.2 Once that consultation occurs the Council is required to take any representations it receives in to account in making its decision. It is not a process of confirming a decision already reached before imposing it on the wider public.
- 7.3 It is not unreasonable for the Council to be undertaking a review of the Mentmore Conservation Area at this stage. It is also not automatically unreasonable for the result of this review to be an expansion of the designation if that is required to preserve or enhance the area. However, for the reasons set out above, the proposed amendments to the Mentmore Conservation Area go far beyond what is necessary to preserve and enhance the special characteristics of the character and appearance of the village of Mentmore.
- 7.4 Specifically, the inclusion of large swathes of farm and recreation land which do not relate to the special characteristics of the character and appearance of the area is unnecessary. As such, it appears as though the Council must be being driven by an alternative, and improper, impetus.
- 7.5 Consequently, the Council should revise the proposed boundary of the amended conservation area to exclude Mentmore Park Farm and Mentmore Golf and Country Club.
- 7.6 Once the revised boundary is determined, a further consultation exercise should be forthcoming.

Thrings LLP

15 November 2019

Dear Sir/Madam,

Re: Mentmore Conservation Area Review

Thank you for your submission made on behalf of [REDACTED] of Mentmore Park Farms and in relation to the proposed review of Mentmore Conservation Area. We have received a separate submission from the property consultancy Montagu-Evans, which was also submitted on behalf of your clients. Although we respond separately to you and to Montagu-Evans, we note that many of your arguments and comments are repeated in their submission and therefore we suggest that both responses are considered together by those that commissioned them and their representatives.

In your submission you conclude that the proposed extension of the Mentmore Conservation Area would be an inappropriate designation (para 6.1). You have based this on three main points (para 6.2)

- a) The lack of new evidence to support the extension
- b) The designation is an inappropriate use of statutory powers
- c) Inaccuracies in the supporting statement.

AVDC will respond to each of these points in turn.

1.0 Lack of evidence to support an extension

1.1 You correctly state in your submission that the Conservation Area at Mentmore was originally designated on 12th July 1978. Aylesbury Vale District Council has indeed run a programme of Conservation Area reviews since 2000, but with over 100 Conservation Areas in the District, Mentmore has not been looked at until 2019. In their submission, Montagu-Evans states incorrectly that the existing Conservation Area Appraisal dates from 2008 (para 1.9). This is not in fact the case. The appraisal document dates from 1978 when the Conservation Area was designated, but in 2008 AVDC reformatted the document and map for its website. No wording was changed and no reassessment was undertaken.

1.2 The Council considers that contrary to your statement that *'the information presented does not go beyond what was understood about the history of the estate and the surrounding land at the time of the designation of the Conservation Area in 1978,'* (para 6.6), a great deal has in fact changed that has provided us with more information than was available at the time of designation. For example, on 30th August 1987, Mentmore Towers was designated as a grade II* Registered Park and Garden. This decision to designate was made at a national rather than a district level and the grade of II* indicates that the Registered Park and Garden at Mentmore is considered by Historic England to be of particular importance.

1.3 Since 1978 other Rothschild estates within the Aylesbury Vale District have also been placed on the Historic Parks and Graden Register; Waddesdon, Hulcott and Ascott in 1987 and Eythrope in 1998. Although the grades of the designations range from I to II, the fact that all have been designated at a national level show how our understanding of the importance of these historic landscapes and the importance of the Rothschild family in shaping the landscape of Buckinghamshire has developed in the last 30 years.

1.4 In addition, since 1978, Historic England (formerly English Heritage) have produced detailed guidance on Conservation Areas and Management Plans. As you know, best practice now demands a

considerably higher standard of justification for Conservation Area designation then was required 40 years ago. The existing Mentmore Conservation Area Appraisal offers only the briefest justification for designation. The Council Officer writing the original document would not have benefitted from Historic England's advice nor been privy to present understanding of the national importance of the Mentmore landscape and other Rothschild landscapes within the District, as noted in the previous two paragraphs. In addition, since the original designation, changes have occurred including new housing, and the development of the golf course which are not reflected in the existing appraisal document, and therefore for all of these reasons, it is important that an up-to date review is undertaken.

1.5 AVDC appointed Dr. Sarah Rutherford who is an acknowledged expert in the field of Historic Parks and Garden to undertake the research on Mentmore. Should you have any doubts regarding Dr. Rutherford's or her colleague Mr. Huntingford's competency to undertake detailed research and analysis of Mentmore I have included for your information a brief synopsis of their extensive CVs;

Dr. Sarah Rutherford	<ul style="list-style-type: none"> • English Heritage Register Inspector (1996-2003) • Head of English Heritage Register of Historic Parks and Gardens (2000-2003) • Historic Environment Consultant specialising in designed landscapes (2003-2019) • Icomos UK Cultural Landscapes Committee member until 2018 • PhD (De Montfort University, 2003) • MA (Conservation Studies, York University, 1992) • Dip. Hort (Kew) (Royal Botanic Gardens, 1987)
Geoffrey Huntingford	<ul style="list-style-type: none"> • BSc (Hons) Town and County Planning 1976 • MA Architectural Conservation, 1999 • Conservation Officer 1976-85 • Planning Consultant in private planning practice 1985-2015 • Member Royal Town Planning Institute 1978-2015 • Member of Institute for Historic Building Conservation 1998-2015

1.6 Dr. Rutherford and her team have produced extensive and detailed justification for designation which utilises primary and secondary resources. The Council feel that it is important to produce a robust appraisal document that identifies the significance of the Conservation Area and justifies its designation.

1.7 In para 6.7 you state that the proposed alterations to the boundary '*will significantly change*' the '*character*' or the original designation which you consider is that of an '*intimate village around a large manor house.*' This you believe '*goes against the original intent of the designation.*' There is a legal requirement for Local Planning Authorities to review Conservation Areas from time to time, precisely because our understanding of significance and importance change and develop. The work

that has been undertaken at Mentmore demonstrates that rather than simply being a ‘*manor house*’ adjacent to an ‘*intimate village*’, Mentmore Towers was specifically designed as a modern self-sufficient Victorian estate; this includes both supporting functions for the manor not only in the village, but also within the wider landscape, for example a stud, a gasworks, a dairy, and estate cottages. These, supporting facilities, as well as the intentionally designed landscape, were intended to send a very clear message of wealth, status and power.

1.8 In paras 6.9 to 6.11 you question the value of the landscape. As I hope I have explained in the previous paragraph, the importance of Mentmore is not merely the Towers (although this is of national importance), but it is the estate as a whole which is significant, i.e. all the elements within it that made it function and supported the lifestyle, interests and aspirations of the owner. Most Conservation Areas include a number of listed buildings, but it is the relationships between the buildings, how they sit in the landscape, the spaces and views etc that make a conservation area.

1.9 You also question the quality of the landscape because of changes that have been made to it, in particular the addition of a golf course. Many Conservation Areas include buildings or areas where change has either had a harmful or a neutral impact (for example, a number of Conservation Areas in England incorporate golf courses including Stowe in Aylesbury Vale, Old Deer Park at Kew, Milton Abbey in Dorset, Stoke Park in Bucks, Leasowes in the West Midlands and Kedleston in Derbyshire). It is precisely for that reason that Conservation Areas are defined in the Act as areas ‘*of special architectural or historic interest which it is desirable to preserve or enhance*’ (AVDC emphasis). Just because an area may currently contribute negatively does not mean that it cannot be improved and if appropriate, restored. Clearly this is not something that the Council can insist upon, but it should be acknowledged that were the current or future owners minded to restore the landscape at Mentmore, because good records of the original planned landscape survive, this could be achieved and therefore the possibility of restoration or other forms of enhancement, exist.

2.0 Inappropriate Use of Statutory Powers

2.1 Both yourselves and Montagu – Evans have questioned the Council’s motivation for undertaking a Conservation Area review at Mentmore. Montagu-Evans in their submission (para 3.7) state that ‘*the proposed extension to the boundary of the Conservation Area is an entirely inappropriate mechanism by which the deterioration of a listed building should be addressed,*’

2.2 AVDC were able to apply for a grant from Historic England to undertake detailed research on Mentmore because of its ‘at risk’, status. By awarding the grant Historic England recognised that information which needs to be gathered in order to help address some aspects of the Building at Risk status of Mentmore Towers and its landscape and that which is required to review the Conservation Area, are not mutually exclusive. In both cases significance needs to be established and justified and in order to do this, the estate needs to be looked at and understood as a complete entity, not a series of individual parts. It is a fact that in order to understand deterioration and loss, it is necessary to understand not only what was there in the first place, but also its significance. This in turn informs the significance of what remains and it is the special historic and architectural interest, character and appearance of what remains that forms the body of the proposed Conservation Area at Mentmore. Historic England’s funding has enabled AVDC to undertake a Conservation Area review and landscape study so that known information about the area could be pulled together into a single set of documents. This provides the Council with an easily accessible and comprehensive information which has been efficient to produce in terms of time and financial resources because it has avoided unnecessary repetition.

2.3 The statement that *'the Area and its wider surroundings are vulnerable to further change which could be damaging to the distinctive historic character,'* (pg. 5 of draft Conservation Area Appraisal) does not (at Montagu-Evans in para 3.8 of their submission) *'suggest the designation is to be used as a development control mechanism and to prevent changes to the land and wider area which may be necessary to meet housing need or simply to address field boundaries or agricultural practices,'* but is simply a statement of fact. Without detailed knowledge and understanding of the significance of an area the Council is not sufficiently equipped to assess impact. Where we do not have the up-to-date knowledge to adequately assess, it is much more likely that damage will occur. Detailed knowledge and understanding of an area's significance do not *'prevent change,'* where the change demonstrates merit. Similarly, Conservation Area designation does not preclude development, rather it provides a mechanism to help manage change where change is deemed appropriate. This is made absolutely clear within our Conservation Area SPD document, our Conservation Area leaflet and was stated by Council Officers at the public meetings held in Mentmore.

2.4 In your submission you suggest that *'the Council must be driven by an alternative and improper impetus'* (para 7.4) because we are proposing to include large areas of land. Historic England do acknowledge that Conservation Areas can include areas of open landscape (para 55, pg. 22 of Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1 (Second Edition)), where it can be demonstrated that they are intrinsically linked to the main focus of the designation. In the case of Mentmore, AVDC consider that the importance of Mentmore Towers cannot be fully appreciated without recognising the role played by its grounds and estate. This approach is consistent with the decision to include large areas of historic landscape related to country house estates in other Conservation Areas within the District such as Stowe, Waddesdon and Hartwell. All of these designations, along with the proposal at Mentmore, were supported by Historic England.

2.5 Within this section should also be addressed the various references that you make in your submission regarding the consultation process (specifically paras 5.2 and 5.5) and your perceived status of the draft Conservation Area boundary (para 7.2).

2.6 With regard to the consultation process, you acknowledge (para 7.1) that there is no requirement for consultation with regard to Conservation Area reviews or designation. I would point out that there is of course a requirement to consult on Conservation Area Management Plans which we include within our Appraisal documents and which should be read in conjunction with our District Wide Conservation Area Strategy (a document which was also subject to consultation). At AVDC we have since the beginning of our review programme chosen to consult the public and our process of doing so is laid out in the Conservation Area SPD (page 7). To clarify we do approach the Parish Council (who represent the local residents and landowners) at the beginning of the process to inform them of our intention to undertake a review. After this we undertake the research and present a draft Conservation Area Appraisal and boundary which we present initially to the Parish Council and then publicly during a (normally) 6-week consultation period.

2.7 Your clients and those of Montagu-Evans appear to be concerned that they were not consulted in advance of the public consultation. If we had done this then this would suggest that some opinions are given greater weight than others, which is clearly not acceptable. In order to give all residents of Mentmore and any interested parties the opportunity to express their opinions on an equitable footing, we chose to run one period of consultation at the point that we had something well researched and clearly defined to consult upon. At no point do we, or have we ever suggested that the consultation period is *'a process of confirming a decision already reached'* and that we intend to *'impose,'* the draft boundary on the *'wider public'* (para 7.2) To the contrary the whole

point of the public consultation is to open a discussion about our **draft** proposals and in our letters and presentations at public meetings we invited and encouraged people to comment. Where errors have been made, we make changes, where arguments are persuasive and supported by evidence then changes are also made. Where opinions differ and cannot be resolved, then because full disclosure of all formal comments received will be included in the report submitted to Cabinet, the elected Members will be able to make a fully informed decision about the proposals. To clarify, the decision to designate a Conservation Area is made by elected Members, not Council Officers.

2.8 With regard to the length of time of public consultation, AVDC obviously needs to put in place deadlines, but where discussions have been opened that take a while to resolve, or reasonable requests for additional time are made, the Council is prepared to extend the consultation period. Indeed, this happened at Mentmore. Conservation Area designation is complicated and therefore things do take time to consider and often additional information is required. There is no suggestion that at the end of the consultation period all communication ceases and the boundary is immediately presented to Cabinet Members for a decision. It is not uncommon that many months pass between the end of the consultation period and a proposed boundary being presented at Cabinet.

3.0 Inaccuracies in the supporting statement

3.1 AVDC greatly appreciate when consultees provide us with evidence-based comments highlighting factual errors. Where this occurs, we are very happy to make alterations to the draft text or boundary.

Yours sincerely

Freya Morris

Conservation Areas Officer

ASCOTT ESTATE



**OBJECTION TO THE PROPOSED REVISIONS
TO THE MENTMORE CONSERVATION AREA
BOUNDARY**

November 2019

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APPENDICES

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1.0 INTRODUCTION

- 1.1 We act on behalf of Ascott Estate, [REDACTED] who have instructed us to reply to the consultation on the proposed extension to the boundary of the Mentmore Conservation Area.
- 1.2 The Ascott Estate, [REDACTED] are the three principal owners of the land that would be designated as a result of the proposed extension to the boundary.
- 1.3 In summary Ascott Estate, [REDACTED] write on these bases:
1. *To comment on the Council's statutory duty of Conservation Area designation under s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that areas designated as Conservation Areas are genuinely of special architectural or historic interest.*
 2. *To comment on the factual inaccuracies of the draft appraisal guidance and to suggest corrections based on alternative evidence.*
- 1.4 As set out in s69 of the 1990 Act defines a CA as an area of special architectural character or historic interest, the character of which it is desirable to preserve or enhance'
- 1.5 We have considered the draft Mentmore Conservation Area Appraisal Review (2019), inspected the site (that is, the land to be covered by the extended designation), and reviewed relevant guidance. Our conclusion is that the land within the area proposed for extension does not meet the statutory criteria for inclusion within the Conservation Area designation. The boundary of the Conservation Area should not be extended at all to include the wider hinterland of Mentmore Towers, nor the land to the north, south, east and west of the present boundary and inclusive of Mentmore Golf and Country Club, Mentmore Stud and land identified in the Council's draft appraisal as 'North Park'.
- 1.6 This conclusion is based on the inappropriate use of the Council's powers under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as the '1990 Act') and the requirements of the National Policy and Guidance relating to Conservation Area designation.
- 1.7 The Local Planning Authority (LPA) in this case is Aylesbury Vale District Council (hereby referred to as 'the Council'). The draft appraisal on the Council's website dates from 2019 and has been written by an independent consultant for the LPA.

Overview of the representation

- 1.8 It is stated within the draft appraisal document (2019) that '*advances in scholarship, and a greater understanding of Victorian architecture, designed landscapes and social conditions*' has prompted a review of the existing conservation area boundary (Section 1, page 5 of the Council's draft appraisal).
- 1.9 Mentmore Conservation Area (CA) was designated first in 1978. The CA has not been reviewed since this initial designation. The new draft Appraisal document refers to the brevity of the existing appraisal, which dates from 2008, the deteriorating condition and changing character of Mentmore Towers and its designed landscape as further reason for the review of the conservation area boundary.
- 1.10 Firstly, we submit that the 'deteriorating condition and changing character of Mentmore Towers and its designed landscape' is not an appropriate reason to extend the Conservation Area boundary. There are separate functions set out at Chapter 5 of the 1990 Act that provide for the protection of listed buildings and designed landscapes At Risk where necessary.
- 1.11 Secondly, our review of the documents prepared by the Council in support of the proposed extension to the boundary presents us with none such evidence as to how advances in scholarship of landscapes and social conditions should result in the designation of the land proposed.
- 1.12 Further, our own assessment of the historic associations between Mentmore Towers, the Rothschild family and the wider landscape which surrounds Mentmore village, leads us to the conclusions that the proposed area for extension does not substantiate a claim for '*special architectural or historic interest*' as required for designation under Section 69 of the Act. Our assessment of this is presented at **Section 3.0** of this report.
- 1.13 Our own assessment is based upon a thorough an understanding of the area and best practice in historic area assessments as set out in the relevant Historic England guidance, *Conservation Area Designation, Appraisal and Management (February 2019)* and *Understanding Place: Historic Area Assessments: Principles and Practice (2017 edition)* as well as the detailed guidance provided on Conservation Area designation in Charles Mynors' publication, *Listed Buildings and other heritage assets fifth edition (2016)*.
- 1.14 Part of the land to be designated by the new Conservation Area boundary is already designated at Grade II* as a Registered Park and Garden, 'Mentmore Towers.' Another part of the land to be designated is covered by the 'Area of Attractive Landscape' designation as set out in the Local Plan. We understand and acknowledge that it is possible, albeit uncommon, to designate areas of distinct quality as both Conservation Areas and registered Parks. However, our findings in this case are that the existing designations are proportionate designations that

provide the appropriate level of planning and development control protection on the land.

- 1.15 Our conclusion is that the extension of Mentmore Conservation Area to incorporate land to the north, east, south and west of the existing boundary would lead to an inappropriate designation which is not based on any meaningful historic or architectural interest or connection, including land that has no consistent architectural quality, comprising modern utilitarian agricultural buildings, and land which has been subject to successive change and alteration.
- 1.16 Furthermore, the proposal to extend the conservation area would serve to stifle the future use and effective management of the land, much of which is in agricultural use, by the landowners.
- 1.17 Lastly, we comment on the factual inaccuracies stated in the draft appraisal which go to undermine the reasons for why the extended area is suggested for designation.
- 1.18 This representation benefits from the advice and input of Dr Paul Stamper FSA, specialist in the post-Roman English landscape and its buildings. Dr Stamper worked for 20 years with Historic England (English Heritage) on revisions to the Register of Historic Parks & Gardens and latterly as a Senior Adviser in the Designation Department, where Dr Stamper was responsible for overseeing the writing of selection guides which set out designation standards for assets of all types.

2.0 THE LPA'S STATUTORY DUTY IN RESPECT OF CONSERVATION AREA DESIGNATION

Statutory Provision

- 2.1 As defined in Section 69 of the 1990 Act, a Conservation Area is an area which has been designated because of its '*special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.*'
- 2.2 In discharging its powers under Section 69 of the Act, the LPA is bound to exercise its discretion reasonably, and to have due regard to the terms of primary legislation and relevant policy. Additionally the LPA must take care to ensure their decision could not be construed as irrational or disproportionate.
- 2.3 The quality and interest of the whole area, as opposed to the individual buildings, should be the prime consideration in identifying conservation areas. The object, therefore, should not be to protect individual buildings or spaces which are not of demonstrable interest.

National Policy and National Guidance on Defining Boundaries

- 2.4 The National Planning Policy Framework (2019) is clear that:
- 'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.*'
[our emphasis] (NPPF, para. 186)
- 2.5 This Policy is also engaged when reviewing existing boundaries and the principles of the policy are supported in the National Planning Practice Guidance (NPPG, 2019).
- 2.6 The guidance provided in *Understanding Place: Historic Area Assessments: Principles and Practice* (2017) aims to complement Historic England's previous publications and provide a more detailed level of guidance on the purpose and methods of assessing and the designation of historic areas.
- 2.7 Under the 'Key Issues' to be considered, the guidance states that establishing '*appropriate boundaries*' are required to keep historic area assessments '*focused and manageable*,' and that the relevance of such boundaries should be examined critically. Assessment should validate any proposed boundaries and, where necessary, their modification.
- 2.8 This guidance is complemented by that of *Conservation Area Designation, Appraisal and Management (February 2019)*, which requires an explanation of where and why a boundary is drawn when designating conservation areas.

2.9 Pages 27 to 28 of the guidance consider the designation of Conservation Areas. The guidance refers to paragraph 186 of the NPPF and the importance of ensuring that an area justifies designation as a conservation area because of its special architectural or historic interest, so that, we quote, *‘the concept of conservation is not devalued through the designation of areas that lack special interest.’*

2.10 This is a key test which is reflected in HE’s Guidance and one that, in our view and for the reasons discussed in this document, the extended conservation area as proposed signally fails to meet.

2.11 In relation to the status of existing Conservation Areas, the guidance states also that:

‘With appropriate management procedures in place, the character and appearance of a conservation area should not change rapidly for the worse and a review might typically result in an addendum to an existing appraisal, recording:

- what has changed*
- confirming (or redefining) the special interest that warrants designation*
- setting out any new recommendations; and*
- revising the management strategy.*

The updated appraisal and related management proposals can then be re-adopted by the local authority.’

2.12 In finalising the Conservation Area boundary, guidance states that it is important to consider *‘whether the immediate setting also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the development plan’* (page 4).

2.13 Historic England’s guidance at paragraph 72 (‘Suitability for Designation’) allows for registered landscapes to be designated as conservation areas:

‘... areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of Parks and Gardens of special historic interest.’

2.14 In this context the next paragraph of HE’s Guidance is especially relevant given the landscape’s current character:

‘Conservation area designation is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation

area) but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates' [our emphasis].

- 2.15 This is pertinent in this case, given the very degraded character, not least for agricultural uses and the golf course, of the majority of the land proposed to be added to the CA.
- 2.16 We present our findings on the existing character of the area in the following sections.

3.0 INAPPROPRIATE EXTENSION TO THE CONSERVATION AREA

Lack of new evidence or reason for extension

- 3.1 In this section we set out our review of the evidence base presented by the Council for the proposed extension of the CA boundary in line with Historic England guidance and the requirement at s69 of the 1990 Act. We conclude that there are no evident reasons for the proposed extension to the boundary, contrary to the requirements of statute and interpretative policy and guidance.

- 3.2 The Council's draft appraisal (2019) states the following:

'Several factors have prompted this review. These include advances in scholarship, and greater interest in Victorian architecture, designed landscapes and social conditions, recognised by the many additional listed buildings in the village, and the inclusion of much of the park in the Historic England Register of Parks and Gardens of special historic interest.'

In addition, the private country estate of the character has changed with the advent of new houses in the village and residential conversions, the deterioration of the condition of the mansion and its designed landscaped setting, including the laying-out of a golf course with its clubhouse. The existing Conservation Area appraisal is so brief that the area and its wider setting are vulnerable to further change which could be damaging to the distinctive historic character.'

- 3.3 We have reviewed the draft CA Appraisal and also the evidence base documents that have been prepared by the independent consultant to the LPA. Whilst these documents are extensive, they do not present, as far as our review has shown us, any new information about the Mentmore Estate than has previously been recorded in the list entry for the Registered Park, or uncovered new information on the wider landscape that reveals important connections or historic associations. The information presented does not go beyond what was understood about the history of the Mentmore Estate and the surrounding land at the time of the designation of the Conservation Area in 1978 or at the time of the designation of the Registered Park in 1987, which was then revised in 1999.
- 3.4 A large part of the evidence contained in the supporting documentation is irrelevant to the consideration of the extension of the Conservation Area given the character of the original parkland to the estate has been fundamentally changed through its redesign and landscape as a golf course.

- 3.5 The suggestion that the appearance of new houses in the village, and that changes to the estate and its deterioration should form the basis of an extension to the CA boundary are entirely unfounded and provide no legitimate bases for the CA boundary review. The inclusion of these more modern dwellings in the village within the CA boundary would surely serve to dilute the special historic and architectural interest of the CA where this relates specifically to the consistent high quality design and age of the model village that was rebuilt from the late 1870s under the auspices of Hannah Rothschild, with the Grade I listed Mentmore Towers as its focal building.
- 3.6 Furthermore, we do not understand how the Council can defend the position that the deteriorating listed building and the more recently designed golf course are reasons to extend the Conservation Area boundary. The creation of the golf course is in fact indication that the historic character of the land has been severely compromised through this repurposing, removing the original tree planting and topography. We discuss this in more detail in the next part of this section.
- 3.7 Furthermore, there are separate functions set out at Chapter 5 of the 1990 Act that provide for the protection of listed buildings that are at risk of severe deterioration through compulsory acquisition or repairs notices where necessary. The proposed extension to the boundary of the Conservation Area is an entirely inappropriate mechanism by which the deterioration of a listed building should be addressed, and has significant ramifications for the landowners of the land to be affected by the designation.
- 3.8 The reference also to the wider setting of the Conservation Area, quoted as follows: ‘... *wider setting are vulnerable to further change which could be damaging to the distinctive historic character.*’ This statement suggests the designation is to be used as a development control mechanism and to prevent changes to the land and wider area which may be necessary to meet housing need or simply to address field boundaries or agricultural practices. The Council needs to define what it means by this statement. The designation of Conservation Areas is again an entirely inappropriate provision by which this development control function should be exercised.
- 3.9 Historic England guidance is clear and indicates that in reviewing conservation areas, ‘the character and appearance of a conservation area should not change rapidly for the worse’ (*Conservation Area Designation, Appraisal and Management, February 2016*).
- 3.10 The proposed extension to the existing boundary of the conservation area is substantial, increasing the area from 54.3 acres to approximately 1,020 acres, multiplying the size of the existing designated area eighteen times over. As existing, the character of the conservation area is formed by the intimacy and consistent rural vernacular of the model village, the impressive mansion and the enclosure provided by mature trees and landscape belts.

- 3.11 The considerable extension would significantly and rapidly change the existing character of Mentmore CA. The land proposed for inclusion is almost entirely made up of farmland and associated agricultural buildings, many of which are utilitarian in character, and a large, modern golf course.
- 3.12 In our judgement, the inclusion of this land, much of which is undistinguished architecturally and in landscape terms, and has been subject to alteration, can be considered wholly as a benefit or improvement to the interest of the conservation area, therefore going against the original intent of the designation.

Lack of special interest: proposed extension to Mentmore Conservation Area

- 3.13 In the following discussion, we identify the particular areas proposed for inclusion within the Mentmore Conservation Area and carry out our own analysis of the same concluding that, in our judgement, these areas lack the special architectural and historical interest that is required to justify their inclusion in the Conservation Area designation.
- 3.14 Further to this, we discuss the appropriateness of the proposed boundary, the map of which is reproduced at **Appendix 1** of this report.

'North Park'

- 3.15 In the Council's draft appraisal, the agricultural land to the north of Mentmore village is consistently referred to as 'North Park'. It has since been established through consultation with the independent consultant who prepared the report for the Council, that 'North Park' was never previously identified as such until now, or by any similar formal title, and was simply existing agricultural land incorporated into the Rothschild estate following its purchase by Baron Mayer Amschel de Rothschild in the mid-19th century.
- 3.16 The 1945 aerial view (figure 7) shows that the whole of this area referred misleadingly to as 'North Park' was of an entirely agricultural character at that time. The field boundaries are suggestive of the piecemeal enclosure of open-field land, and this is quite different in character from the parkland to the west (the registered area). This fieldscape was not without some interest, although nothing to do with the parkland, and the removal of hedges and field boundaries since 1945 has markedly reduced that interest.
- 3.17 The identity and character of this relatively indistinct farmland is further confused by the reference in the appraisal to it being 'ornamented agricultural land' (Section 11.2.12 of the Council's draft appraisal). This is conflicted in the same sentence of the appraisal which states that it was formed of 'little designed tree planting' and later by the comment that it comprised a low level of ornamental trees as it 'used existing trees instead' (Section 12.2.2). Furthermore, the land identified as 'North Park' was

separated from the formal grounds to the west by a public road lined with trees, further obscuring the physical and visual relationship.

- 3.18 Despite this being agricultural land, the appraisal states that its 'main function was as the setting of the public roads from Wing and Leighton Buzzard' (Section 11.2.12). We do not understand the point that is being made here - the report seems to claim to attribute a more significant role to land which was historically, and is presently, functional farmland and which does not have intrinsic historical or architectural interest, and we do not see that being part of the 'setting of public roads' attributes any specific interest.
- 3.19 Similarly misleading is the reference to 'North Avenue', the road which travels north-west away from the village towards Wing. While in the 1880s this was a secondary, formal, tree-lined approach, these trees has been felled by 1899. The only element of some interest that remains is Honeysuckle Lodge at its southern end, which is presently undergoing development. Land to the east of the road was sold in 1944 (Sales Particulars, Lot 18: Part of Crafton Farm).
- 3.20 Most of the avenue trees which once lined this route are gone and it is now flanked by interspersed walnut trees which are in a varying condition. Overall, its present character is not one which can be described as possessing significant architectural or historical interest.
- 3.21 It is worth noting that even if this area to the north of Mentmore village did historically have some 'ornamental' character, a meaningful landscape and functional relationship with the house and village would always have been prevented by the thick belt of trees which occludes views to the north-east from these locations.
- 3.22 Alterations have occurred since the land was sold by the Rosebery's in the 1970s which have further fragmented the historic landform, including the loss of trees and alterations to field boundaries and hedgerows (as illustrated in Figure 1 below). The map at Figure 1 illustrates that fields were farmed individually, as had occurred pre the Rothschild takeover of the land. Contrary to the claims within the appraisal and espoused at a public consultation that this formed one large integrated area of ornamented land.
- 3.23 The map also demonstrates that if any ornamental planting did exist, it has been lost and the design intention no longer legible. The dominant and prevailing character of this area is now that of standard agricultural land.
- 3.24 The appraisal's claim that the 'area has survived intact' is entirely false and this needs to be corrected in the report (Section 11.2.12). This fact is also surprisingly contradicted in the appraisal at Section 3.6 as quoted:

'The former field boundary trees that characterised the North Park and were important in the approaches from Wing and Leighton Buzzard have gone.'



Figure 1: Estate map of 1888 map illustrating agricultural land to the north of Mentmore Towers and Mentmore Village. The majority of field boundaries illustrated in this map have subsequently been altered or removed entirely.



Figure 2: Estate map of 1944 illustrating the lack of changes to the agricultural landscape that occurred in the 19th and early 20th century whilst the land was under the ownership of the Rothschild's and then the Rosebery's.



Figure 3: Image from Google Earth illustrating the loss of historic field boundaries on land to the north of Mentmore village.

- 3.25 The maps at Figures 1 and 2 demonstrate the lack of alterations to locations of field boundaries whilst it was under the ownership of the Rothschild's and later the Rosebery's. Figure 3 illustrates the present form of the field boundaries to the north of Mentmore village, and shows their subsequent removal – by the landowner in the 1980s - in some cases to create larger fields.
- 3.26 This area is now owned by a number of landowners and does not comprise part of a single estate entity. As such, the land and its historic association with the Mentmore estate, the Rothschild's and the Rosebery's is substantially diluted.
- 3.27 Despite this, 'North Park' is identified in the appraisal at Section 12.1.3 as an area of high-medium significance with a 'medium' level of surviving historic 'fabric'.
- 3.28 We do not dispute that this land once formed part of the Mentmore estate under both the Rothschild's and the Rosebery's. However, the above analysis has demonstrated that loss of trees and alterations to field boundaries has changed the historic character of this land, which was never significantly re-sculpted or enhanced during either Rothschild or Rosebery ownership.
- 3.29 In our judgement, the land identified as 'North Park' in the Council's draft has no intrinsic special architectural or historical interest that is required to justify its inclusion in the Mentmore Conservation Area, being standard agricultural land and undergoing

alteration since the mid-20th century. We also consider that the specific inclusion of the Wing Road conflicts with conservation area designation guidance.

- 3.30 The titles used consistently and confidently within the Council's draft appraisal have the misleading effect of ascribing interest and status to these elements that they are not worthy of. These need to be removed from the draft Appraisal.

Mentmore Golf and Country Club

- 3.31 A significant part of the proposed area of extension to the north, south and west of Mentmore Towers is formed by Mentmore Golf and Country Club. The land which comprises the golf club is owned in its entirety by one of the three principal landowners whose assets form the majority of the extension zone. The draft Appraisal refers to this land as 'West Park.'
- 3.32 We note that the CA Review states at the 'Summary of Significance' (12.2), that the 'survival of historic fabric' for this area of the former parkland is said to be High-medium'. We do not see how this is consistent with the accompanying text which states, '*Planting degraded; a golf course overlies part of the park with new club house, localised development, kitchen garden derelict; majority of framework survives.*' We will go on to consider the qualities of this area as it is now following the creation of the golf course and subsequent alterations.



Figure 4: Photograph provided by client of ground works to form golf course in the 1990s. This illustrates the extensive nature of the re-landscaping.



Figure 5: Photograph provided by client of ground works to form golf course in the 1990s. This shows the remodelling and cutting through of "Dalmeny Hill".



Figure 6: Photograph provided by client showing re-landscaping of the 'West Park' to form the golf course. This is taken from the grounds of Mentmore Towers.

- 3.33 The extensive golf club and modern clubhouse were granted permission and laid out in c.1990. The area referred to as 'West Park' in the draft appraisal was significantly re-landscaped and altered as a result, including ground remodelling, the addition of

ponds, fairway planting, greens and bunkers, footpaths and a drive to the club house (Section 11.2.9 of Council's draft appraisal).

- 3.34 The extensive re-landscaping of the 'West Park' is clearly illustrated in the photographs at Figures 4, 5 and 6. Further photographs are included at **Appendix 2.0**.
- 3.35 The Grade II* Registered Park and Garden (RPG) covering this area was designated in 1987, prior to the laying out of the golf course. We note the detailed description provided in the RPG listing (revised in 1999) of the former parkland, which acknowledges that the golf course comprises a significant part of the designated landscape. It should be considered, therefore, that this part of the proposed extension area is already sufficiently protected by the RPG designation which in practice protects the land from future changes which would cause further deterioration to the character of the Registered Park and the setting of Mentmore Towers.
- 3.36 We have completed our own comparison of aerial photographs in combination with historic maps and conclude that there is no justification for including the golf course within the CA. The 1945 aerial view (source: Google Maps) is included below.
- 3.37 Evidently the proposed boundary extension has been influenced by and follows the boundary of the registered area. However, as noted above, the registration preceded the construction of the golf course. On the advice of Dr Stamper, it is our combined professional view that it is unlikely that HE would have included the golf course within the registered area had it been there at the time of its initial designation, and we say that with knowledge of other registered golf courses. It is our view that the golf course remained as part of the designation when the register entry was revisited in 1999, as a result of HE exercising customary caution in identifying designations.
- 3.38 In conclusion, the establishment of the golf course in the 1990s has significantly diminished the interest of the land through the alterations described above. Owing to its almost total re-design and re-landscaping in the 1990s, the land retains none, or at most, very little of its original character and its historical and architectural association with Mentmore Towers has been substantially diluted. What remains is already protected by the RPG designation.
- 3.39 The appraisal itself refers to the eroding effects of this repurposing at Section 3.7:

'The golf course planting has significantly damaged the characteristic pattern of parkland planting established by Baron Rothschild by 1875.'



Figure 7: 1945 Aerial photograph from Google Earth showing that the whole of the area which it is proposed to add to the CA to the north-east (to either side of the Mentmore Stud) of the village ('North Park') was of an entirely agricultural character at this time.

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- 3.40 The document also refers to the damaging effect of the golf course on views from the gardens and terraces of Mentmore Towers (Section 11.2.1) and the 'greatly damaged' character of 'South Park' (Section 11.2.9).

- 3.41 Not only do these statements within the appraisal demonstrate the changes that this land to the north, south and west of the mansion have undergone through the introduction of the golf course in the 1990s, they also work to undermine the suggestion that this area should be included within the designation as land which contributes meaningfully to its character and appearance and has intrinsic architectural and historical interest.

- 3.42 Historic research has established that the area now formed by the golf course once formed a legible and meaningful part of a large family estate under the Rothschild's.

- 3.43 The Grand Avenue, laid out in the 1860s, remains a remnant of the formality and sense of status which would have originally characterised the 'West Park', however it is planted with over 60 *Salix Alba* which are commercially grown across Mentmore Park Farm and will be felled and replanted. Other more significant trees along the avenue are already protected by numerous TPO's and the whole area by the RPG designation. Land to the east of the Grand Avenue was sold by the Rosebery's in 1944, along with lots of other parcels of estate land.

- 3.44 We have further established that the character and form of the Grand Avenue has so changed that it no longer contributes to an understanding or appreciation of the Grade I listed mansion or the existing Mentmore Conservation Area.

- 3.45 The land use now relates to a commercial enterprise (Mentmore Towers Golf and Country Club) and does not have any intrinsic interest as a historic location for leisure. Thus, the association with its historical use as private parkland to a 19th century mansion and its picturesque landscape character prior to the introduction of the golf course in the 1990s is no longer legible or meaningful.
- 3.46 Through the above analysis, we have demonstrated that the area formed by the golf course, which represents a large portion of the proposed extension zone, lacks the special architectural and historical interest needed to justify its inclusion within the Mentmore Conservation Area.

'East Park'

- 3.47 The area identified as 'East Park' in the Council's draft appraisal (2019) falls to the east of Chestnut Avenue. Despite the appraisal stating the area 'survives largely intact' (11.2.11), there have been a number of alterations to the avenue and landscape which dilute its historic character. These include the residential conversion of the waterworks, which has lost its former chimney and the decline of the avenue which has lost original planting and is flanked by an uncharacteristic hedgerow.
- 3.48 Although the historical form of the land has remained legible, the area does not possess any intrinsic historical or architectural interest.

Other Buildings and land within Proposed Extension Area

- 3.49 The map provided at page 44 of Section 9 of the Council's appraisal illustrates 'Key Buildings in the Wider Conservation Area'. The map identifies a total of six buildings, including the north, south and western lodges to Mentmore village, surrounded and protected by a disproportionately large area of land.
- 3.50 The spread of these identified buildings appears to have influenced the expansive area proposed for extension. We consider that whilst these buildings are of architectural and historical interest individually, the land which surrounds them has no particular intrinsic architectural or historical interest other than once forming part of a now fragmented and dismantled agricultural estate.
- 3.51 We note also that a number of late 19th and early 20th century buildings included within the proposed extension area, including the former gas and electricity works, Stud House (built between 1914 and 1920) and Mentmore Stud, have been converted to residential use. The present Mentmore Stud Farm, a large modern house converted from a small stable and its associated buildings (breeze block and asbestos) all erected circa 1984 are, together with its land, is included in the proposed conservation area for no substantiated reason. Examples of the modern buildings proposed for inclusion within the boundary are presented at **Appendix 3.0** of this report.

- 3.52 The extension includes the former dairy on the modern road, 'Rosebery Mews'. The appraisal refers to this as being one of the farmsteads surrounding Mentmore village which forms part of the 'mid-19th century model agricultural regime' established by the Rothschild's (Section 12.1.8 of Council's appraisal). There has been a modern office conversion at Rosebery Mews which, although well designed, is not of any particular architectural or historical interest (see **Appendix 3.0**).
- 3.53 The land to the east of Chestnut Avenue, and in the wider setting of the village, was sold off by the Rosebery's in the 1940s and consequently the historical association of both the land and the buildings with the Mentmore estate has been lost.
- 3.54 Although conversions within the area have, for the most part, been sensitively done, the resultant change in character and the alteration to their original fabric limits their special interest and legibility as part of the former estate.
- 3.55 Furthermore, the residential conversions and utilitarian agricultural buildings which fall within the proposed extension area lack the architectural quality and consistency that characterises built form in the village core.
- 3.56 Development along the south side of the Leighton Buzzard Road almost entirely consists of 20th century residences which have a completely different character to that of Mentmore's historic core. The land to the east of this extension of the village, which was partially part of the private stud operation associated with Stud House from the 1920s onwards, has undergone minor alterations to field boundaries and, besides, is standard agricultural land which, although open and rural in character, is indistinct and of no particular interest.

Summary on the appropriateness of the proposed boundary

- 3.57 The draft Appraisal states that: *'The intention is to create a contiguous and logical boundary in which the planning authority has confidence. Historic significance here relates to the historic environment as eligible for inclusion in a Conservation Area based on Historic England guidance. Specifically the level of local and greater significance to the Mentmore Towers country house estate'* (Section 12).
- 3.58 A critical review of the proposed extension of the boundary to include this area reveals that this has paid little regard to the integrity and quality of the land or the built environment.
- 3.59 In the above analysis, we have highlighted that the majority of land proposed for designation comprises a late 20th century golf course and standard agricultural land, both of which have been subject to alteration since forming part of the Mentmore estate.
- 3.60 As established in **Section 2.0** of this report, Historic England's *Understanding Place: Historic Area Assessments: Principles and Practice* (2017) refers to the importance of

establishing 'appropriate boundaries' which enable historic area assessments to be 'focused and manageable'.

- 3.61 We have already established that the proposed extension area for the Mentmore Conservation Area is substantial in size, and significantly alters the intent of the original designation.
- 3.62 The Council's appraisal fails to provide any rationale for the details and intricacies of the boundary as drawn (reproduced in Appendix 1 of this report), which, in some areas, appears to cut directly through the middle of fields.
- 3.63 The draft Appraisal states that: '*The extended Conservation Area reflects this better understanding of the integral character and development of Mentmore Towers, its designed landscape and estate village as developed during the midlate nineteenth century (Section 12).*' Nothing that we have reviewed as prepared by the Council in support of the proposed extension to the boundary suggest this is the case. In most cases, the Appraisal itself makes it clear that the character of the land has changed significantly.
- 3.64 As discussed above, the extension will include a stretch of the 20th century village and interspersed agricultural buildings of no particular architectural or historical interest. The landscape and architectural qualities of the land proposed for inclusion is indistinct and it does not contribute in a meaningful way to an understanding and appreciation of the significance of the Mentmore estate and the Rothschild and Rosebery families.
- 3.65 The inclusion of this extensive area within the boundary would serve to dilute and erode the character of the conservation area currently defined by the original designation and obscure the established rural architectural character and sense of enclosure and intimacy around Mentmore Towers and village. The extension of the Conservation Area should not be undertaken.
- 3.66 In our judgement, the boundary is cannot be justified by reference to the historic evidence, its present character or the guidance provided by the NPPF or HE. The boundary extension proposes to include landscape and built form which does not contribute meaningfully to an understanding and appreciation of the Mentmore Estate or the significance of the existing conservation area. The designations of these areas would serve to dilute the special interest of the Conservation Area.

4.0 INAPPROPRIATE USE OF STATUTORY DESIGNATION

- 4.1 The latter sections of the draft appraisal, Section 13, 14 and 15, set out recommendations for protection and enhancement of the Conservation Area.
- 4.2 Section 13 (Sensitivity of setting to change and effect on the heritage assets) sets out how changes to the land via its management may affect the character of the designated area. The Appraisal identifies the following: *'Rural topography and landscape, includes medieval and postmedieval landscape features (DMVs, ridge and furrow, farms, fields, lanes, footpaths etc.), locally significant designed landscapes,'* as vulnerable to planning changes as well as land management.
- 4.3 Section 14 (Management Plan) set out a number of items that could guide the preservation of the character of the newly defined CA. We quote the first three items
- Maintain the integrity of the designed landscape and its setting.
 - It is also important to maintain the connection between the village, designed landscape and surrounding countryside, gained in part through views.
 - Maintain the character and setting of the conservation area, especially through the preservation of the hedges, trees, open spaces, boundary treatments and verges
- 4.4 Section 15 (Recommendations) set out recommendations for the management of the estate, including the restoration of the estate metal fencing wherever damaged and replace where lost. This is an inappropriate use of designation powers.
- 4.5 Given we have been able to discredit the claims in the report that the field layouts and hedgerow formations are not of special interest, the land management techniques to ensure the farmland functions as it should, need to be allowed to continue unhindered by the CA designation. It is concerning the effect the CA designation may have on the ability to continue necessary land management practices given the designation is based on unsound evidence.

5.0 INACCURATE FACTUAL BASES OF THE DRAFT CONSERVATION AREA STATEMENT

- 5.1 A detailed review of the Council's draft appraisal (2019) has revealed a number of factual discrepancies with the information presented. Our analysis of this material has been informed by our client, who has a detailed understanding of the development of the area, particularly in relation to their own landholdings.
- 5.2 In the following discussion, we provide a summary of some of the key inaccuracies of the factual bases on which the Council is relying on to justify the extension of the Mentmore Conservation Area.
- 5.3 In Section 3.0, we have discussed in detail the inaccuracies around the land referred to as 'North Park' and the misleading connotations of this title.
- 5.4 These factual inaccuracies that must be corrected in the Appraisal and re-consulted upon so that a true representation of the historic development and interest of the area is set out.

Intervisibility

- 5.5 There are references throughout the Council's draft appraisal (2019) to the important and intentional connections and visual relationships between various Rothschild seats in the Vale of Aylesbury and the surrounding area. For example, at Section 6 the appraisal states:

'There are many views into Mentmore from the wider landscape and there is high intervisibility between the numerous Rothschild properties within the Vale of Aylesbury. It is probable given the extent of the Rothschild land-holdings in the Vale that there are many more such views from one Rothschild estate to another, even when the houses themselves are not intervisible.'

- 5.6 Earlier, at Section 4, the appraisal states:

'Mentmore mansion and park is one of many Rothschild properties in the Vale of Aylesbury. There are significant inter-connected views visually linking the properties, most notably between Mentmore and Ascott Park, and also from the Chiltern Scarp to Mentmore, and some of the other Rothschild properties. This intervisibility was deliberate, forming a significant element in the interactions and internal rivalries of the Rothschild family. These make a major positive contribution to the setting of the heritage asset.'

- 5.7 We consider that the significance attached to these views and the physical proximity of the numerous Rothschild properties within the vale is largely based on conjecture.
- 5.8 Any meaningful intervisibility between Mentmore Towers and the formal park to the west and north-west of the house towards Ascott Park, located some way to the north is prevented by thick belts of planting. It is clear from the orientation of planting within the gardens of the mansion and the locations of terraces that designed views were not planned as part of the garden. Interestingly, the Council's appraisal refers to this enclosure and the buffering effect of the landscape scheme at Mentmore at Section 4.4.3:

"The mansion occupies the most prominent position in the park, and is framed by the contemporary layout of the formal gardens, terraces, informal pleasure grounds and park that enclose it and buffer it from the wider world, including the former north park beyond the Wing Road."

- 5.9 There are inevitably views that take in farmland that historically belonged separately to the Mentmore and Ascott Estates, but these do not ascribe any particular importance to the landscape other than it having an attractive rural character.
- 5.10 Furthermore, Ascott Park was acquired by Baron Mayer de Rothschild after his purchase of Mentmore and given to his nephew, Leopold de Rothschild in 1873 and the house and grounds laid out to their present design from 1974 onwards. Therefore, views toward Ascott Park from Mentmore Towers would not have been a consideration in any landscape plan, hence the substantial landscape buffer to the north of the mansions. Thus, in our judgement, any visual relationship between the two estates and their respective mansions and gardens is consequently incidental and not influenced or dictated by 'internal rivalries' amongst different branches of the Rothschild family.
- 5.11 Similarly, the separating distance of Mentmore and the estate at Waddesdon – approximately 10km to the south west – is so extensive and occluded by intervening development and landscape that it suggests a visual relationship was never intended.
- 5.12 It is an accepted fact that the density of Rothschild estates in the Vale is due to the conscious establishment of a political power base in the area by the various branches of the family (Michael Hall, *Waddesdon Manor: The Heritage of a Rothschild House*, (2002), p.36) and also for access to good hunting in addition to efficient transport connections to London. If visual relationships do exist between the various estates, which landscaping and orientation appears to prevent or occlude to a great extent, it is more of coincidence than intention.

Mentmore Stud

- 5.13 Another particular error in the appraisal relates to the Council's referral to Stud House as the former Manor Farm. The Council's draft appraisal attributes 'high significance' (Section 12.1.5) to Stud House and Howell Hill Close which it states are mid-late 19th century buildings which:

'... represent the horse racing interests shared by the creator of the estate and his son-in-law, both hugely influential and famous in these activities and were integral with the Thoroughbred breeding at Crafton Stud on the opposite side of the park as an integral part of the estate's activities'

- 5.14 Stud House was actually built between 1914 and c.1920, and replaced in its entirety Manor Farm. It was a public stud founded by Harry Rosebery, a separate and distinct business from the stud farm located in Crafton. The former stud was sold in 1974, operating for a total of 54 years and has since been an arable and stock farm for the past 45 years.

Specific facts for rebuttal

- 5.15 The following statements need to be corrected in the Council's Appraisal also:
1. At Section 3.1, the appraisal incorrectly identifies Mentmore Stud, on the east side of the Leighton Buzzard road, as Manor Stud.
 2. At Section 3.3, the appraisal identifies the 'large gardeners' bothy' as dating from 1890. Correspondence dating from 1899 between the head gardener at this time, Smith, and Lord Rosebery indicates this was not constructed until the early years of the 20th century.
 3. At Section 3.7, the appraisal makes reference to the view towards the village from the railway as being a 'key designed view'. There is no evidence to support this assumption and the view would have been heavily obscured by over 350 elm trees (felled in the 1970s owing to disease).
 4. At page 17, under Section 4, the appraisal states that 'there has been very little visual intrusion into the mid-19th century designed views both to and from the site', despite the fact that Cheddington, Wing and Leighton Buzzard have all expanded significantly over the 20th and 21st centuries.
 5. At page 21, under Section 4, the caption to an 1898 OS map incorrectly states that 'the grey shading indicates the extent of the designed landscape'. The map is a

modified OS map illustrating the farmland “farmed inhand” (i.e. land not let to tenants).

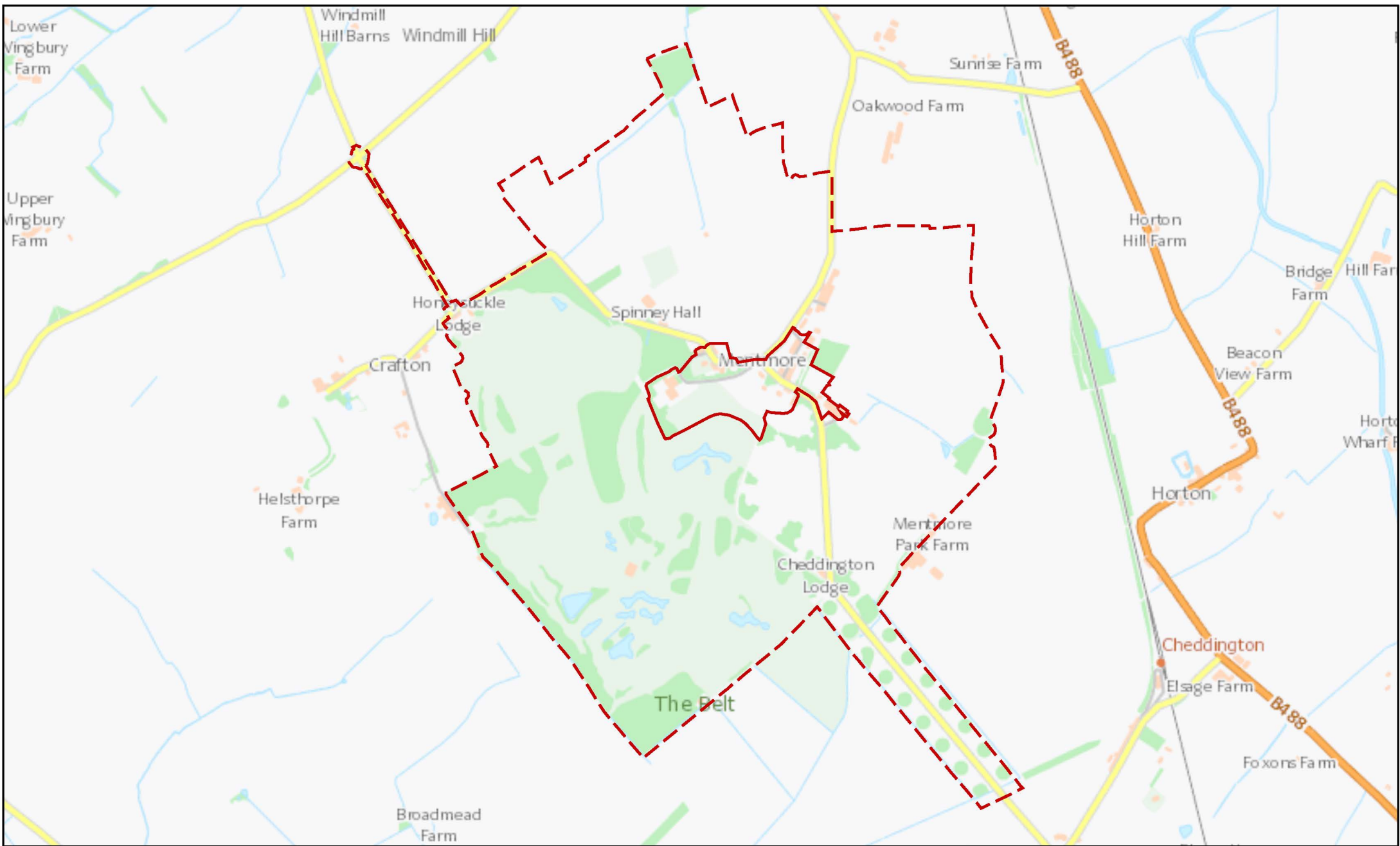
6. At page 33, under Section 6, the appraisal states ‘there is high visibility between the numerous Rothschild properties within the Vale of Aylesbury’. We have demonstrated in this report that the intervisibility, if it exists, was most probably incidental and not a designed feature and is certainly not ‘high’ if it exists, owing to separating distance and interposing landscape and development. This presumption of intervisibility has remained uncorroborated following correspondence with a Rothschild scholar.
7. At Section 9.6.3, the appraisal states that No. 29 The Green was lived in by an important estate staff member. The property was in fact used as estate workshops and only converted to residential use in the late 1970s.
8. The appraisal’s comment at Section 11.2.12, page 78, that the area identified as ‘North Park’ has ‘survived intact’ has been disproved at Section 3.0 of our report.
9. At Section 11.3.3, page 80, the appraisal incorrectly states that Stud House is the former Manor Farm. Manor Farm was demolished and Stud Farm built in its place in 1914-1920.
10. At 12.1.6, the appraisal suggests of the Stud Fields below/south east of Stud House/Howell Hill Close, that ‘double boundar[y] flanking tracks indicat[e] specific use for moving horses to paddocks serving the adjacent stud building’. There are, indeed, no double boundaries and/or flanking tracks used for moving horses in these locations and there never has been. These are in fact fenced ditches. The suggestion is put again in the significance table at page 87, Section 12 of the report.

This was a public foaling stud, with horses only hear in the spring months (January-March). Rarely were there horses in the fields and for the greater part of the year the ‘stud fields’ grazed a herd of beef cattle.
11. At page 146 in Appendix 4, the appraisal provides an erroneous date for Howell Hill Close, stating it was built on the site by 1879. In fact, this building was constructed alongside Stud House between 1914 and 1920.

6.0 CONCLUSIONS

- 6.1 This report has been produced on behalf of the Ascott Estate, [REDACTED] in reply to the proposed extension to the Mentmore Conservation Area.
- 6.2 This report presents a reasoned objection to the proposed extension, based upon the inappropriate use of the Council's powers under Section 69 of the Act.
- 6.3 We consider this to manifest in the lack of new evidence to justify the review of the Conservation Area boundaries.
- 6.4 The area proposed for extension does not substantiate a claim for '*special architectural or historic interest*' as required for designation by s69 of the Act.
- 6.5 The draft appraisal (2019) completed in support of the boundary review is factually incorrect on number of bases and needs to be corrected and re -consulted on before any decisions are made with regards to the designation extension.
- 6.6 The extension of the Conservation Area as proposed to incorporate the land would lead to a restrictive designation inconsistent with the correct management of the agricultural land which the land in the extended area comprises.
- 6.7 We submit this strong objection to the proposed extension of the Mentmore Conservation Area boundary to include the land indicated in the map included at Appendix 1.0 for the reasons presented above.

Appendix 1
Map indicating the area considered in this representation



Mentmore Conservation Area Review

Existing and Proposed Mentmore Conservation Area Boundaries

- Existing Mentmore Conservation Area
- Proposed Revised Mentmore Conservation Area

Appendix 2

Photographs of golf course construction



Photograph provided by client illustrating ground works and re-landscaping of 'West Park' to form the golf course in the 1990s. This is photograph illustrates the construction of the large lake.



Photograph provided by client illustrating ground works and re-landscaping of 'West Park' to form the golf course in the 1990s. This is an overview taken from "Dalmeny Hill".



Photograph provided by client illustrating ground works and re-landscaping of 'West Park' to form the golf course in the 1990s. This is an overview taken from Mentmore Towers.

Appendix 3

Photographs of modern buildings within proposed conservation area boundary



Modern office conversion owned by one of our clients at Rosebery Mews and proposed for inclusion in the conservation area.



Breeze block and asbestos agricultural buildings belonging to one of our clients and proposed for inclusion in the conservation area, constructed c.1980.



Modern steel portal frame agricultural buildings and outdoor straw storage belonging to one of our clients. Located in the Gas Works field.

Dear Sir/Madam

Re: Mentmore Conservation Area Review

Thank you for your submission made in relation to the proposed review of Mentmore Conservation Area and on behalf of the Ascott Estate, [REDACTED]. We have received a separate submission from the Solicitors Thrings, which was also submitted on behalf of your clients. Although we have responded separately to you and to Thrings, we note that many of your comments are repeated in their submission and therefore we suggest that both responses are considered together by those that commissioned them and their representatives.

In your submission you submit a '*strong objection*' to the proposed extension of the Conservation Area based on the following conclusions;

- The proposed extension is based upon the inappropriate use of Council powers under Section 69 of the Act. (para. 6.2)
- You consider there is a lack of new evidence to justify the review of the Conservation Area boundaries. (para 6.3)
- The area proposed for extension does not substantiate a claim for 'special architectural or historic interest,' as required for designation by Section 69 of the Act. (para 6.4)
- You consider the draft appraisal completed in support of the boundary review is factually incorrect on a number of bases and needs to be corrected and re-consulted upon before any decisions are made to the designation extension (para. 6.5)
- The extension of the Conservation Area as proposed to incorporate the land would lead to a restrictive designation inconsistent with the correct management of the agricultural land which the land to the extended area comprises. (para 6.6)

Aylesbury Vale District Council (AVDC) will respond to each of these points in turn.

1.0 Inappropriate Use of Council Powers under Section 69 of the Listed Building and Conservation Area) Act 1990.

1.1 AVDC is correctly using its powers to undertake a review of a conservation area '*from time to time*' as required by the Planning (Listed Building and Conservation Area) Act 1990. Given the amount of time which has elapsed since the first designation (42 years - see para 1.3) it is appropriate to undertake a review now. We have produced a draft appraisal in compliance with the statutory provision, National Policy and guidance. The Council feels that the resulting draft appraisal is a robust document, which identifies the significance of the proposed Conservation Area and justifies its designation. This document has been submitted for public scrutiny through an 8-week period of public consultation, in accordance with our Conservation Area Supplementary Planning Document (SPD), even though there is no statutory requirement for the Council to consult on the designation of a Conservation Area boundary; in this case we also held a series of public consultation meetings. We welcome comments from the consultation process and where errors have been made or representations are persuasive and supported by evidence then changes are made. However, in those instances where comments do not align with the evidence found through the appraisal

process then full disclosure of all formal comments received will be included in the report submitted to Cabinet for discussion at a public meeting. The elected Members will be asked to decide between the boundary recommended by Council Officers and other options which reflect comments received during the public consultation period. Because more than one option will be considered by the Cabinet, there will be no need for further public consultation as suggested in para. 6.5 of your submission. It is considered that this process is transparent, goes well beyond what is statutorily required and clearly demonstrates that the Council is not misusing its powers.

1.2 As for the reason of the review; Mentmore was first designated in 1978 and has not been reviewed since that date. You state that the Appraisal document dates from 2008, but this is incorrect. The Appraisal document dates from 1978 when the Conservation Area was designated, but in 2008 AVDC reformatted the document and map for its website. No wording was changed and no reassessment was undertaken. Therefore, all the changes that have occurred in Mentmore in the last 42 years and most of the National Policy and guidance that you refer to in paras. 2.1 to 2.9 of your submission are not reflected in the existing Appraisal or boundary. In paras 1.9 and 1.10 you state that *'the deteriorating condition' 'of Mentmore Towers and its designed landscape is not an appropriate reason to extend the Conservation Area boundary.'* We agree, and the only link between any deteriorating condition and this review is that AVDC was able to apply for a grant from Historic England to undertake detailed research on Mentmore because of its 'at risk' status and as a result of this exercise the understanding of significance of the area has developed, which we feel should be reflected within a revised boundary.

1.3 In para 3.8 of your submission you ask the Council to define what is meant by our statement that *'...the wider setting is vulnerable to further change which could be damaging to the distinct historic character.'* This does not as you state *'suggest the designation is to be used as a development control mechanism and to prevent change to the land and wider area which may be necessary to meet housing need or simply to address field boundaries or agricultural practice,'* but is simply a statement of fact. Without detailed knowledge and understanding of the significance of an area, the Council is not sufficiently equipped to assess impact and, in these cases, it is much more likely that damage will occur. Conservation Area designation does not *'prevent change'* or preclude development, rather it provides a mechanism to help manage change. This is made absolutely clear in our Conservation Area SPD document, our Conservation Area leaflet and was stated by Council Officers at the public meetings held in Mentmore. Undertaking a Conservation Area review in order to prevent development would be poor practice, and since the Council is unaware of proposals to develop any of the areas proposed for inclusion within the Mentmore Conservation Area, we are not clear why you have suggested this as a motivation for our review work. (Please also see para. 5.1).

2.0 Lack of new evidence or reason for extension.

2.1 In section 3 para 3.1 to 3.5 and 3.9 to 3.12 you state that *'the information presented does not go beyond what was understood about the history of the Mentmore Estate and the surrounding land at the time of the designation of the Conservation Area in 1978 or at the time of the designation of the Registered Park and Garden in 1987 (revised in 1999).'* The Council considers that contrary to your statement, our knowledge and understanding of the area has increased significantly since this time, including there being more information than was available at the time of designation, for example,

since the 1978 Conservation Area designation, Mentmore Towers designed landscape has been designated as a grade II* Registered Park and Garden. This decision to designate was made at a national rather than a district level and the grade of II* indicates that the Registered Park and Garden at Mentmore is considered by Historic England to be of particular importance. Since the importance of this designed landscape was not officially recognised at the time of the Conservation Area designation in 1978, it is not surprising that it was not included in the Conservation Area boundary.

2.2 Since 1978 other Rothschild estates within the Aylesbury Vale District have also been placed on the Historic Parks and Garden Register; Waddesdon, Halton and Ascott in 1987 and Eythrope in 1998. Although the grades of the designations range from I to II, the fact that all have been designated at a national level shows how our understanding of the importance of these historic Victorian and Edwardian landscapes and the importance of the Rothschild family in shaping the landscape of Buckinghamshire, has developed since the designation of the Conservation Area at Mentmore.

2.3 In addition, since 1978 Historic England and the Government have produced detailed guidance on Conservation Areas and Management Plans. As you know, best practice now demands a considerably higher standard of justification for Conservation Area designation than was required 42 years ago. The existing Mentmore Conservation Area Appraisal offers only the briefest justification for designation. The Council Officer writing the original document would not have benefitted from Historic England's advice, nor been privy to the present understanding of the national importance of the Mentmore landscape and other Rothschild landscapes within the District, as noted in paras. 2.1 and 2.2.

2.4 In para 2.11, 3.10, 3.11 and 3.12 you express concern that the proposed boundary of the Conservation Area would go *'against the original intent of the designation,'* and point out guidance that *'a review might typically result in an addendum to an existing appraisal.'* It may indeed be possible to review some less complex Conservation Areas by means of an addendum, but so much has changed in the last 42 years with regard to our understanding and appreciation of Victorian and Edwardian architecture and landscape, the role of the Rothschilds in shaping the Buckinghamshire landscape and the level of information that is required in order to justify a designation (see paras. 2.1 to 2.3 above) that an addendum would not have proved adequate. in the case of Mentmore. As to the *'original intent,'* there is a legal requirement for Local Planning Authorities to review Conservation Areas *'from time to time,'* precisely because designations are not set in stone, and it is recognised that their boundaries are based on the information available and the understanding of their significance and importance at the time of designation and that this can change and develop over time. The work that has been undertaken by our consultants at Mentmore demonstrates that Mentmore Towers was specifically designed in the mid-nineteenth century as a modern self-sufficient estate; this includes both supporting functions for the manor not only in the village, but also within the wider landscape for example, a stud, a gasworks, a dairy and a number of estate cottages. These supporting facilities, as well as the intentionally designed ornamental and functional landscape were intended to send a very clear message of wealth, status and power. This is not reflected in either the existing Conservation Area boundary or the Appraisal document, so our proposals may depart from the *'original intent of the designation,'* but this is because we consider

the original intent of the designation is out of date and does not accurately reflect the character, interest or significance of the estate.

3.0 *The proposed boundary does not substantiate a claim for ‘special architectural or historic interest,’ as required for designation by Section 69 of the Act.*

3.1 In several paragraphs of your submission you question the value of the landscape to the proposed Conservation Area. This is clearly a point of professional difference of opinion, so at this point it is relevant to state that the actual research and interpretation of the information available on Mentmore was undertaken by independent consultants, specifically Dr. Sarah Rutherford and Mr. Geoff Huntingford, both of whom are experts in their field. Mr. Huntingford worked for many years as a Conservation Officer before entering private practice and Dr. Rutherford, like Dr. Stamper worked for English Heritage as a Register Inspector and additionally was the Head of the English Heritage Register of Parks and Gardens between 2000 and 2003. (A brief synopsis of Mr. Huntingford’s and Dr. Rutherford’s extensive CVs are contained in Appendix 1).

3.2 Most Conservation Areas include a number of listed and locally significant buildings, but as acknowledged by Historic England guidance it is the relationships between the buildings, how they sit in the landscape, including the spaces and views that make a Conservation Area. AVDC therefore consider it is justifiable to include large areas of landscape within a Conservation Area designation if it is intrinsically linked to the main interest of the Conservation Area. This applies here for the reasons as outlined at paragraph 2.4 above, and this approach is consistent with other large estate designations within the District such as at Stowe, Waddesdon and Hartwell. All of these designations were supported by Historic England and indeed Historic England have written in support of the proposed Mentmore Conservation Area review and have expressed no objections to extending the boundary to include the Registered Park and Garden and other intrinsic areas of ornamental landscape.

3.3 In para 1.14 of your submission, you state that *‘our findings in this case are that the existing designations (Registered Park and Garden and Area of Attractive Landscape) are proportionate designations that provide the appropriate level of planning development control protection on the land.’* It should be noted that Conservation Area reviews and designations are not an exercise in selecting areas in order to control development (something which you discuss, see paragraph 1.3) and therefore we would not exclude areas just because they already have other designations. Instead, if an area is demonstrated to be of significance it should be included within the conservation area designation otherwise the boundary would not adequately reflect the area’s true character and significance.

3.4 In several paragraphs of your submission you question the quality of the landscape that AVDC are proposing to include within the proposed Conservation Area, because of changes that have been made to it, in particular the addition of a golf course. Many Conservation Areas include buildings or areas where change has either had a harmful or a neutral impact (for example a number of Conservation Areas in England incorporate golf courses including Stowe in Aylesbury Vale, Old Deer Park at Kew, Milton Abbas in Dorset, Stoke Park in Bucks, Leasowes in the West Midlands and Kedleston in Derbyshire). It is precisely for that reason that Conservation Areas are defined in

the Planning (Listed Building and Conservation Area) Act 1990 as areas '*of special architectural or historic interest which it is desirable to preserve or **enhance**.*' (AVDC emphasis). Just because an area may currently contribute negatively does not mean that it has no value as part of a wider whole and cannot be improved and if appropriate, restored. Clearly this is not something that the Council can insist upon, but were the current or future owners are minded to restore the landscape at Mentmore, because good records of the original planned landscape survive, this could be achieved and therefore the possibility of restoration or other forms of enhancement, does exist. It is worth noting that although the golf course was constructed after the original Historic Parks and Gardens designation in 1987, English Heritage undertook a review of this designation in 1999, and still considered the landscape (complete with golf course) of sufficient national interest to retain it within the grade II* registered park and garden designation. AVDC also consider the designed landscape at Mentmore is still legible despite latter changes and of sufficient interest to justify designation as a Conservation Area, as described in more detail below.

3.5 In paras 3.15 to 3.30 you query the interest of The North Park and North Avenue. For the purpose of clarity, the various parts of the landscape at Mentmore were named largely based on objective descriptors, thus, the West, East and South Parks have been named on the same basis. The North Park is noted as parkland by the Ordnance Surveyors by typical parkland shading over several decades; in editions of 1879, 1898 and 1923. This is by convention taken to mean that it was parkland pasture with ornamental value when surveyed. This is reinforced in that the layout, which was largely unaltered from the previous agricultural layout before Rothschild ownership, included the dense coverage of field boundary trees and an avenue and was distinct in this regard from other surrounding areas/fields which were more sporadically planted. The 1875 estate map of Mentmore is also revealing because it shows that the North Park was not tenanted like the surrounding agricultural landscape, but was managed 'in-hand' along with the core and more highly ornamented parkland landscape directly associated with Mentmore Towers, which indicates that this area was valued for its aesthetic contribution and thus it formed part of the wider country house estate landscape as part of the 19th century model agricultural regime and part of the parkland and village presentation. It certainly formed a feature in the important approaches from Wing and Leighton Buzzard; the slope up to the village was always important in views on the main approaches and from the nearby Ascott House and grounds, much as the East Park forms the frame to views from the south and east. Its bowl-like curved topography when seen from the village green and from the west with which it enjoys strong visual links, provides the foreground for important views back to Wing and Ascott. As well as this historic interest, the boundary of the north park, some of the trees and the (converted) gas and electricity works survive.

3.6 The North Avenue is a straight planted public approach to the park entering at the former Wing Lodge. It runs between the Mentmore crossroads, marked at the north end by clumps in the quadrants making a roundel in plan, leading between a lime avenue to the south end marked by two further clumps framing Wing Lodge. The avenue was in place by 1879 and thus forms part of the overall ornamental concept as a significant public approach to the park (from Aylesbury and Wing), echoing the most significant public approach along the Grand Avenue to the south from London. Some avenue trees have gone but these clumps punctuating the landscape at either end survive and the whole is still recognisably a strong designed feature.

3.7 In paras 3.43 and 3.44 you query the interest of the Grand Avenue. The Council consider that for the following reasons the Avenue is a remarkable and significant formal element in the park, the setting of the village and makes a major contribution to the public realm. The Avenue dominates the approach to the mansion from Cheddington Station, framing a view of the tops of the Towers. Covering just over 1km (0.6 miles) the public road is flanked by a unique avenue created on a heroic scale (the avenue is 190m wide) to a design by Joseph Paxton, executed by Veitch Nurseries by 1863. Each side was designed to be comprised of nine roundels of mixed trees and shrubs alternating with imposing trios of Wellingtonia conifers set in grass. There are views of the former estate land to each side and glimpses of the roadside avenue of mixed lime and horse chestnut some of which survive. The flowering shrubs in the tree roundels have largely gone, some of the trees have died including a few Wellingtonia and scrub or later 20th century planting has obscured some of the spaces between the tree planting. Regardless, this highly important feature survives largely intact and retains much of the essential historic character, it is also one of the few features directly attributable to Paxton and is unique in its design.

3.8 In para 3.47 of your submission you query the interest of the East Park. Like the West Park, the East Park was little ornamented with planting. It functioned as the paddock for the adjacent Dairy Farm. The main planting related to its western boundary to Chestnut Avenue, north-east of Cheddington Avenue with two irregular plantations at either end to screen views and features. East Park was a key part of the wider designed setting of views of the south-east from the mansion, and formed an element of the approach from Cheddington village and station. It contained the Estate water works near its south-east boundary. The area is farmed as arable leaving a strip of grass alongside the road in which one file of the avenue stands. It is recognised that some elements of the 19th century landscape have changed, for example the water works have apparently been rebuilt and converted to residential, the horse chestnut avenue is in decline and, while much of the iron estate roadside fencing remains, it is in poor condition. Nevertheless, the area is important to the character of the approach to Mentmore village from Cheddington, to the setting of the Grand Avenue, in views south-east from the mansion and terraces and from the station and railway towards the mansion. It is also part of the immediate setting of the Dairy Farm, the kitchen garden and former orchards. The water works remains significant because of its historical associations with the estate and is included within the Historic England Register boundary.

3.9 In paras 5.14 and 5.15 of your submission, you refute the importance of Mentmore Stud. Historic mapping does bear out an early 20th century date for these structures. A large rectangular courtyard building appears in this position on the first edition OS (surveyed 1879) marked as Manor Farm, this seems to be a united farmstead replacing an earlier farm with scattered buildings. The farmhouse of Manor Farm survived at this date and was retained (see 2nd edition OS (rev. 1898)). These two buildings appear to have been superseded in the early 20th century by the present buildings on similar footprints, which functioned as a purpose-built commercial stud facility which have since been converted to residential use and renamed Howell Hill Close. Although the Mentmore Stud was not the location where the Rothschilds and the Earls of Rosebery bred their famous racehorses (which was at Crafton, west of the park), it was still a purpose-built commercially operated facility that reflects one of the many facets of the estate, and the continued interest of the Roseberys and Rothschilds in equine matters. The building itself is distinctive and prominently located and makes a

positive contribution to the visual character and historic interest of the proposed Conservation Area, particularly in the approach from Leighton Buzzard.

3.10 In the consultation draft AVDC proposed the inclusion of land to the east of Howell Hill Close. A desktop assessment rather than a visual inspection of this area was undertaken because the land is not accessible from the public domain. The 1923 and 1925 OS maps of the area shows double lines which we interpreted as being double fences flanking tracks. The use of double fencing as a means of moving horses is not an uncommon feature in land used for equestrian purposes. However, your client [REDACTED], the owner of this land, has kindly provided us with photographs that show that the lines on the 20th century map actually represent drainage ditches. In light of [REDACTED]'s photographs, there is now no physical or documentary evidence of a connection between this area of land and the Mentmore Stud, so it will be removed from the proposed Conservation Area designation.

3.11 In para 5.7 you consider that the significance attached to the views between the numerous Rothschild properties and their physical proximity within the Vale is largely based on conjecture. However, it is a fact that a variety of views existed and still exist between the four most prominent Rothschild estates, Mentmore, Ascott, Halton and Waddesdon. These have been identified in several studies including the Waddesdon and Eythrope Parkland Plan 2014 (Historic Environment Associates) and the Buckinghamshire Gardens Trust Site Dossier for Green Park (2014). See Appendix 2 for further information.

4.0 Factual inaccuracies

4.1 In para 5.15 of your submission, you highlight a number of statements that you consider need to be corrected the Council's responses are as follows:

No.	Your Submission	Council's Response
1	The Council have identified Mentmore Stud as Manor Stud	This will be corrected in the document
2	Correspondence dating from 1899 between the Head gardener and Lord Rosebery indicate that rather than being constructed in 1890, the Bothy was constructed in the early years of the 20 th century.	No documentary evidence (such as a photocopy of the correspondence) has been presented to the Council to substantiate this. AVDC would be happy to change the date in the Appraisal, should such documentary evidence be forthcoming. In addition, no evidence has been submitted to suggest that even if the Bothy were later in date than originally thought, that it is of no historical or architectural interest and does not contribute positively to the visual character of the proposed Conservation Area.
3	Section 3.7 of the Appraisal makes reference to views towards the village from the railway as being a 'key design	We stand by this comment as the view from the railway (which predated the park) was always visible (even if sometimes sporadically between

	<p>view'. There is no evidence to support this assumption and the view would have been heavily obscured by over 350 elm trees felled in 1970s due to disease.</p>	<p>trees) as is indicated by the historic mapping and remains evident today. Initially the towers and upper levels of the mansion were more visible, latterly above the maturing pleasure ground trees. From the 1890s the view included the domed conservatory, after its construction. The East Park formed the frame in front of it with the fields to the east, now in ██████████'s ownership as the setting. The view is noted in the Journal of Horticulture Cottage Gardener (15th March 1900) 'It is probably a fact, however, that hundreds of persons interested in gardening, and thousands of the general public, are not aware that an admirable view of the range of fruit houses at the top of the vegetable garden can be had from the train as it passes Cheddington Station on its northward journey. Many times, has this garden been remarked upon by travellers who have speculated as to the ownership of the estate.'</p>
4	<p>In section 4 pg.17 the Council state that <i>'there has been very little visual intrusion into the mid-19th century designed views both to and from the site,'</i> despite the fact that Cheddington, Wing and Leighton Buzzard have all expanded significantly over the 20th and 21st centuries.</p>	<p>These 20th/21st century additions are, surprisingly, not significant in views relating to the Conservation Area.</p>
5	<p>In Section 4 pg. 21 the caption to an 1898 OS map incorrectly states that <i>'grey shading indicates the extent of the designed landscape.'</i></p>	<p>Grey shading on historic OS maps is by convention taken to mean that it was parkland pasture when surveyed and thus part of the designed landscape</p>
6	<p>Questioning intervisibility between Rothschild properties</p>	<p>Please refer to para. 3.11 of this document.</p>
7	<p>In section 9.6.3, the appraisal states that No. 29 The Green was lived in by an important estate staff member. The property was in fact used as an estate workshop and only converted to residential use in the late 1970s.</p>	<p>If you would be kind enough to provide us with documentary evidence of this, the Council would be very happy to incorporate this information into the final appraisal document.</p>
8	<p>In section 11.2.12 pg. 78 the appraisal</p>	<p>The term, 'survives intact,' refers to this area</p>

	document states that the North Park survives intact.	surviving without irreversible development and with its historic character still discernible. It has obviously suffered losses, but has not been irreversibly developed.
9	Manor Farm was demolished and Stud Farm was built in its place between 1914 and 1920.	This information will be incorporated into the final Appraisal document.
10	The stud paddock divisions are drainage ditches not double boundaries for moving horses.	As with all initial Conservation Area work, this interpretation was based on what could be seen from the public domain, publicly available sources such as Google Earth and from OS mapping. Following the presentation of additional information from [REDACTED], the Council is happy to alter this statement to reflect the fact that what we had thought were paddock divisions are in fact ditches. Regarding the use of the stud please refer to para 3.9 of this document. The Council will also suggest an amended boundary to exclude the area south-east of the stud farm buildings while leaving the buildings within the proposed Conservation Area., see para. 3.10 above.
11	Howell Hill Close dates from 1914 to 1920, not as stated within the draft appraisal as 1879.	See point 9

5.0 The proposed boundary will lead to a restrictive designation inconsistent with the correct management of the agricultural land which the land to the extended area comprises.

5.1 As you outline in para. 2.14 of your submission *‘agricultural use of land falls outside the planning framework and is not affected by designation as a Conservation Area.’* In other words, the designation of a Conservation Area, will not change the permitted development rights accorded to agricultural land contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the designation of a Conservation Area will require notification of the intention to undertake works to trees to be submitted to the Council. This requirement is not designed to restrict the correct management of the trees, but the Council does appreciate and acknowledge that complying with the requirements will involve owners of trees within Conservation Area in additional administration. In order to alleviate the burden of submitting a notification for every single tree, in situations where there are sizable areas of trees, national planning guidance advice is for one notification to be made that covers a programme of works during a specified period, this may be one year or more depending on work plans.

Appendix 1

Dr. Sarah Rutherford	<ul style="list-style-type: none">• English Heritage Register Inspector (1996-2003)• Head of English Heritage Register of Historic Parks and Gardens (2000-2003)• Historic Environment Consultant specialising in designed landscapes (2003 - present)• Icomos UK Cultural Landscapes Committee member until 2018• PhD (De Montfort University, 2003)• MA (Conservation Studies, York University, 1992)• Dip. Hort (Kew) (Royal Botanic Gardens, 1987)
Geoffrey Huntingford	<ul style="list-style-type: none">• BSc (Hons) Town and Country Planning 1976• MA Architectural Conservation, 1999• Conservation Officer 1978-85• Planning Consultant in private planning practice 1985-2015• Member of Royal Town Planning Institute 1978-2015• Member of Institute of Historic Building Conservation 1998-2015

Appendix 2 INTERVISIBILITY BETWEEN ROTHSCHILD PROPERTIES IN VALE OF AYLESBURY

Appraisal for Setting Study, Mentmore Park and Village

Maria Medlycott, 2018, Place Services

MENTMORE VILLAGE

Good views to Ascott House and gardens from Mentmore Green (and probably from the roof and upper windows of Mentmore). Wide views of the Ascott Estate.

Views south to Chiltern escarpment, including the upper levels of Tring Park.

Reciprocal views from all these sites to Mentmore:

ASCOTT HOUSE

Clear views to Mentmore House, gardens and estate.

Distant views south to the Chiltern escarpment.

ASTON CLINTON PARK/GREEN PARK

Views along the valley to Halton House and estate; eastwards to the Tring estate on the Chiltern escarpment, distant views from the estate towards Mentmore.

HALTON HOUSE

Views along the valley towards Aston Clinton Park/Green Park and the Tring estates on the Chiltern escarpment; views to Waddesdon from mansion. Panoramic views from upper slopes to Mentmore and Waddesdon.

TRING PARK

The house is in a valley and views are limited, however the estate has extensive views from the upper slopes particularly the escarpment edge, towards Mentmore, Aston Clinton/Green Park and Halton House.

WADDESDON MANOR

The boundary adjoins Eythrope and there are views from the estate to Eythrope. Views north-east across the Vale of Aylesbury towards Mentmore and Halton.

EYTHROPE

The estate borders Waddesdon Manor with reciprocal views with Waddesdon estate.

Additional information from Waddesdon & Eythrope Parkland Plan, 2014 (Historic Environment Associates)

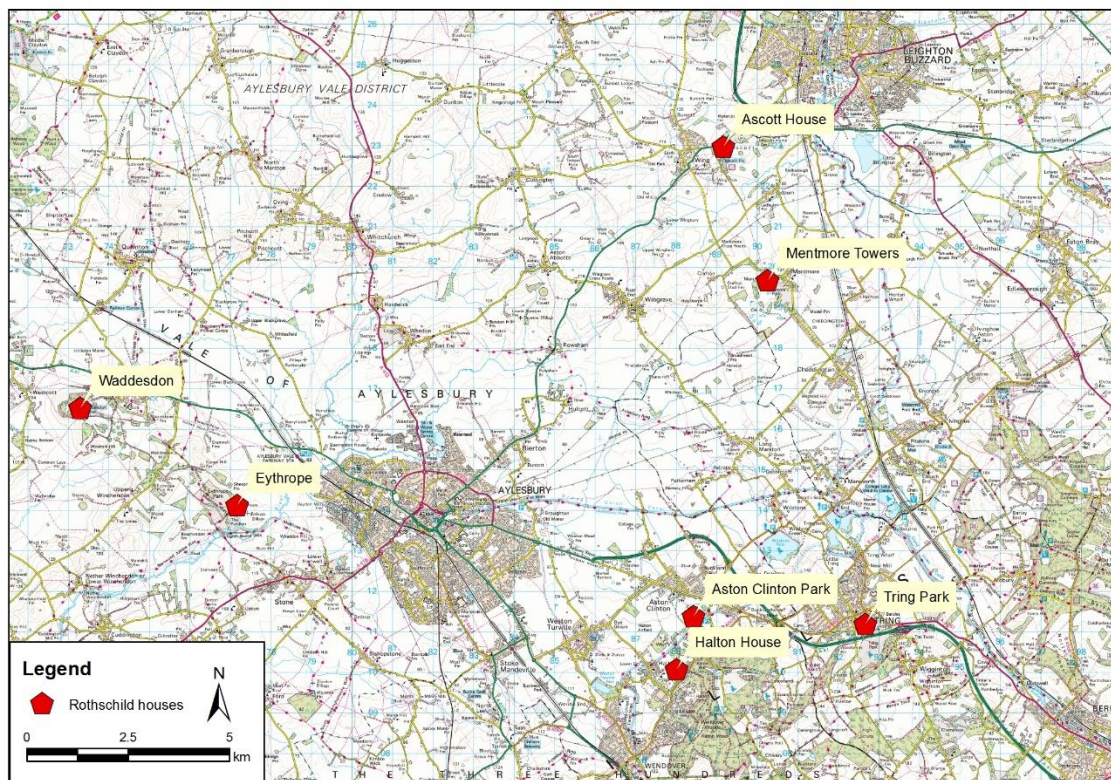
This professional analysis identifies historic views from Waddesdon Manor to Halton House and Mentmore Towers (Figure M7).

Bucks Gardens Trust Site Dossier 2014

Views from Aston Clinton Park (now Green Park) to Mentmore and Waddesdon identified in: http://www.bucksgardenstrust.org.uk/wp-content/uploads/2016/02/Green_Park.pdf

Conclusion

A variety of views existed between the four most prominent houses and their estates to varying degrees: Mentmore, Ascott, Halton, Waddesdon.



Map from Place Services Setting Study, 2018