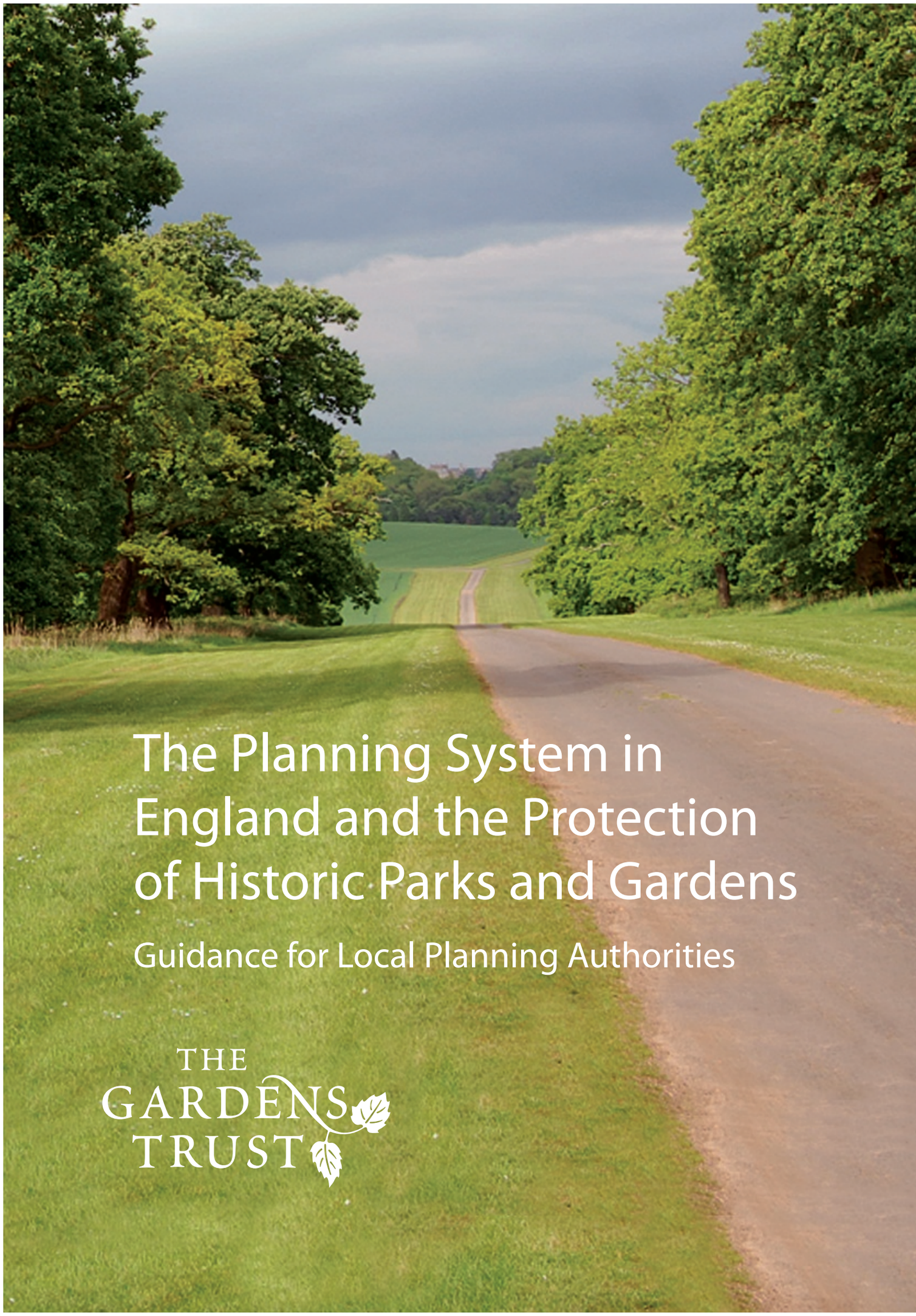


The Planning System in England and the Protection of Historic Parks and Gardens

Guidance for Local Planning Authorities

THE GARDENS TRUST



THE GARDENS TRUST

Yorkshire Sculpture Park.
(Front cover) Chestnut Riding, Grimsthorpe Park, Lincolnshire.
(both) © Steffie Shields.



Historic Parks and Gardens are 'heritage assets' for planning purposes.

Parks and gardens are key components of the historic environment, and take many forms, including public parks, the grounds of historic houses and sites, cemeteries and town squares: what they have in common is that they are all designed landscapes. Some are recognised by national designation, listed on the Register of Parks and Gardens of Special Historic Interest in England by Historic England; others are identified as significant by local planning authorities. These are all 'heritage assets' (having a degree of significance meriting consideration in planning decisions, because of their heritage interest) to which national planning policy applies.

Local Planning Authorities (LPAs) have a range of responsibilities in respect of historic parks and gardens, depending on whether the sites are registered or have been identified as locally important by a LPA.

The Gardens Trust, as the statutory consultee for parks and gardens, plays a key conservation role and supports the County Gardens Trusts in the protection and conservation of designed landscapes.

This leaflet is intended to give guidance on how LPAs' complex responsibilities are met and help LPAs understand the importance of historic parks and gardens.

The Register

There are approximately 1600 parks and gardens on the Register of Parks and Gardens of Special Historic Interest in England (the Register), graded using a system similar to that for listed buildings:

Grade I Sites of exceptional interest (around 9% of registered sites)

Grade II* Particularly important sites, of more than special interest (around 28% of registered sites)

Grade II Sites of special interest, warranting every effort to preserve them (around 63% of registered sites)

Registration is a 'material consideration' in the planning process, and also triggers specific elements of national planning policy *(discussed below)*.

Local lists of parks and gardens of local significance are also material to the planning process *(see Non-designated heritage assets, page 5)*.

Nearly all local authorities in England have at least one registered site.

NPPF Policy and Historic Parks and Gardens

'Designated heritage assets'

The addition of parks and gardens to the Register means that they are subject to a statutory designation, and have the same weight in policy terms under the National Planning Policy Framework (NPPF) as scheduled monuments and listed buildings. In NPPF terms, they are 'designated heritage assets', with those registered at Grade I or Grade II* identified as being 'of the highest significance'.

'Non-designated heritage assets'

As 'designated heritage assets', registered parks and gardens have a high status within the planning system. However, registration is not the only way in which parks and gardens may be recognised. NPPF policy also applies to 'non-designated heritage assets' which are identified by the LPA. These can be identified in a local plan or a local list, or through the process of considering a planning application.

The Register continues to be developed and designed landscapes added, so the identification and careful consideration of non-designated sites by the LPA is rendered all the more important. Local lists identify heritage assets which are valued by the local community as distinctive elements of the local historic environment, and may certainly include parks and gardens. The inclusion of parks and gardens in a local list raises their profile and also brings the benefits of national and local planning policy.



Schoolboys playing football in Wyndham Park, Grantham. © Steffie Shields.

Statutory Consultee Requirements

LPAs must consult:

Historic England in relation to Grades I and II* registered sites

The Gardens Trust in relation to Grades I, II* and II registered sites

Statutory consultation requirements have been in place since 1995 in relation to 'development likely to affect' registered parks and gardens. The requirement for consultation is currently set out in Article 18/Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Before granting planning permission for development, LPAs are required to consult The Gardens Trust and Historic England as set out here and as explained in detail at

http://planningguidance.planningportal.gov.uk

NPPF Policy Requirements: HERs

Further important requirements for LPAs (this time found in the NPPF policy) relate to Historic Environment Records (HERs).

LPAs 'should either maintain or have access to' a HER, and should use it and other sources to inform their evidence base about the historic environment in the area *(NPPF, para. 169)*.

LPAs should also 'make information available about the significance of the historic environment gathered as part of plan making or development management publicly accessible', and deposit with the HER is an effective way to achieve this *(NPPF, para. 141)*.

Applicants for planning permission should consult the HER *(NPPF, para. 128)*.

The Gardens Trust and County Gardens Trusts

The Garden History Society, which was granted statutory consultee status in 1995, merged with the Association of Gardens Trusts, representing the County Gardens Trusts of England and Wales, to create The Gardens Trust in July 2015. The Gardens Trust has continued in the role of statutory consultee. The Gardens Trust's conservation team, working closely with volunteers in the County Gardens Trusts, assesses planning applications related to registered gardens and landscapes in England and Wales.

The Gardens Trust sends to the County Gardens Trusts (CGTs) on a weekly basis a list of all the conservation consultations logged by The Gardens Trust, consisting mainly of planning applications. The CGTs, as members of The Gardens Trust, may respond to applications in consultation with The Gardens Trust. A CGT response may however be independent of a response from The Gardens Trust.

The consultation requirement is triggered by any development proposal which affects the registered site; this may be at some distance, and have no physical connection with the registered site. Each application should therefore be considered carefully for its potential impact on designed views into, as well as from, the landscape and setting. Making appropriate consultations not only fulfils the statutory requirements (and thereby reduces the risk of any permission being challenged) but allows the application to be considered by experts in the field.

The Gardens Trust, a statutory consultee, may also be able to offer advice or support on particularly important cases: contact **consult@thegardenstrust.org** The Gardens Trust also produces guidance specific to the conservation of historic parks and gardens available on its website: **www.thegardenstrust.org** Many CGTs also research local parks and gardens, and may have supported the preparation of a local list, or may be able to do so. Some also actively undertake projects to conserve historic parks and gardens. CGTs can be contacted for their gazetteers of historic parks and gardens and/or for their knowledge of historic parks and gardens of local significance. The CGTs have had the opportunity of a multi-year training programme in the significance of heritage assets and in responding to planning applications, funded in part by Historic England.

Details of your local CGTs are available from The Gardens Trust website:
www.thegardenstrust.org

How NPPF policy applies when dealing with Planning Applications

Understanding Significance

The NPPF policy requirements set out *(above)* identify clear duties for LPAs dealing with pre-applications which affect the historic environment, with specific reference to parks and gardens. These issues relate equally to pre-application discussions.

NPPF policy is based on the concept of **significance**, or the **'value of a heritage asset to this and future generations because of its heritage interest'**: NPPF defines this interest as comprising historic, archaeological, artistic and architectural interests and any or all may be relevant for the park or garden, or features in question, whether designated or not. The relative importance of these interests should be determined both within the site and by comparing them with other parks and gardens, and a conclusion drawn as to the site's significance. The impact of the proposal on that significance should then be assessed, and NPPF policy applied.

NPPF terminology is used throughout this leaflet, but it is important to note that different terminology may also be used to describe significance, for example, the Historic England Conservation Principles approach, which defines a range of 'values' equivalent to the NPPF's 'interests': see *Conservation Principles, Policies and Guidance* at **www.historicengland.org.uk**

The NPPF further advises that significance 'derives not only from a heritage asset's physical presence, but also from its setting'. Gardens and designed landscapes can be important as settings for other heritage assets such as listed buildings: **www.historicengland.org.uk** – *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*.

Understanding the significance of a park or garden, and assessing the impact of a proposal upon that significance, is essential in the application of NPPF policy. The various actions required by the applicants and the LPA in support of this are listed under **Determining Significance** *(page 9)*.

Determining the significance of a park or garden, or elements of it, involves firstly understanding its evolution and fabric, and then determining the interests it demonstrates, using input from consultees and other experts, desk-based research using historical maps and other sources, and field-based research which looks at various features on the ground.

Determining Significance

Action by the applicant and advisers

The applicant is required to describe the significance of any affected park or garden *(NPPF, para 128)*. This will involve both historical research and analysis, to produce an assessment of significance and impact upon it; 'heritage impact assessments', or similar, should be checked for their compliance in this regard before an application is validated.

The applicant should at the very least have consulted the National Heritage List for England (NHLE): **www.historicengland.org.uk**; Parks & Gardens UK: **www.parksandgardens.org** and their local HER.

Action by the LPA

Notification: The LPA must notify planning applications affecting registered parks and gardens to Historic England (Grades I and II*) and The Gardens Trust (Grades I, II* and II).

Assessment: The NPPF advises on the consideration to be taken into account in making a decision, with 'great weight' to be given to conservation of designated heritage assets. By considering the significance of a park or garden, and the impact of a proposal upon it, the LPA must determine whether the proposal will result in 'substantial harm to or loss of' a heritage asset, or 'less than substantial harm', and apply the relevant policy accordingly. It should be noted that 'substantial harm to or loss of a Grade II ... park or garden should be exceptional' and, in respect of Grade I or II* parks or gardens, 'wholly exceptional' *(NPPF, para. 132 –134)*.

LPAs should also carefully consider the effect of an application on the significance of a non-designated heritage asset, and make a 'balanced judgment' with regard to the scale of any harm or loss and the significance of the heritage asset *(NPPF, para. 135)*.

What are the interests demonstrated by the park or garden? What is the impact of the proposal upon them?

The LPA should give careful consideration to the applicant's submission, input from consultees and other experts and be satisfied that appropriate desk-and field-based assessments have been undertaken. The LPA is required to undertake its own assessment of significance, and the impact of the proposal upon it *(NPPF, para. 129)*. Consideration should also be given to consulting the local County Gardens Trust on applications relating to both registered and locally listed parks and gardens and others with relevant HER information, and engaging with local communities on what is important to them *(see The Gardens Trust and County Gardens Trusts, page 7)*.

There are a wide range of other planning tools to be considered in the protection of historic parks and gardens, ranging from other areas of policy (e.g. countryside, open space, landscape designations, green belt, design, and local green space), to more specific tools relating to other designations (e.g. controls relating to listed buildings, scheduled monuments, conservation areas, trees, playing fields, and nature conservation designations).

Dissemination

The NPPF also requires LPAs to make information gathered about the significance of the historic environment publicly accessible, perhaps through its deposit with the HER *(NPPF, para. 141)*.

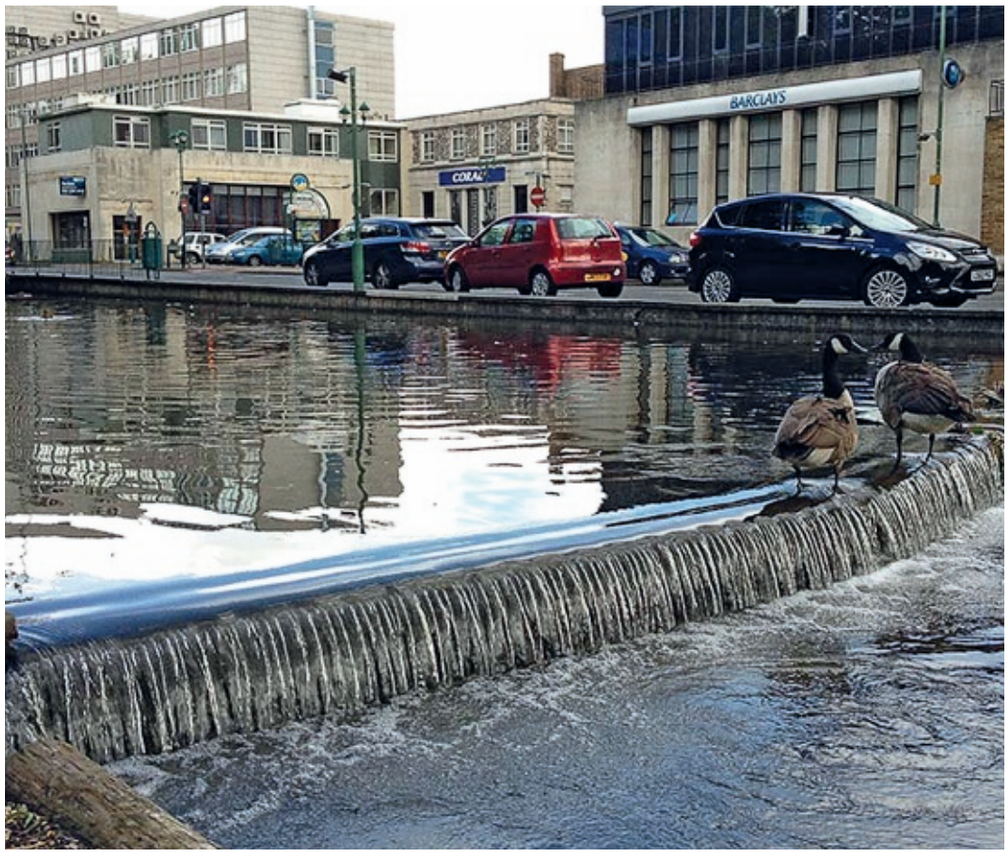
Historic Parks and Gardens and wider Planning Policy

LPAs also have parks and gardens related responsibilities in respect of planning policy.

Parks and gardens are obvious candidates for inclusion in Local Plans' 'positive strategy for the conservation and enjoyment of the historic environment' but, sadly, are often the heritage assets most at risk through neglect, decay or other threats' *(NPPF, para. 126)*.

Local Plans should contain strategic policies to deliver the conservation and enhancement of the historic environment *(NPPF, para. 156)*; again, parks and gardens should be considered within this.

Parks and gardens can also usefully be identified for inclusion within 'local lists'; the local CGTs may have published and supplied to their LPA gazetteers of parks and gardens of local significance, or may be able to assist in undertaking the necessary research. See **www.thegardenstrust.org** for a list of County Gardens Trusts.



Water Gardens, Hemel Hemstead. © Dominic Cole.

Historic parks and gardens are 'heritage assets' for planning purposes

An assessment of significance is an essential element of planning applications affecting the heritage environment

This leaflet describes the roles of:

The Gardens Trust as the statutory consultee for historic parks and gardens

The LPAs in assessing significance of heritage assets

The County Gardens Trusts in providing essential local knowledge



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