

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

Guidance for Local Planning Authorities

THE
GARDENS
TRUST





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 (CGTs) 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 over 1700 parks and gardens on the [Register Parks of 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.

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

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

NPPF 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 - Guidance - GOV.UK (www.gov.uk)** 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.’



Derelict Little Temple, Temple Newsam, 2015 (Upgraded to Grade II 2016).*
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‘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. Non-designated heritage assets may be 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.

Statutory Consultee Requirements

LPAs must consult:

The Gardens Trust in relation to Grades I, II* and II registered sites and also **Historic England** in relation to Grades I 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 must consult the Gardens Trust and Historic England as explained in detail at <http://planningguidance.planningportal.gov.uk>

NPPF and Historic Environment Records (HER)

The NPPF requires LPAs to:

- 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. 198*).
- make information about the historic environment, gathered as part of policy making or development management, publicly accessible (*NPPF, para. 199*).

Applicants for planning permission should consult the HER (*NPPF, para. 200*).

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 CGTs 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 CGTs, assesses planning applications related to registered gardens and landscapes in England and Wales.

The CGTs, as member organisations of the Gardens Trust, work in partnership with it in respect of the protection and conservation of registered sites and are authorised by the Gardens Trust to respond on the Gardens Trust's behalf in respect of such consultations. 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. Please send statutory planning application consultations to casework@jcnas.org.uk Statutory consultation with the Gardens Trust is a different process from notification of the other members of the Joint Committee of National Amenity Societies (JCNAS). Whilst you may wish to use the same communication for both statutory consultation of the Gardens Trust and notification of JCNAS members for any one planning application, any statutory consultation for the Gardens Trust should be clearly flagged as such, with the Gardens Trust clearly named as an intended recipient.

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 identification of non-designated heritage assets, 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

Applying the NPPF

Understanding Significance

NPPF policy is based on the concept of **significance**, stating that heritage **‘assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’** (NPPF, para 195). Significance may relate to 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 the NPPF applied.

NPPF terminology is used throughout this leaflet, but it is important to note that different language 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/advice/constructive-conservation/conservation-principles/

The NPPF further advises that the significance of heritage assets includes **‘any contribution made by their setting’** (NPPF, para 200). Gardens and designed landscapes can be important as settings for other heritage assets such as listed buildings: www.historicengland.org.uk/advice/planning – The Setting of Heritage Assets, *Historic Environment Good Practice Advice in Planning Note (Second Edition)*, published 22nd December 2017.

Understanding the significance of a park or garden, and assessing the impact of a proposal upon that significance, is essential in the application of the NPPF.

The NPPF relates equally to pre-application discussions.

Determining Significance

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.

Action by the applicant and advisers

The applicant is required to describe the significance of any affected park or garden (NPPF, para 189). 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/listing/the-list/ 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 (from its alteration or destruction, or from development within its setting), or ‘less than substantial harm’, and apply the relevant policy accordingly. It should be noted that ‘substantial harm to or loss of Grade II registered parks or gardens should be exceptional’ and, in respect of Grade I or II* registered parks or gardens, ‘wholly exceptional’ (NPPF, para. 206).

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. 209).

What are the interests demonstrated by the park or garden (see page 8)?

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. 201).

Consideration should also be given to consulting the local CGT 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).



Schoolboys playing football in Wyndham Park, Grantham.

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Historic Parks and Gardens and Local Plans

LPAs also have parks and gardens related responsibilities in respect of planning policy. Parks and gardens should be included in Local Plans as part of a 'positive strategy for the conservation and enjoyment of the historic environment (NPPF, para 196)'. Local plans should be 'shaped by early, proportionate and effective engagement between plan makers...and statutory consultees' (NPPF, para 16).

Within the LPA's strategic policies should be provision for the conservation and enhancement of the historic environment highlighting parks and gardens amongst natural and historic assets (NPPF, para 20). All registered parks and gardens (as the register is a national designation set up by statute) and regionally and locally important 'non-designated' historic landscapes should be included.

Locally important parks and gardens can also usefully be identified for inclusion as non-designated heritage assets; the local CGTs may have published and supplied their 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 CGTs.

Green Infrastructure and Climate Change Adaptation

The valuable role of historic parks and gardens in green infrastructure planning policy is well established. Sites should be identified and appropriately protected and enhanced as part of policy making and planning decisions. The Defra *25 Year Environment Plan* (published 11 January 2018), sets out government goals for improving the environment and these specifically include 'Enhancing beauty, heritage and engagement with the natural environment' to make sure that there are high quality, accessible, natural spaces close to where people live and work...and encouraging more people to spend time in them to benefit their health and wellbeing www.gov.uk/government/publications/25-year-environment-plan.

The survival of the historic environment, which has adapted to environmental challenges over centuries, is a source of essential knowledge in future strategy decisions which seek to mitigate and adapt to climate change. Equally, the potential vulnerability of heritage assets should be considered in the context of wider development programmes.

Historic parks and gardens may be '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

LPAs in assessing significance of heritage assets

County Gardens Trusts in providing essential local knowledge



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