

Responding to Planning Applications affecting Historic Designed Landscapes: Approaching the Application Step-by-Step

Introduction

These notes can be read in conjunction with Campaign for Protection of Rural England's (CPRE) *How to Respond to Planning Applications – an 8-step guide* <https://www.cpre.org.uk/resources/how-to-respond-to-planning-applications/>.

CPRE's 8-step process for approaching a planning application is a very useful guide and helps ensure a considered and careful approach. However, there are points to think about specifically or particularly because you are setting out to consider the impact of, and perhaps respond to, an application that might affect a historic designed landscape.

The Gardens Trust (Garden History Society) Planning and Conservation Advice Note (PCAN) Appendix 2 needs some updating but nevertheless can be invaluable in guiding the sort of questions you might consider in weighing up an application. Don't think you have to be able to answer all the questions it raises – be aware of the content of this PCAN Appendix and consider and use what is most helpful to you. It is available for free download at <http://thegardenstrust.org/conservation/conservation-publications>

STEP 1: Look at the application **[Please read Step 1 in the CPRE booklet first]**

This is an important step in the process so it is worth taking a bit of time over. Keep notes as you go through the application and supporting papers so that you don't have to go over and over them hunting for that elusive sentence!

There are of course many ways in which a historic designed landscape can be damaged by development. Some of these might well be the best outcome possible in certain circumstances but there are still potential knock-on effects on the landscape e.g. in a conversion of a derelict principle house into flats; the flats will have ancillary needs such as access, parking, possible sub-division of the immediate grounds to form private sitting areas etc, all of which might potentially damage the integrity of the site.

You need to ensure that the application and accompanying documents from the developer give you enough information to assess potential impacts on the landscape, from the perspective of overall character and constituent features.

1. Liaise with the Gardens Trust and Historic England

The Gardens Trust employs a Conservation Officer whose remit is specifically not simply to respond to planning applications on the GT's behalf, but to do this in close liaison with County Gardens Trusts. Depending on the details of the case and your CGT's capacity to tackle it, the GT Conservation Officer may ask whether you are able to respond on behalf of both your CGT and the GT (perhaps by citing the GT in your letter), may offer guidance on your letter, or may ask for the benefit of your local knowledge in writing the



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GT's comment letter. Of course, you may also entirely disagree on the impact of a proposal! In any case, do make contact with the Gardens Trust Conservation team early on in a case, via margiehoffnung@thegardenstrust.org.

Do also consider making contact with the regional office of Historic England, perhaps trying the regional Landscape Architect in the first instance. If the site is Registered at Grade I or II* they will already have been notified. If the site is Grade II or unregistered Historic England are unlikely to get involved, but many of their regional staff do nevertheless appreciate hearing about these applications so as to help build a bigger picture of development threat in their area.

2. Application form

Look through the **basic application form**. In particular, look out for whether there has been a pre-planning consultation. This could have involved conservation officers and indeed possibly Historic England, and it is worth bearing in mind, in this sort of situation, that a lot of issues will have been carefully picked over at that stage and compromises might have already been agreed. This might affect how much impact you can make – but the application is not necessarily a 'done deal' if you realise you have strong concerns.

3. Supporting maps and drawings

Look particularly at the maps and drawings accompanying the application – locate which area of identified historic landscape might be affected. Using aerial mapping systems such as GoogleEarth can help to visualise the area prior to a visit. Use Ordnance Survey maps to give you a wider picture. Site elevation drawings give you an idea of the bulk and materials proposed.

4. Design and Access Statement

With a few exceptions, a **Design and Access Statement** should accompany most applications that will be of interest to Gardens Trusts. These are very useful documents as they *should* offer interpretation of the key issues arising from the application, flagging up historic elements of the buildings and landscape, and laying out the arguments for whether harm might be caused, what has been done in mitigation of this, and what alternatives have been considered. (For a good guide to what you might look for in these statements, refer to Part 3 of *Design and Access Statement Guidance* produced by CABE – <http://www.designcouncil.org.uk/resources/guide/design-and-access-statements-how-write-read-and-use-them>).

5. Heritage Impact Assessment

For more complex applications, the supporting documents might include a **Heritage Impact Assessment**. This report, usually produced by consultants employed by the client, lays out exactly what the title suggests: what impact they consider the development will have on heritage assets. It is hugely useful to focus on this and begin to think about whether they have addressed the potential for harm to the landscape. You don't have to decide your position at this point, but note salient points that they make that you want to check as you consider the application further. Also note if particular recommendations have been made by independent consultants employed (e.g. local archaeology societies) and whether these have been picked up in the design for the development proposal.

6. Development history

Look out for whether this is a **re-application** – it might be the case that it is a resubmission of a proposal previously turned down. If this is the case, you should find reference in the application's supporting documents as to how the previous concerns are now thought to have been addressed. The GT Conservation Log may have a record of how the Gardens Trust has dealt with this site in the past – email conservation@thegardenstrust.org to ask. If necessary, you should be able to find the

papers relating to previous cases by carrying out a property search on your Local Planning Authority's (LPA) planning website, or you might need to contact the named planning contact on the application. This will help give you a bigger picture of the developer's intentions, show the planning officer's previous concerns, and allow you to consider whether those concerns have now been addressed in the new application. Of course, the new application could have new or more serious implications for the historic environment.

7. Setting

The development might be outside the historic landscape, and at some distance, but have considerable visual impact from within the landscape. It might only have visual impact on one particular area. Using OS maps and/or aerial views, consider the area affected both from the perspective of standing at different points in the landscape and outside of it looking in or across it. Often the drawings and plans accompanying the application will help with this, and may also include photographs. These will have been interpreted by the developer, or consultants, for the purposes of supporting their application so consider whether they have omitted to mention something or put too positive a spin on the issues. There is guidance on Setting on the HLP Resource Hub at <http://thegardenstrust.org/conservation/hlp-hub/>.

8. History and significance of the heritage asset

Consider the history and significance of the site itself: what do you know about it? For example, do you have scant information, a good overview, or a full Historic England Parks and Gardens Register entry on the Heritage List? With luck, your CGT researchers will already have written Statements of Significance for the site and lodged them either on your CGT website or, even better, on your county's Historic Environment Record.

Under the National Planning Policy Framework (NPPF), paragraph **189** the historic significance of a site should have been explored by the developer but the *minimum* that they are asked to do is to check the local Historic Environment Record (HER) – if the site is not included on the HER, it may well be the case that the developer stops there in their efforts to tease out any historic significance. [The glossary to NPPF defines significance as *the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*]

If you do not think that the applicant has given sufficient information on the site (ie it's not proportionate to the asset's importance), contact the planning officer named in the application as soon as you can to make clear this omission. If the missing information is considerable, the planning officer may delay the application whilst further information is sought.

There is guidance on Significance on the HLP Resource Hub at <http://thegardenstrust.org/conservation/hlp-hub/>.

9. Research the site

If you feel that there might be some greater significance of the site than is reflected in the application, you will need to do further digging on at least a basic level in order to consider whether you want to object to the application or not. Ideally, your CGT will have a research team who may be able to help or already have information, but if not, you will need to do a proportionate amount of research yourself:

- i. If you only have scant information you could do a swift desktop survey. Look at the old Ordnance Survey maps for the site and if possible, check with your local studies library or archive to determine if they have estate maps and other supporting documentation that might indicate its historic value. Also, check

- whether anyone else in your CGT knows the site – there might be an e-mail circulation list that your CGT could use or develop for this purpose.
- ii. Check to see if the potentially affected site includes any Listed Buildings or Scheduled Monuments. These should certainly be flagged up in the application if so. Use the National Heritage List at <https://www.historicengland.org.uk/listing/the-list> to check, and use the entries as appropriate. This could include useful information on sources and historical background. The government mapping site MAGIC - <http://magic.defra.gov.uk/> - is also great for this as you can see designated assets in a radius around the development site.
 - iii. You could check the following source books:
 - Desmond, R *Bibliography of British Gardens* (1984)
 - Holmes, M *The Country House Described* (1986)
 - Colvin, H A *Bibliographical Dictionary of British Architects* (1995)
 - iv. Check the *Heritage Gateway* online - <http://www.heritagegateway.org.uk>. This also includes the *Parks & Gardens UK Database*. Often, simply searching on Google or similar will take you directly to mentions of the site in the *Victoria County History* and similar.
 - v. Remember, be proportionate in your efforts.

10. Check management plans

Are you aware if a **Historic Landscape Assessment (HLA)** or **Conservation Management Plan (CMP)** has been done for the site (often known as a **Parkland Plan** if undertaken for Natural England)? It might have been mentioned in supporting documents for the planning application. Whilst there is currently no central repository for CMPs, the Gardens Trust does maintain a list of CMPs with an indication of where they can be found and this can be downloaded for free from <http://thegardenstrust.org/conservation/conservation-management-plan-project/>. (Please let the Gardens Trust know if you find a CMP that is not already on the list, so that they can add it.)

CMPs and HLAs are commissioned for both Registered and non-Registered landscapes. They can give you invaluable information on what is important or significant about a site and sometimes indicate areas less sensitive to developments. Maps showing key views and vistas should also be included. It is to be hoped that such a document would be referred to in the planning application but this cannot be relied upon.

11. By this stage you will have

- noted the deadline for comments on the application
- made contact with the Gardens Trust Conservation Officer, and possibly also Historic England
- gained an accurate picture of the location of the application
- an impression of the scale of the development
- an understanding of the purpose or type of development and whether there are likely to be knock-on effects on the landscape
- noted what, if any, designations there are on the site or features within it or nearby
- an understanding of the scale and significance of historic landscape (in whole or part) which might be affected and an idea of whether your CGT might need to explore this a bit further
- a set of notes on the key points of the application and supporting documents
- notes of any questions that the application has raised for you for which you want to seek answers
- contacted your local conservation officer if you want to discuss the issues that the application raises or omissions in the application

STEP 2: Visit the Site **[Please read Step 2 in the CPRE booklet first]**

1. Consider all potential access and viewpoints

Whilst you might not be able to gain access to the actual site of the proposed development, do make sure that you make full use of public roads and footpaths. These can often afford views into and across the landscape, and it is possible that these views *into* the landscape were specifically designed as such. You might decide you need to visit neighbouring historic landscapes which might be affected by the scheme and pinpoint whether the development would be detrimental from that perspective.

2. Keep a record

Make notes and take photographs where possible – these will be useful when considering your approach, and you might even want to include photographs in your response to clarify your point. If you have time, it can be useful to visit a site where a similar development has been carried out – this might give you a better idea of how the proposal might work, or not work. You might be able to ask another member of your trust to visit on your behalf if you do not live near e.g. to answer questions such as ‘Would a 20m mast be visible from the northern boundary along the key view?’

3. Consider your relationship with the owner

Your CGT might have a good relationship with the owner of a site - this is worth taking into consideration. If the development appears to be potentially detrimental to the landscape, such relationships might allow discussion with the owner on how this might be mitigated or averted. Such discussions are, of course, matters of some diplomacy so should be carefully thought through in terms of what you want to achieve and what the possible outcome might be.

4. Communicate with your CGT Committee

Either way, you should let your CGT Committee or other appropriate person know that you are examining the application if you think that there might be politics involved or if you think that it is likely to be an application of some significance so that they can also start to consider the CGT stance on the application based on your information.

5. By this stage you will have

- a good mental picture of the site
- photographs of the site if accessible
- photographs, sketches etc of affected areas or the setting
- annotations on application drawings showing areas of note
- notes of any ideas which might help mitigate the impact of the application
- notes of any conversations held when visiting e.g. with local people
- spoken to your CGT Committee or appropriate lead CGT member regarding the application and the results of your enquiries to date

STEP 3: Decide on your position **[Please read Step 3 in the booklet first]**

1. Consider the Conservation Principles

In deciding what to do you should consider what it is about the affected site that is *significant*. If the site is on the national Heritage List or indeed a local list, its entry may already include a Statement of Significance. Alternatively, your CGT’s researchers may already be working on Statements of Significance for your site. If there is no existing Statement of Significance, you will need to have a go at determining the site’s significance yourself. The HLP Resource Hub at www.thegardenstrust.org has

Significance guidance, as does the HE publication *Conservation Principles – Policy and Guidance for the sustainable management of the historic environment* (2008) – see particularly pages 35-40. Pages 43-48 present approaches to managing change to significant places.

2. Heritage values table

You can use a basic table to do a 'quick and dirty' assessment, enough to get the discussion going. There are Significance training materials on this on the HLP Resource Hub but, in essence, it's a mechanism to consider how and to what extent the whole, or parts of, the heritage asset exhibit the values that HE have identified as giving an asset its significance. You can do this roughly, or not use it at all – be proportionate in the use of your time.

Feature	Evidential (potential of a place to reveal new info)	Historical (association with historical person/ place or illustrates historical point or narrative)	Aesthetic (sensory and intellectual interest)	Communal (commemorative, social or spiritual)
Fieldtree Park				
Lake				
Temple				
Kitchen Garden				
View to tower				

3. Questions to ask about the designed landscape:

- What impact will the development have, and on what part of the site?
- If it affects part of the site *only*, what role does that part play in the site as a whole? For example, does it contribute to the overall character of the site?
- Does the development proposal affect a vista, view or sightline?
- Is the feature affected mentioned specifically in the Register entry or entry on local lists of heritage assets or similar?
- How rare is the site or affected feature, locally or nationally?
(The Register entry could give you a good idea of this – being designated on the Register already puts the landscape in the small group of nationally important landscapes. Using the 'advanced search' facility on the www.parksandgardens.org database can increasingly pinpoint sites with similar features for comparison; you could also search on the National Heritage List for England at <https://www.historicengland.org.uk/listing/the-list>).
- What associated development might follow if the development proposal is approved? For example, if the principle building is approved for change of use to a hotel, what might follow in terms of visitor amenities? The Gardens Trust (GHS) Planning and

Conservation Advice Note (PCAN) Appendix 1 needs some updating but gives an excellent checklist of the types of associated developments that should be considered for impact on the landscape - <http://thegardenstrust.org/conservation/conservation-publications/>

- Is this one of a series of planning applications for the site? Is there a pattern of gradual erosion emerging?
- Are you aware of other similar developments that have set a precedent? This sort of knowledge might take a while to build up in your CGT but it's worth starting at some point! The precedent might be in favour of your opinion or against it – if against, you will need to consider if you think your new case has any slight differences which could alter the outcome, and choose to emphasise these. To see whether there has been a precedent, you may want to ask the GT's Conservation Casework Manager to check the Casework Log for similar cases – conservation@thegardenstrust.org

4. Contact local authority Conservation Officer

You might want to talk to your local Conservation Officer at this point to gauge their opinion or test out your position. Again, if you do not now think that the applicant has given sufficient information on the site, contact the planning officer indicated in the application as soon as you can to make clear this omission.

5. By this stage you will have

- a more detailed understanding of the scale and significance of historic landscape (in whole or part) which might be affected, if any – so what it is you are seeking to protect
- contacted your local conservation officer if you want to discuss the issues that the application raises or omissions in the application
- notes on ideas or identified ways in which the development design might potentially be altered to have less impact on the historic environment
- contacted your CGT Committee or appropriate lead CGT member regarding the application and your proposed response

STEP 4: Examine the development plan [Please read Step 4 in the CPRE booklet first]

1. Find relevant clauses in Local Plan

Hopefully you or your fellow CGT members will have already had a chance to familiarise yourselves with key documents in your local planning authority's Local Plan, and picked out those clauses particularly relevant to historic parks and gardens, and indeed related topics such as countryside character, visual amenity etc etc. It is helpful to have checked those identified with your friendly local planning authority and ask their advice on whether there may be other areas in the Framework that might support your conservation intentions.

2. Relate relevant Local Plan clauses to this application

Review these clauses and decide whether they are relevant to this specific application. Check to see if the particular site in question is specifically referred to at any point in the plan documents. Again, your local planning officer should be able to help you with this if necessary, or you can use the 'Find' tool on your computer to pick out key words in pdf or Word documents.

3. Consider national planning policy

Also consider key aspects of national planning policy. Currently, the key legislation on which to rely will be particular clauses of the National Planning Policy Framework (NPPF), especially Chapter 16.

4. Consider designations

Consider and bear in mind the designations applicable to the site, not just whether it is a Registered Park and Garden i.e. designations such as Listed Buildings, Scheduled Monuments and Conservation Areas etc.

5. By this stage you will have

- a list of the clauses from your LPA's Local Plan relevant for this application
- a list of the clauses from NPPF particularly relevant for this application
- a note of any other useful clauses from national policy that you might draw upon
- a note of clauses which directly go against the stance you are thinking of taking – and what you might say to counteract this.

STEP 5: Decide what to do

[Please read Step 5 in the CPRE booklet first]

1. Weigh up

Weigh up what you know about the site, what is in national policy and the Local Plan, and, if possible, consider the case in context with others that your Trust has responded to. Is your response proportionate to the proposal? Responses from CGTs will be better received and considered if it is clear that they are proportionate and not knee-jerk reactions, and are part of a series of such considered responses. Choose your battles!

2. If not responding:

If you decide not to respond, keep a record of your investigations anyway, and also record your CGT's reason for not responding. This will help in decision-making on future responses.

3. If offering mitigation:

If you decide to support or oppose the development proposal but want to offer suggestions to mitigate the impact of the proposals, consider these carefully. It may be that all the historic significance of a site is not fully understood – it might be better to suggest that a Historic Impact Assessment or Conservation Management Plan be proposed as a condition of planning consent.

4. Share the responsibility

Ideally, your CGT should have a protocol in place to ensure that the decision to support or object to a planning application does not rest with one individual. Whilst the initial investigations might fall to one person, discussion and decision-making should be shared wherever possible.

5. By this stage you will have

- a reasoned note for the action that you wish to take
- an indication of support or otherwise from your CGT Committee or appropriate lead CGT member regarding the application and your proposed response (if your CGT does not support your stance you may need to consider responding as an individual, depending on your CGT's policy on this).

STEP 6. Put comments in writing **[Please read Step 6 in the CPRE booklet first]**

1. The Gardens Trust's template letters

You are encouraged to use the GT's template letters issued in March 2017 (updated 2019) to guide your response. The HLP planning handouts on 'Be Prepared' and 'CGTs and the Planning System' also offer guidance. All these documents are available in the Planning section of the Resource Hub at www.thegardenstrust.org

2. SSIPP

Essentially, the recommendation is to structure your letter to follow the SSIPP order:

- 1) **Summary:** use the first paragraph to give the details of the application (proposal, site affected, ref numbers)
Also introduce your CGT.
Briefly state your position on this application.
- 2) **Significance:** state the site's significance as relevant to this proposal. Include any appropriate designation (eg whether it's on the national Register, or a local list).
- 3) **Impact:** Describe the proposal's impact on the site's significance. If you wish to suggest mitigating measures, do this here.
- 4) **Policy:** Back up your argument by relating it to national or local policy
- 5) **Position:** Summarise your view, ie whether you are objecting, suggesting mitigation, or recommending for approval. Ask to be kept informed, and express a willingness to speak at Planning Committee.

3. Summary:

Have a standard paragraph prepared as your introduction to explain the objectives of your CGT – succinct, but underlining both interest and expertise in local designed landscapes and therefore your interest in this case. The Gardens Trust's publication *The Planning System in England and the Protection of Historic Parks and Gardens* (2019) contains paragraphs to explain the relationship between the GT and CGTs, and you may wish to use this, or give a link to the online version at www.thegardenstrust.org

4. Significance:

Of course, the historic significance of the site is important but the planning officer will not want a full researcher's report into this. Summarise the key points in a *short* paragraph, emphasising significance at a national and/or local level as appropriate. If your CGT has a referenced researcher's report on the site you can refer to this and point out that more in depth information is available if required. If there is a research report that underpins a site's entry on a local list, and therefore held by the local authority, this should be referred to.

LPA's do not necessarily have a specialist conservation post to consider the impact of developments on historic landscapes. Very often, historic asset expertise is greatest when concerned with listed buildings, scheduled monuments and archaeology. Undesignated landscapes may well be over-looked so the role of the CGTs becomes even more important in these cases and significance should be clearly spelled out.

5. Policy:

Quote clauses in NPPF and Local Plan supporting the position – you could just state the number of the paragraphs or clauses unless you particularly want to emphasise a point made in one of them

You may also wish to quote guidance documents from HE or the GT, or direct the planning officer towards them. Whilst these are guidance only and not binding, they set out good practice and are written to pragmatically balance historic environment protection with the need for considered change.

6. Obtain Committee sign-off for the letter

As indicated throughout these steps, if responding on behalf of your CGT, you should not have to manage this response entirely alone and your CGT should have a protocol for signing off any responses to planning consultations e.g. that the response should be signed off by the CGT Chair or Chair of the CGT Conservation Sub-Committee.

7. Copy your letter to the Gardens Trust

You are likely to have been discussing your comments with the Gardens Trust's Conservation Officer, so make sure they have a chance to see your finished comments. Additionally, send a copy to the GT's Conservation Casework Manager at conservation@thegardenstrust.org so that it can be added to the Casework Log and thus help build a picture of both precedents and also the changing threat to historic parks and gardens.

If your letter is in response to a planning application regarding a Registered park and garden, send a copy to Historic England so they are informed of your position. You might also want to copy in other local or national amenity societies, whose details can be found at www.heritagehelp.org.uk

8. By this stage you will have

- a succinct and reasoned letter to the planning officer explaining your support or objection to the proposal, perhaps with suggestions to mitigate impact or requests for obligations to be imposed if consent is given
- included in your letter a request for a CGT member to speak at the Planning Committee meeting – you might decide in the end that this isn't necessary but if you don't make the request, you won't be able to
- a clear route to ensure that your letter is signed off or otherwise approved by your CGT, or delegated to you to do so on behalf of your CGT, and perhaps have a statement of endorsement of a joint response by the GHS.

STEP 7: Gather support

[Please read Step 7 in the CPRE booklet first]

1. Other organisations

Your CGT will already have a considerable network – use it! If the development proposal is likely to involve other specialist interest organisations, contact them to see if you can muster support. Details of many amenity societies are at www.heritagehelp.org.uk

2. Social media

You may wish to tell the considerable audience on social media of your opinions on the planning application. There is guidance on getting set up on social media on the Resource Hub at www.thegardenstrust.org

STEP 8: Speak at committee meetings

[Please read Step 8 in the CPRE booklet first]

If you are representing your CGT at a Planning Committee meeting ensure that you include a succinct few sentences explaining what the objectives of your CGT are and the skilled members you represent. You should also give as clear an indication of the relative significance of the site as you can, bearing in mind that your audience might well have little understanding of garden history.

Historic Landscape Project

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