

# THE HISTORIC LANDSCAPES ASSEMBLY

## Conservation Update

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Conservation Officer

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Hello, it seems almost unbelievable that here we all are in person. Just brilliant after the past couple of years without seeing any of you lovely people. Even though we have all been beavering away remotely, that doesn't mean that the past year has been quiet – quite the contrary. The planning examples I am going to tell you about demonstrate only too clearly the theme of this year's Assembly.

This short report on what we have been getting up to over the past year comes with warm greetings from the Conservation Team.



Margie



Alison



Daniel



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My name is Margie Hoffnung and I am the Conservation Officer for the GT. In a nutshell, my job is to try to make sure that pretty much all the applications which may harm either the setting or significance of any grade of registered park and garden in England are appropriately responded to. We receive somewhere between 40-60 applications every week, and although not all are horrors, it is pretty relentless as you can imagine.

For those of you who have not had the chance to meet us in person, I thought you might like a glimpse of the faces behind all those emails you receive from us!

Alison Allighan is our Conservation Casework Manager; she assesses all the incoming consultations to try and gauge their potential impact on Registered Parks and Gardens and then liaises with the County Gardens Trusts and myself to ensure the appropriate response is submitted, lodging our official 'no comments' to the Local Planning Authorities where necessary. She also acts as the Conservation Officer for our most northern county areas – Cumbria, Northumbria, Lancashire and Yorkshire.

Our most recent staff member, Daniel Bowles, is our Assistant Conservation Casework Manager and he logs the incoming planning consultations, forward on

details to County Gardens Trusts, and uploads consultation responses to our database. Another integral aspect of his role is planning and creating conservation-based content for the Trust's social media platforms, helping raise awareness of our statutory consultee role and the threats to historic designed landscapes.

With the introductions out of the way I will fill you in on some of the more notable cases we have dealt with over the past year. As always, the outcomes are variable – some successes, a few as yet undecided and sadly a few very disappointing ones.

Let's get the depressing stuff out of the way first and then we can finish on a more positive note!



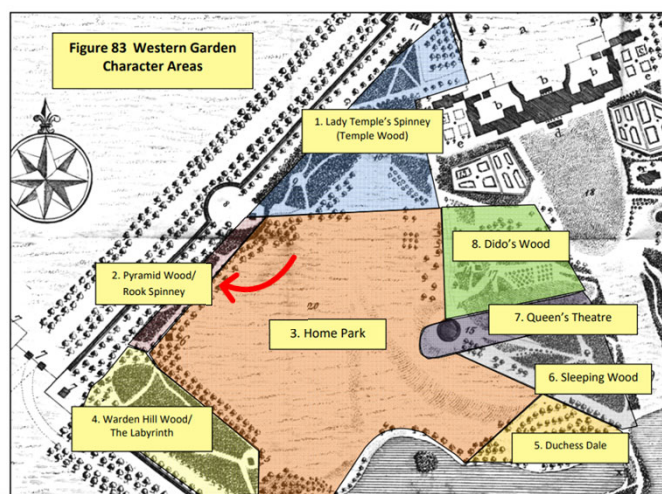
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I think very few people would disagree that Stowe is one the most important landscapes in England. Over the past 18 months or so we have worked closely with Buckinghamshire Gardens Trust to try to stop Stowe School building a Design and Technology building in Pyramid Wood at Stowe, an area specifically recognised in the CMP as being one of the most sensitive parts of the designed landscape which should on no account be developed.

Stowe Western Garden Character Area taken from Sarah Rutherford's *Historic Landscape Analysis & Conservation Statement* for Stowe School



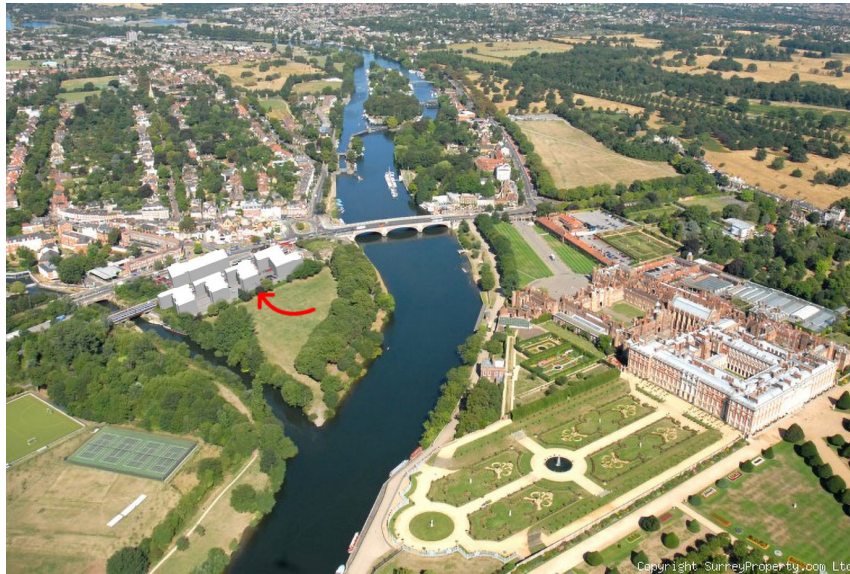
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To orientate you, the main house can be seen towards the top R of the picture, and the approximate area of the application site, Pyramid Wood, is marked by the red arrow.

The Georgian Group, Historic England and the Gardens Trust all objected strongly, as did Buckinghamshire Council's own planning and conservation officers who took the very unusual step of employing an independent expert to give them a second opinion. Regrettably Buckinghamshire Council's planning committee approved the application, ignoring advice from all the conservation bodies and experts. Our request for the decision to be called in was refused because the Planning Inspectorate said that planning matters should be decided at a local level unless of national importance. If Stowe isn't of national importance then it's hard to know what is. Seeking a judicial review would be hugely costly so regrettably we have to concede defeat at Stowe. We are resolved to work more closely with the National Trust's garden team on any future planning applications by Stowe school to achieve a more positive outcome.





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Just as inexplicable, to my mind, is the current status of a large Hampton Court application, colloquially known as the 'Jolly Boatman' site – not so jolly now I am afraid. The application sought to build 97 dwelling units, retail units, an 84-bed hotel, and car parking across the river from HC Palace on an area known as Cigarette Island.

The red arrow gives you some idea of the size of the proposed new complex and its proximity to HC Palace. After a sustained campaign in collaboration with Historic Royal Parks the application was comprehensively turned down by Elmbridge Council in July 2021 but needless to say, has been appealed by the developer.



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Dr Sarah Rutherford led on the case for the GT, producing an Historic Impact Assessment, whose cover illustration graphically shows what the proposals would look like from the Privy Gardens at Hampton Court.

Dr Rutherford appeared at the Inquiry in early July, and to our great disappointment, the Inspector has allowed the Appeal. However, the saga is not quite over yet. To our great delight, Elmbridge Council have challenged this outcome, their barrister basing the claim on whether the Inspector lawfully departed from the advice of Historic England and the GT when granting planning permission for the scheme, giving our comments as statutory consultee similar weight to those of HE. During the Inquiry we wrote to HE urging them to strengthen their earlier objection. Their response clarified and stated their position slightly more strongly and crucially was not seen by the original Inspector. We hope this may lead to a re-run of the inquiry, but we will not know more until mid September.



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Now to turn to an ongoing application which will be of interest to all of you gripped by the tantrums and excitement of Wimbledon this summer. The All England Lawn Tennis Club has bought Wimbledon Park Golf Club and applied to build 38 additional grass tennis courts and an 8000 seater new Parkland Stadium. It's hard to imagine now, but the site is a Grade II\* RPG, designed by Capability Brown and now on the 'at risk' register. The courts & stadium are to the L of the lake on the most recent Master Plan. The rest of the RPG between the two red arrows, is designated as the main part of a new 9.4 ha public park. The crux of the matter is deciding whether the irrevocable loss of some RPG to the new structures is offset by the potential public and heritage benefits. The creation of a totally new 9.4ha parkland in London, on land previously inaccessible to the general public, with permissive general access for around 10 months of the year when the tennis tournaments are not taking place, in our view, constitutes a substantial public benefit. Remodelling the golf course landform, and restoration of many acres of land to something approaching its original CB parkland is another heritage gain. The extremely large lake will be dredged and put back to a close approximation of its original form with a new circular boardwalk reinstating the opportunity to walk right around the lake. This will certainly be a very popular new public benefit. Each of the remaining 41 veteran trees will



have individual management plans, and new planting will be historically appropriate. There is also a long-term landscape plan which will make future management and protection of Wimbledon Park as an historic landscape far more likely.

Our biggest concern is the erection of the new Parkland Stadium whose direct public benefit is open to question as it is undeniably a commercial development. The application has attracted much negative comment, but after lengthy discussions with HE, CB experts & LPGT we have taken the pragmatic view that the likelihood of finding an alternative to fund the enormous heritage improvements and subsequent long-term maintenance of the newly created parkland, is vanishingly unlikely. We have therefore supported the proposals with caveats.



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In the north over the past year, we have seen major restorations and change of use proposals submitted for Bretton Hall (Grade II) and Wentworth Woodhouse (Grade II\*), all ably dealt with by Yorkshire Gardens Trust as well as a major housing scheme immediately adjacent to Dalham Tower (Grade II), in Cumbria and ongoing landscaping proposals for Auckland Castle Park (Grade II\*), in County Durham. However one of the most controversial and longest running cases has been the proposals for a Ryder Cup golf course, golfing centre, executive housing, holiday accommodation etc. which would destroy Grade II Hulton Park in Bolton, and encroach on the adjacent Green Belt and Protected Open Land. Permission was won on appeal in 2020 but the developers have now submitted proposals for a larger scheme which will destroy not only Hulton Park but even more of the adjacent greenspace and open land. Permission was again refused by Bolton Council but in the last few weeks we have learned that the latest Appeal has now been lodged and we can only wait to see what the outcome is. Meanwhile the existing permission is still extant.



Recently we had one of the most extreme cases of unauthorized planning we have ever come across. We were amazed when the Derbyshire Peak District National Park Authority told us what the owners of the Grade II RPG at Thornbridge Hall had been up to during lockdown. Without applying for planning consent they constructed a new two lane access road (shown on the left hand map, in green with black hatching); It's longer than the existing historic drive which you can see bearing off to the L from the new road. They also built a new car park which you can see in the centre at the top of the map, and a café to its left, marked VC. An enforcement notice requiring removal of this unauthorised development has been issued, but the owners have appealed. The new two-lane road runs for its entirety through the historic parkland, disrupting several important designed views, and ends at the sizeable car park which you can see is partially enclosed by massive bunds. The café with its extensive outdoor seating and associated paraphenalia, has been built in part of the former working garden and orchard very close to various Grade II listed statues and structures. The photos speak for themselves.

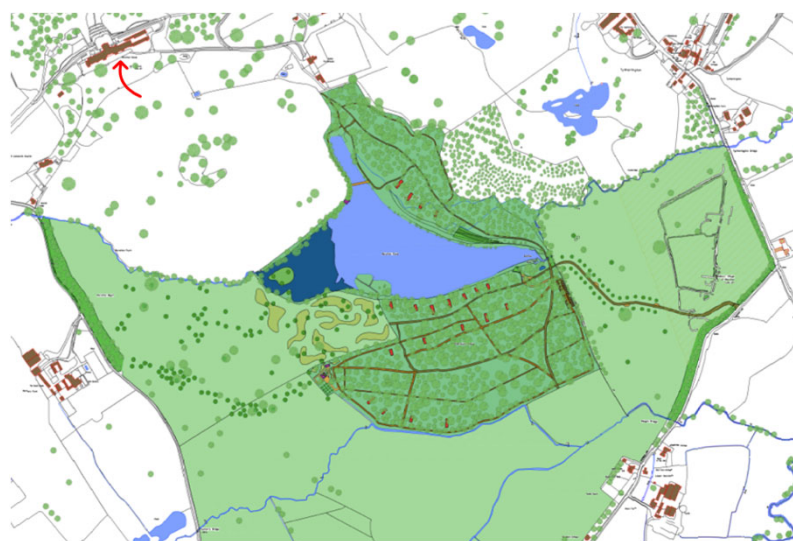
We have objected in the strongest possible terms to the development and we await with baited breath, the public inquiry due to take place in October.



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After these rather negative stories, I thought I should finish on a more cheerful note. For several years we and the Somerset Gardens Trust have been objecting to various iterations of an application to put 20 holiday lodges, and other associated leisure facility buildings, adjacent to the lake at the Grade II registered Marston Park in Somerset. The original masterplan shows the various structures as red blobs dotted around the N & S sides of the lake.

We considered that the development would bring about a permanent, irreversible and detrimental change to the landscape. The proposed holiday village lies at the heart of the W S Gilpin picturesque landscape around the lake, which acts as the principal eyecatcher/vista from the elevated position of the house indicated by the red arrow on the top L). The house has always looked out over its unlit park, across the lake to an un-peopled, designed view which included the borrowed landscape of the distant hills. The estate is in divided ownership and the application site, which has been completely neglected for the past 60 years or so, was retained by the family who purchased the entire estate in the early 20<sup>th</sup> century. The mansion and surrounding grounds was sold off by them c1984.

Over the past 3 years or so, the Masterplan has been through several amendments with the application remaining undecided. At the end of last year,



the applicants changed tack and applied instead for a 'Certificate of Lawful Use' (or CLU), citing that the land had been used for fishing and shooting around the lake for many years and that these activities had necessitated the use of various large structures which had remained in situ for more than the occasional night's *ad hoc* camping by fishermen.



Looking on Google Earth, these two images proved that until 2020 the area around the lake had been free of any significant structures. In 2020 some white tents appeared, and in 2021 these tent-like structures multiplied considerably. This was confirmed by an article in the Somerset News which stated that :'*Marston Park started offering tent accommodation for two months last summer as an "experiment"*'. We had not received any planning applications for these glamping structures and we feared that this application for a CLU was an attempt to avoid having to ask for retrospective permission and might open the gates for future more permanent structures around the lake. We wrote a 4<sup>th</sup> letter of objection opposing any attempt to commercialise such holiday activities at Marston. To our great relief the CLU was comprehensively turned down and Mendip District Council quoted our letter in some detail in their officer's report. Whilst this is encouraging, I doubt we have heard the last of Marston.

I have left the last and most positive outcome till last



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### ROAD-WIDENING SCHEMES...



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**Road construction** – The materials extracted by quarrying are often used for road building. This is the most serious current scheme we are fighting which drastically affects the Grade I landscape at Painshill in Surrey. It is particularly upsetting as, over the past thirty years or so, the landscape and structures within Painshill have been meticulously restored. Approximately £35 million has been spent here over the past 30 years and the result is breathtaking. It has won numerous restoration awards. The map on the left shows where the road would cut off the top right corner of the park, bringing the new road within approx. 15m of the Gothic Tower (shown top right). The aerial photo shows the current position of the road in relation to the Gothic Tower. The planning debate is still ongoing and currently the new road is likely to cut off the only maintenance access for the Gothic Tower.



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Probably one of the most high-profile cases we have been involved with relates to the proposal to build a national Holocaust memorial in Victoria Tower Gardens next to the Houses of Parliament in London. Whilst the GT and LPG wholeheartedly accept the necessity and importance of Holocaust education and endorse the principle and reasoning behind the creation of a fitting memorial to this cause, we had had serious reservations about the proposed siting of this enormous new structure.

There were various reasons for this. VTG unquestionably forms a key part of the setting for the Palace of Westminster and Westminster Abbey World Heritage Site. In addition, VTG contains various memorials including the Pankhurst statue (Grade II) commemorating women's fight for voting, the Burghers of Calais sculpture by Rodin (Grade 1), and the Buxton Memorial (Grade 2\*) marking the legislation that brought about the abolition of Slavery which would also have been overshadowed by size of the proposals. The excavation work necessary for the construction would mean that several of the mature plane trees on site would more than likely suffer long-term damage. The park itself is Grade 2 listed and its main lawns would have been taken up by this new monument altering the use as a public park irrevocably. The progress of the application has been somewhat tortuous to say the least.

Westminster Council refused the original planning application, but this was called in by the then housing minister (Esther McVey) in November 2019. The planning inspectorate, the developer (sponsored by Mr Robert Jenrick) and the decision-maker all came under the auspices of the Department of Levelling Up Housing and Communities. The first legal challenge questioning the



neutrality of the decision-taker was partially successful but the subsequent planning inquiry led to a recommendation by the Planning Inspector, Mr Morgan, for the project to proceed. The then Housing Minister, Mr Christopher Pincher, supported the Planning Inspector's recommendation to give permission. Helen Monger the Director of London Parks & Gardens working closely with the Save Victoria Tower Gardens Campaign team did not give up and took this to the High Court in April 2021. The Judge quashed the Planning Permission, but the Government undeterred asked to Appeal against this decision in April this year. I hope you are still with me .... Finally, in July the court's order came back refusing permission to appeal. This all hinged on an act of parliament, passed in 1900, the London County Council (Improvements) Act which "*imposes an enduring obligation to lay out and retain the... land for use as a public garden and integral part of the existing Victoria Tower Gardens*". It has been a long and costly battle. Sadly, during the final session of the last parliament the Government restated its commitment to building in VTG in answer to an urgent question with a suggestion to repeal the 1900 Act. We hope the saga of VTG can be put to bed soon with a more suitable proposal.



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A HUGE THANK YOU TO YOU ALL



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This has been a whistle stop tour highlighting just a few of the cases we have dealt with this year. As I hope I have made clear, we simply could not cope without the invaluable help of so many CGT members all around the country as we continue to do our very best to minimise harm to the historic designed landscapes we all value so much. A heartfelt thankyou from us all in the

Conservation Team