

Statement of Common Ground

Between Peak District National Park Authority and Mrs Emma Harrison

Appeal against enforcement notice reference ENF:
21/0034 – Thornbridge Hall and Estate, Ashford in the
Water, DE45 1NZ

Appellant: Mrs Emma Harrison CBE

EP ref: 21-294:CP

PINS ref: APP/M9496/C/21/3279072

LPA ref: ENF: 21/0034

Date: March 2022

Site address : Thornbridge Hall and
Estate, Ashford in the
Water, DE45 1NZ

Appellant : Mrs Emma Harrison CBE

Date : 22 March 2022

Authors : Caroline Payne/Andrew
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1. Introduction

- 1.1 This is a Statement of Common Ground prepared with respect to an enforcement appeal by Mrs Emma Harrison CBE, "the Appellant". It has been prepared and agreed by the Appellant and Peak District National Park Authority (PDNPA).
- 1.2 The Statement of Common Ground is accompanied by the following documents:
- The following drawings prepared by Bannister Architectural Limited:
 - Proposed café plans and elevations (BA/21/005 03 A)
 - Gate 3 details (BA/21/005 04)
 - Site layout (Ba/21/005 02 A)
 - Site location and car park layout (BA/21/005 01 C)
 - Phase I Habitat Survey prepared by Rachel Hacking Ecology (dated July 2021).
 - Archaeological Desk Based Assessment prepared by Archaeological Research Services dated July 2021 v1.4.
 - Transport Statement prepared by Focus TP.
 - Tree Survey prepared by Anderson Tree Care dated May 2021 and July 2021 (file references Thornbridge Hall 02 and Thornbridge Hall 05).

2. The Alleged Breach of Planning Control

2.1 The enforcement notice reference ENF: 21/0034 was issued by the Peak District National Park Authority (PDNPA) on 15th June 2021. The alleged breaches of planning control set out on the enforcement notice are as follows:

(i) Without planning permission, the carrying out of operational development, consisting of the construction of a driveway (including the formation of adjacent soil bunds), the approximate location of which is shown cross-hatched black and denoted as 'Driveway A' on the attached plan (drawing no. ENF21-0034(1)); and

(ii) Without planning permission, the carrying out of operational development, consisting of the construction of a driveway, the approximate location of which is shown hatched black and denoted as 'Driveway B' on the attached plan (drawing no. ENF21-0034(2)); and

(iii) Without planning permission, the carrying out of operational development, consisting of the construction of a car park (including the formation of adjacent soil bunds), the approximate location of which is shown hatched black and denoted as 'Car Park' on the attached plans (drawing nos. ENF21-0034(1) and ENF21-0034(2)); and

(iv) Without planning permission, the carrying out of operational development, consisting of the laying of hardsurfacing, the approximate location of which is shown shaded grey and denoted as 'Hardsurfacing' on the attached plan (drawing no. ENF21-0034(2)); and

(v) Without planning permission, the carrying out of operational development, consisting of the construction of a building, the approximate location of which is shown cross-hatched black and denoted as 'Building' on the attached plan (drawing no. ENF21-0034(2)); and

(vi) Without planning permission, the carrying out of operational development, consisting of the erection of fences, including gateways and stiles, the approximate location of which are shown as a solid green line on the attached plans (drawing nos. ENF21-0034(1) and ENF21-0034(2)).

3. Site description

- 3.1 Thornbridge Hall is located to the west of the A6020 road in open countryside between the villages of Ashford in the Water and Great Longstone. The Hall is a Grade II listed building and a number of free-standing buildings and other architectural features within the gardens and parkland are also listed. Many of the list entries cover more than one structure.
- 3.2 The Thornbridge Estate comprises approximately 48 hectares of parkland and formal gardens, which are included on the Historic England Register of Historic Parks and Gardens (Grade II). The Hall, gardens and parkland also lie within the Thornbridge Conservation Area, the boundary of which mirrors very closely the extent of the Registered Park and Garden. The Hall stands at the highest part of the site, with the gardens and parkland falling away to the south east.
- 3.3 There are numerous trees within the gardens and parkland, including blocks of woodland around most of the perimeter of the property and individual specimen trees within the otherwise open parkland. The boundary of the formal gardens is demarcated from the parkland by trees and terracing with views across the parkland.
- 3.4 The Monsal Trail, formerly a railway line but now a recreational route popular with walkers, cyclists and horse riders, runs east-west along the northern boundary of the property and a public footpath runs over the trail and continues southwards through the parkland to the east of the Hall. The public footpath is also accessible from the Monsal Trail and the A6020 road.
- 3.5 The main vehicular access is approximately 500 metres south of the Hall on the A6020 next to a dwelling adjacent to South Lodge. South Lodge (previously known as East Lodge) and gates (including the gate piers and walls), which are both Grade II listed buildings, create a formal and decorative entrance and from here is an established hard-surfaced driveway running up through the parkland to the Hall. The driveway terminates near a car park a short distance south-west of the Hall. This car park has approximately 36 spaces with an overflow parking area for approximately 20 vehicles immediately to the south, adjacent to the driveway. There is a secondary access point immediately west of the Hall on Longstone Lane (an unclassified road). For the avoidance of doubt, the existing access points of Longstone Lane and the A6020, the original driveway, car park and overflow parking are all lawful.

4. Legislative and policy context

Statutory purposes

4.1 The 1995 Environment Act establishes the two statutory purposes of national park designation, as follows:

(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the national parks; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of the national park by the public

4.2 Section 62 of the Act also places a general duty on all relevant authorities, including the National Park Authorities, statutory undertakers and other public bodies, to have regard to these purposes. Section 62 also places a duty on the National Park Authorities to seek to foster the economic and social well-being of their local communities.

4.3 Section 16 (2) and s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the grant of listed building consent and section 66(1) relates to the grant of planning permission. Section 66 (1) states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

4.4 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under the provisions mentioned in subsection (2), special attention must be given to the desirability of preserving or enhancing the character and special appearance of that area."*

(* includes the Planning Acts)

4.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.

Development plan

- 4.1 The development comprises The Peak District National Park Core Strategy (October 2011) and the Development Management Policies document (24th May 2019).

Core Strategy

- 4.2 Relevant policies are as follows:

- Policy GSP1: Securing national park purposes and sustainable development.
- Policy GSP2: Enhancing the National Park.
- Policy GSP3: Development management principles.
- Policy L1: Landscape character and valued characteristics.
- Policy L2: Sites of biodiversity or biodiversity importance.
- Policy L3: Cultural heritage assets of archaeological, architectural, artistic or historic significance.
- Policy RT1: Recreation, environmental education and interpretation.
- Policy CC1: Climate change mitigation and adaptation.
- Policy CC5: Flood risk and water conservation.
- Policy E2: Businesses in the open countryside.
- Policy T3: Design of transport infrastructure requires transport infrastructure to be carefully designed.
- Policy T6: Routes for walking, cycling and horse riding and waterways.

Development Management Policies (DMP)

- 4.3 Relevant policies are:

- DMC1: Conservation and enhancement of nationally significant landscapes.
- DMC3: Siting, design, layout and landscaping.
- DMC5: Assessing the impact of development on designated and non-designated heritage assets and their setting.
- DMC7: Listed Buildings.

- DMC8: Conservation Areas.
- DMC9: Registered Parks and Gardens.
- DMC11: Safeguarding, recording and enhancing nature conservation interests.
- DMC13: Protecting trees, woodlands or other landscape features put at risk by development.
- DME7: Expansion of existing industrial and business development.
- DMT3: Access and design criteria.
- DMT5: Development affecting a public right of way.
- DMT7: Visitor parking.

National planning policy and guidance

National Planning Policy Framework (Framework, 2021)

4.4 The Framework was originally published in March 2012. It was revised in July 2018, February 2019 and July 2021. The relevant sections of the Framework are discussed in the planning considerations section of this statement below. However, the Framework states that there is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

4.5 Relevant sections of the Framework are as follows:

- Section 4: Decision-making (paragraph 59: enforcement).
 - Section 6: Building a strong, competitive economy (paragraphs 84 – 85: prosperous rural economy).
- Section 8: Promoting healthy and safe communities (paragraphs 100: protecting and enhancing public rights of way).
- Section 9: Promoting sustainable transport (paragraphs 104, 105, 111, 112 and 113).
- Section 12: Achieving well-designed places (paragraphs 126, 129, 130, 131 and 134).
- Section 14: Meeting the challenge of climate change, flooding and coastal change (paragraphs 154 and 157).
- Section 15: Conserving and enhancing the natural environment (paragraphs 174 and 176).

- Section 16: Conserving and enhancing the historic environment (paragraphs 189, 194-195, 197, 199, 200, 202 and 203).

Other material considerations

4.6 Other material considerations comprise:

- Thornbridge Conservation Area Appraisal (2005)
- Landscape Strategy and Action Plan (2009)
- Peak District National Park Design Guide (2007)
- Biodiversity Action Plan
- Local Enforcement Plan (2014)

5. Agreed matters

5.1 The following matters are agreed:

- The site description set out in section 3 above.
- The following drawings prepared by Bannister Architectural Limited and enclosed with this document accurately reflect the development for the purposes of the Ground (a) appeal:
 - Proposed café plans and elevations (BA/21/005 03 A)
 - Gate 3 details (BA/21/005 04)
 - Site layout (Ba/21/005 02 A)
 - Site location and car park layout (BA/21/005 01 C)
- The location of the café falls within Area K: The Productive Garden and Thornbridge Manor of the Thornbridge Conservation Area Appraisal specifically area 36, the vegetable garden. This area was described as:

“This area appears neglected. It contains the Grade ii Gardener's Cottage (33) and the remains of the greenhouses (34). The former terraced orchard has been replaced with tennis courts (35) which are now derelict. To the west the vegetable garden (36) is now grassed over for low maintenance. At the eastern edge is another Grade II baldachino from Clumber Park (37). The Productive Garden is screened from the formal grounds by the trees in the rock garden.

Thornbridge Manor (38) is included in this area because of its historical links with the Hall. Although physically separated from it by the railway line it formerly belonged to the estate and was used as an extension to the productive garden.”

- There would be no impact on the fabric of any of the listed buildings or structures.
- Had a planning application been submitted for the works undertaken, there would have been no ecological grounds on which to refuse planning permission.
- Had a planning application been submitted for the works undertaken, there would have been no highways grounds on which to refuse planning permission.
- The enforcement notice does not allege that the development is major development in a National Park for the purposes of paragraph 177 of the Framework.

6. Matters not agreed

6.1 The following matters are not agreed (although the National Park Authority considers that these are not exhaustive):

- Whether the relevant test is paragraph 201 of the Framework which deals with substantial harm to (or total loss of significance of) a designated heritage asset. The Appellant considers the relevant paragraph is paragraph 202 of the Framework which is consistent with the assessment made by Historic England.
- The extent to which any identified harm to the designated heritage assets can be mitigated.
- Whether, if paragraph 202 of the Framework applies, the public benefits of the proposals (including securing the optimum viable use of the Hall and Estate) outweigh the less than substantial harm.
- Whether the curtilage of the listed buildings extends of the entirety of the estate.
- Whether the planning history is relevant to the appeals.
- The content of the Archaeological Desk Based Assessment prepared by Archaeological Research Services dated July 2021.
- The content of the enclosed Tree Survey prepared by Anderson Tree Care dated May 2021 and July 2021 (file references Thornbridge Hall 02 and Thornbridge Hall 05).
- The content of the Phase I Habitat Survey prepared by Rachel Hacking Ecology (dated July 2021).
- The content of the Transport Statement prepared by Focus TP.

Signed on behalf of the appellant

Caroline Payne Position..... Director..... Date.. 22/03/2022..

Signed on behalf of local planning authority

..... Position..... Date.....