

**Enforcement appeal by: Mrs E Harrison CBE**  
**Site: Thornbridge Hall, Ashford-in-the-Water, Bakewell, DE45 1NZ**  
**Enforcement reference: ENF: 21/0034**

**Ground (a) - that planning permission should be granted for what is alleged in the notice.**

The operational development referred to in Section 3 of the Enforcement Notice does not conflict with the policies referred to in Section 4 of the Notice (the reasons for issuing the notice) and is acceptable in planning policy terms.

It will be demonstrated that:

1. There is less than substantial harm to the designated heritage assets.
2. There are public benefits that weigh in support of the development that will be set out in full.
3. The test in paragraph 196 of the Framework, whereby the public benefits are weighed against less than substantial harm to the significance of a designated heritage asset, is met;
4. The development will lead to the conservation and enhancement of the heritage assets through securing an optimum viable use to ensure their long term future.
5. The landscape and visual effects of the development are not unacceptable. In particular, it will be shown that through mitigation works and landscaping such effects can be reduced.
6. The development is acceptable in terms of its relationship with trees. This will be demonstrated by the provision of an arboricultural statement.
7. Ecological interests have not been harmed by the developments. An ecological assessment will be provided.
8. The development is acceptable in terms of impacts on the local transport network.
9. There has been no obstruction of the public footpath.
10. The development meets with the objectives of the National Park to promote opportunities of the public understanding and enjoyment of the special qualities of the Park and its environment in particular by minority and disadvantaged groups.
11. The development is acceptable in all other regards.
12. If, which is not accepted, there are any conflicts with policies in the development plan then the benefits of the appeal scheme outweigh those conflicts such that planning permission should be granted.

**Ground (c) – That there has not been a breach of planning control.**

Section 3 (vi) of the enforcement notice refers to 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 plan attached to the enforcement notice.

The fences including gateways and stiles running through the parkland and to the south of the café building have a height of less than 2 metres above ground level and are not within the curtilage of or surrounding a listed building (none of the fences or indeed the café are within the formal garden and listed building consent has not previously been required for development in this area). The fences including gateways and stiles would be permitted development by virtue of Schedule 2, Part 2, Class A of The Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended). Planning permission is not therefore required.

**Ground (e) – The notice was not properly served on everyone with an interest in the land.**

Notice has not been served on:

1. The trustees of the Charitable Trust 'Thornbridge 4 Everyone Foundation'.

The Foundation is a direct beneficiary of proceeds from the café and other activities on site. The enforcement notice will impact upon the ability of the charity to fulfil its stated charitable outcomes

**Ground (f) - that the steps required by the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.**

Without prejudice to the appellant's case under Ground A, it is asserted that the alleged harm resulting from the breach in planning control (which the appellant disputes) could be remedied through lesser steps than the notice requires. For example, a temporary planning permission could be granted for the café and remedial works could be undertaken to the bunds.

**Ground (g) – That the time given to comply with the notice is too short.**

The enforcement notice allows 6 months for the removal of the operational development. This time is too short to comply with the notice.

A schedule will be provided to show the various stages that would need to be undertaken prior to the removal of the operational development.

We reserve the right to amend grounds when the local planning authority's Statement of Case is to hand and the technical supporting documents have been commissioned.