

Thornbridge Hall and Estate, Ashford in the Water

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

PLANNING INSPECTORATE REFERENCE: APP/M9496/C/21/3279072
LOCAL PLANNING AUTHORITY REFERENCE: ENF: 21/0034

CULTURAL HERITAGE SPEAKING NOTE

Kathryn Sather, BA MSc MCIfA



Kathryn Sather & Associates
Heritage Conservation Consultants
87 Oldfield Road
Altrincham
WA14 4BL

Tel: 0161 941 1414
E-mail: ksa@ksaconservation.co.uk

1. Introduction

1. I am Kathryn Sather. I am the Principal Consultant of Kathryn Sather & Associates (KSA) and hold an MSc in Historic Preservation with a Concentration in Architectural Conservation from the Graduate School of Fine Arts, University of Pennsylvania and have over 30 years of experience in heritage conservation; Kathryn Sather & Associates has been in business for over 28 years.
2. Additionally, I am active in a number of statutory bodies in the heritage sector. I am a member of the Victorian Society Northern and Welsh Buildings Committee and have represented the Commercial Built Environment sub-sector on the Heritage Information Access Strategy Advisory Board, convened by Historic England. I lecture in Conservation Management Planning and Heritage Impact Assessment at Birmingham City University. I am a full member of the Chartered Institute for Archaeologists (MCIfA). In addition, I am a member of the Society of Architectural Historians of Great Britain.
3. In May 2021 Kathryn Sather & Associates were approached to prepare a Heritage Assessment for a retrospective planning application for the café, new road and landscaping at Thornbridge Hall, following the issue of an Enforcement Notice (ENF: 21/0034) by Peak District National Park.
4. I visited the site on more than one occasion, inspected the formal and working garden areas and associated heritage structures, the hall and ancillary buildings, the parkland, gates, drives and lodges as well surveying the conservation area. I conducted additional research and considered previous reports. I also consulted with the project team to advise on the proposed remedial works and proposed associated works in relation to the heritage assets and prepared a heritage statement for these, which was submitted with the application for retrospective planning permission. I subsequently accepted formal instructions to write a proof of evidence in support of the appeal against the enforcement notice and for the retention of the driveway, car park and café building together with landscape and other remediation works detailed in the planning application. the development,
5. My evidence deals with issues relating to the assessment of the significance of the various heritage assets, the assessment of impact of the works, proposed remediation and proposed associated works on these assets, including taking into account the consequent heritage benefits.

2. Methodology and Guidance

6. The LPA's assessment of harm caused by the developments, as described in the introduction to the enforcement report of 17/5/21, was 'significantly harmful to the designated heritage assets and other interests', expanded in paragraph 81 to state, 'the harm caused by the unauthorised developments to the principal listed building and the other buildings/structures is judged to be 'substantial'. This was later on 2/3/22 revised to the top end of 'less than substantial' harm, in recognition of the fact that there is no overall loss of the heritage assets, nor has their significance been completely lost.
7. This assessment of harm is of the unauthorised developments and does not take into account any mitigation of impact from the proposed remediation proposals. Additional associated works have also been proposed, and the heritage benefits and public benefits of these works have also not been considered, as evidenced by the LPA's lack of separate assessments of harm or benefits when all of the mitigation and associated works are clearly assessed. This is also the case with the assessment of harm provided by the statutory consultees, Historic England and the Gardens Trust.
8. Thornbridge is a large and complex heritage site, comprising the principal listed building, a registered park and garden, containing a number of separately listed structures and a conservation area. These designated heritage assets are not merely individual but, in some cases, form multiple layers and groupings, and have different spatial relationships to the developments in question. In addition, the extent of the particular settings for each listed structure varies by the nature of that structure. As there a number of developments in different locations, the impact of these will clearly not all be the same for each heritage asset. Consequently, the level of harm cannot be reliably assessed at a global level but calls for a robust heritage impact assessment methodology which systematically addresses this complexity.
9. There is extensive, widespread professional guidance on heritage impact assessment. In July 2021 the three leading professional heritage organisations (IHBC, CIfA and IEMA) published, 'Principles of Cultural Impact Assessment in the UK' hereafter referred to as the IEMA guidance (CD 4.07). Specific guidance on methodology is provided by Historic England's guidance: on setting (The Setting of Heritage Assets, 2017 – CD 4.06); on conservation areas (HE Advice Note 1, 2nd ed. of 2019); on registered parks and gardens (in Rural Landscapes Selection Guide, HE 2018); and on significance (Statements of

Heritage Significance, 2019, CD 4.05). The International Council of Monuments and Sites (ICOMOS) has a cultural impact assessment methodology commonly used to assess heritage impact, in which the impact of the development, the associated remedial works and other associated proposals is based on the significance or sensitivity of the heritage asset and on the magnitude of the change on that heritage asset. This heritage assessment approach also is in agreement with the IEMA methodology.

10. My assessment of the impact of the development considered the relevant Historic England guidance and additionally followed both the IEMA and ICOMOS methodologies and involved firstly the identification of the significance of each heritage asset, secondly the parameters and significance of its setting as part of its heritage significance, thirdly how the individual developments impacted on each asset, and finally the overall impact assessed including proposals for mitigation and additional associated proposals. This systematic analysis results in a transparent, accountable and far more detailed assessment of the impact of the development works.
11. There are LPA's assessment methodology is not clear, and there are numerous approaches taken by the LPA which do not follow Historic England guidance or other professional guidance on heritage impact assessments. These failings include:
 - assessing the settings of all the LBs as one setting - the HE guidance makes it very clear that the settings of the HAs are not all the same, thus the impact on the settings of different elements of the work cannot be the same.
 - Contrary to HE guidance, the LPA has not considered enhancements including the potential positive impact of the proposed additional works on the settings of the HAs including the parkland walk or the succession tree planting, or the improved public access.
 - The LPA assessment also appears repeatedly to equate the impact with the reach or extent of the development and does not clearly relate the change to cultural significance but to the entire grouping of HAs. The LPA assessment of harm does not follow accepted HIA methodology is in conflict with the IEMA guidance.

3. Assessment of Significance

12. Each of the designated heritage assets has a given level of significance, embedded in its listing, eg as Grade II, Grade II* etc. While there is a formal process for revising such levels, this is based on the provision and examination of additional evidence.

However, decision-making and significance assessment relates to the designation level valid at the time.

13. Overall significance can be derived from different values or a combination of values, which is often not adequately represented in listing descriptions, particularly older ones. A full understanding of the sources of significance is based on an examination of the asset in situ, historical research and an analysis of its architectural and aesthetic qualities, which includes the setting. The methodology for assessing significance is set down by Historic England (Statements of Heritage Significance, 2019, CD 4.05). My assessment of significance for the individual heritage assets combines the level accorded by the individual listing with a statement of significance, as well as a review of the contribution of its setting (following The Setting of Heritage Assets, 2017 – CD 4.06), and thus provides a both a benchmarked calibration with a nuanced understanding.
14. Thornbridge Hall is a Grade II listed building, the Registered Park and Garden is Grade II, as are the various listed structures. However, there are multiple references in the documentation where the PDNPA misrepresents the level of significance of a heritage asset's designation. This is done by implying a higher level than that designated, such as 'a highly designated site', 'enhanced significance' or that its significance is increased due to a connection to other properties with higher designations, such as to Grade I Chatsworth and Grade II* Haddon Hall. Group value is a consideration when considering listing, but these HAs are already designated, so any group value was taken into account during the listing. The LPA misrepresents the levels of significance with this approach.
15. Separately, although it is true that the registered park and garden contains a large number of individually listed structures, the significance level of the registered park and garden is specified in the (detailed relatively recent 1992) listing description as Grade II and to ascribe it higher significance due to the grouping of listed structures or their provenance is misrepresentation of its significance. Nor is it correct, as the LPA have done, to accord a higher level of significance to an asset deriving from the cumulative level of a number of designations, simultaneously being a listed building, a registered park and garden and a conservation area.

4. Heritage Impact Assessment

16. The level of harm from an alteration is, in part, a function of the significance of an asset. Thus, the same alteration will have a greater impact on an asset of high significance compared with the impact on one of medium significance. Consequently, wording which qualifies or blurs the designated significance levels is not only potentially a confusion of the designated level but can lead to a consequential misrepresentation or miscalculation of the assessment of harm. For example, referring to harm as 'negative visual harm' (AB POE 5.14), 'negative impact' (5.15, 5.27, 5.18), 'harmful visual impact' (5.16), or 'serious' (8.2, 8.3) is not a specific category in heritage impact assessment but implies a high level of harm which may not be supported by systematic assessment following an accepted methodology.
17. In a similar way, the misrepresentation by the LPA of additive significance in relation to assessing the level of harm to an invalid grouping of assets, is an incorrect methodology, as described in 'The harm is not simply to individual heritage assets – the harm is compounded by the group value of the heritage assets' (AB POE 10.2). Rather, the correct methodology, which I have followed, is where the impact of each development and the associated remedial works and other associated proposals is based on the significance or sensitivity of the each individual heritage asset and on the magnitude of the change of each proposal to that heritage asset.
18. Following national guidance, I have assessed the heritage impact of the particular aspects of the development upon the individual heritage assets or their individual settings, based upon an understanding of the particular significance of the individual heritage asset, or small groups of garden structures where relevant. In addition, I have further assessed the heritage impact of the development together with the proposed mitigation and with the associated proposed works. This follows both Historic England guidance and the NPPF as the associated proposed works can be considered enhancements. I have then come to a balanced overall assessment of harm or benefit for each heritage asset, and for the entirety of the development and proposals in the appeal.
19. When assessing the impact of the development alone, this systematic assessment of impact is of less than substantial harm to the registered park and garden, to the conservation area and to the settings of the Hall and listed structures of Thornbridge Garden, with the harm at a middle to low or very low level within the range of less than

substantial harm. The impact of the development to the grouping of listed structures in the northeast garden is assessed as neutral.

20. When assessing the additional heritage impacts of the proposed remedial works and associated proposed works, I have assessed the overall heritage impact is as follows: there are overall neutral impacts to the Conservation Area and to the listed buildings. There is an overall slight beneficial impact to the grouping of individually listed garden structures in the northeast garden and to the listed Thornbridge Garden. There is an overall slight adverse impact to the registered park and garden, but it is noted that with the proposed mitigations, this adverse impact is at the low level of adverse which correlates to less than substantial harm at the low end of the range of harm.

5. Overall Heritage Impact Assessment

21. The heritage impacts of the development, proposed remedial works and associated proposed works have been considered in a balanced way to determine the overall heritage impact of the entirety of the works on all of the heritage assets. It is determined that the overall heritage impact of the development, proposed remedial works and associated proposed works is neutral. That is not to say that there are no adverse impacts, but that in balance the benefits outweigh the adverse impacts. Therefore, overall, the development, proposed remedial works and proposed associated works do not cause harm. However, it is assessed that considering each designated heritage asset, there is slight adverse impact to the Registered Park and Garden. Beyond the heritage benefits, there are substantial public benefits from the development and proposed works which are assessed within Caroline Payne's proof of evidence. Furthermore, the enhanced public access and expansion of facilities, considered as public benefits, will encourage greater interest in and deeper appreciation of the heritage assets, which is a benefit to the heritage.