

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: AD/EL

Application No:	3/2012/0790/P
Development Proposed:	Retention of stable block with covered midden and construction of an outdoor arena for use as a commercial livery at Gamekeepers Cottage, Park Road, Gisburn

CONSULTATIONS: Parish/Town Council

Parish Council – not formal objection but concerns:

1. Access – vehicle access along a narrow road, with few passing places (hospital access). Junction of Park Road with A59 is already dangerous and any increase in traffic using it adds to the potential danger;
2. Site of outdoor arena is often waterlogged;
3. No provision for parking of vehicles once at the stables/arena. Further access problems if parked on road.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Lancashire County Council (Highways) – No objections in principle on highway safety grounds.

The design and access statement identifies that the proposed equestrian facility is being provided for recreational use of visitors staying at Ribblesdale Park or Gisburn Park and will be accessed on foot.

Although the application details identify no parking for the proposed development, the site layout plan shows 2 parking bays. It is suggested that these will be necessary for the servicing of the stable block. However, it would also be reasonable were they to provide access for visitors with mobility issues.

Parking provisions at the proposed site should be investigated further and the application amended accordingly, should this be appropriate.

United Utilities – No objection. Notes suggested re: United Utilities mapping service and assets which may cross the site; the discovery of a sewer during construction.

Environment Agency – Holds no records of protected species or designated sites within the area.

The development will be acceptable if a planning condition is included requiring the scheme to protect an 8m wide buffer zone around the watercourse.

Reasons:

Development that encroaches on watercourses has a potentially severe impact on their ecological value, for example; artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses are particularly viable for wildlife and it is essential this is protected. The provision and management of an 8m wide buffer zone alongside the

watercourse shall be retained. The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

This condition is supported by the National Planning Policy Framework, paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts and biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to help the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires local authorities to have regard to nature conservation and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Paragraph 118 of the NPPF also states opportunities to incorporate biodiversity in and around developments should be encouraged.

Information for the applicant – Stock Beck adjoining the site is a designated Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8m of the top of any bank of the watercourse without prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

The Environment Agency has a right of entry to Stock Beck by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact the Environment Agency to discuss the Environment Agency's access requirements or apply for consent.

Garden History Society – No longer employs regional conservation officers to deal with routine casework (now work with County Gardens Trusts). If no GHS response within 21 days, assume not commenting and has been forwarded to the County Gardens Trust.

RVBC Countryside Officer – The stables have been constructed within the root protection area of a number of mature trees including a significant large Oak and a Chestnut tree. Trees growing in the bank are also likely to have suffered root damage.

The location of the stable conflicts with BS5837 Trees in Relation to Demolition, Design and Construction by which all planning applications are assessed where there are trees within influencing distance of proposed development. In addition, the historical landscape character of the parkland has also been compromised by the location and style of the stables. The construction of a ménage will also undermine the park's historical setting further compromising the park's original landscape design.

In conclusion the damage caused to the tree's rhizosphere may well lead to loss of tree vigour and stability and the siting of the stables and outdoor exercise area conflicts with the park's historic landscape.

CONSULTATIONS: Additional Representations

Cheshire Gardens Trust Conservation and Planning Co-ordinator – Aware of recent conservation management report. Therefore, the heritage statement should not be given any weight in assessing the application as it shows little awareness of the reasons for significance as Gisburne Park as a historic designed landscape and seems to deliberately omit reference to the Gisburne Historic Parkland Management Plan, dated October 2010, which was prepared by Parklands Consortium and commissioned by Gisburne Park Estates Ltd in

association with Natural England. Copies of the report were sent to Lancashire HER and to the Lancashire Records Office, so it is incorrect for the heritage statement to say that there is no further information available. The applicant of course also has a copy, so it is strange that it is not referred to in the application. This application should be assessed in the light of the recent report by a leading historic parkland consultant, and the recent Register entry which includes the report as a reference.

A key problem with both the existing stable development, carried out without planning permission, and the proposed ménage, is the change to existing levels, which is in a central part of the 1735 plan for the estate by a significant early 18th century designer, Lord Petre who had connections with the area. Whether the proposals for this area were implemented is not clear without further investigation, and earth moving could destroy evidence. There are also other reasons for concern.

RELEVANT POLICIES:

Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy ENV19 - Listed Buildings (setting).

Policy ENV21 - Historic Parks and Gardens.

Policy ENV3 - Development in Open Countryside.

Policy ENV13 - Landscape Protection.

Policy ENV14 – Archaeological Remains.

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy RT1 - General Recreation and Tourism Policy.

Local Development Framework – Draft Core Strategy.

NPPF.

HEPPG.

POLICY REASONS FOR REFUSAL (Summary):

Harmful impact upon historic park and garden and the setting of listed buildings contrary to Policies ENV21, ENV19, G1, ENV3, ENV13, RT1 and ENV14 of the RVDLP.

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Gisburne Park is a Grade I listed country house of 1727-1736 set within an extensive designed historic landscape [added to the Register of Parks and Gardens of Special Historic Interest (Grade II) in December 2011] and open countryside (Policy ENV3 of the Local Plan). A public right of way (BW11; which follows an important historic circulation route through the Stock Beck valley and Park) provides extensive views of the site from immediately to the south.

Pevsner (Buildings of England: Yorkshire West Riding, 2001) states that the house is 'very plain' from the outside but inside there is plenty of very fine Rococo plasterwork. The list description refers to the interior as having '*very fine Baroque plasterwork by Artari, Quadri and Vassalli in the entrance hall, the drawing room to the right of it, a smaller room behind that, and the stair hall in the west wing. All have elaborate ceilings with scrollwork compositions apart from the stair hall where the present ceiling, incorporating an oval domed toplight, is of the late C19th. All apart from the drawing room also have enriched wall-panels, those to the stair hall being particularly elaborate, with some bas-relief figures.*'. The house was converted to a private hospital in the mid 1980s and has been subsequently expanded through extensions and new buildings within the curtilage.

The designed landscape includes a number of separately listed buildings.

Pevsner notes that the approach from the south is marked by two charming gate lodges

(Grade II* listed) in a fanciful Gothick of c.1800, said to have been designed by the then Lord Ribblesdale and, to the left and right, heavy castellated parapets with short turrets (Grade II listed) marking the entrances of a short railway tunnel.

The Game Keepers Cottages is a "Pair of houses, mid C18th. Rubble with roofs of slate and stone slate. Comprises 2 one-bay pavilions of 2 storeys, with recessed linking wall. Each has a gable treated as an open pediment with mutules. Continuous string course. Pavilion windows sashed with glazing bars, with plain reveals and semi-circular heads. The central linking section is now of 2 storeys, rendered and with modern windows. Those on the ground floor, behind a modern conservatory, appear to have original surrounds with keystones. The upper storey has probably been added. Chimneys on outer side walls of pavilions".

The Poultry House Bridge is a "Bridge, probably mid C18th, rubble. Narrow, with single segmental arch. Solid parapets have chamfered copings".

The Register of Parks and Gardens identifies:

(i) "An early C18 formal garden and deer park associated with Gisburne Hall, overlain by an C18 landscaped park" (Summary);

(ii) "This C18 formal garden and deer park, overlain by a landscaped park is designated at Grade II for the following principal reasons: * Historic interest: the integrity of the early C18 formal garden and deer park phase is preserved and is highly visible * Historic interest: despite some loss of character in parts, it is a good example of a mid and later C18 landscaped park in the English natural style, and sufficient of its original landscaping survives to reflect its original design * Design influence: some elements of the landscaping appear to reflect the influence of a proposed early C18 design by Lord Robert Petre on subsequent generations of the Lister family * Group value: it has strong group value with a number of listed buildings including the Grade II* gate lodges and the Grade I Gisburne Hall * Tree nursery: the presence of the 'Great Nursery' on Coppy Hill is a striking and unusual feature" (Reasons for Designation);

(iii) "Thomas Lister ... From 1726 to 1736, he replaced Lower Hall with a new mansion on a new site overlooking the confluence of the River Ribble with the Stock Beck, and in 1736-7, an adjacent stable block was built ... In 1734, a plan of the estate was produced by Pierre Bourguignon ... it shows the mansion with its stable block ... A plan by Lord Robert Petre (1713-42) depicts a proposed new design for a landscaped park at Gisburne; this includes woodlands and paths north of the house, water features, bridges, serpentine paths, a landscaped island in the River Ribble, terraces, avenues of trees, planting schemes and a formal garden. Petre's entry in the ODNB underlines his national importance as a major early C18 importer and collector of exotic plants ... it is considered that Petre's planned design was not implemented at Gisburne, but that during the C18 some elements, such as the large walled garden, entry to the estate through a pair of lodges, the planting of a lime avenue and a new drive (the latter three features in different locations to those depicted on the plan) were partially implemented, and the existence of the plan did to a certain extent influence the subsequent development of the landscaped park ... Thomas (1723-61) ... during the course of the 1750s, he constructed a number of buildings on the estate including a deer house (later Deer House Farm), a new stable and summerhouse (also known as The Temple) ... Thomas (1752-1826) ... improvements at Gisburne Park continued with the construction in 1762 of the Chinese Bridge and Hen House later Keeper's Cottage); in 1771-2 kennels were built to the west of the house and in 1776 the original drive was succeeded by a new drive running through the valley of the Stock Beck, entered through a new entrance flanked by lodges" ... A plan and survey of Gisburne Park in 1812 by Francis White, depicts the development of the landscape since 1734. It shows that the park had been extended south of the mansion, new boundaries erected: an avenue of trees aligned on Pendle Hill had been planted: the walled garden

north of the house had been replaced by a much larger walled garden west of the stable which is divided into two with a probable hothouse in each part and the tree nursery labelled 'Great Nursery' on Coppy Hill had been constructed. A map of 1817, possibly by Gisburn resident John Greenwood, depicts a similar landscape to that of 1812, but does not include land beyond Stock Beck, suggesting that this was no longer regarded as part of the park ... Today (2011) an equestrian centre is run within the park and Deer House Farm and its environs have been developed into Ribblesdale Holiday Park" (History);

(iv) "The west-east approach enters the north-west corner of the park at the former lodge, Mill Bridge Cottage (listed Grade II) and is sunk below the level of the embanked lawn in front of the mansion, before bearing down steep slopes to Poultry House Bridge (listed Grade II) which carries it across the Stock Beck. From here it passes behind Keepers Cottage (listed Grade II) and climbs north-east up the east side of the Stock Beck. It leaves the park through an entrance flanked by square pillars surmounted by pyramidal finials" (Details: Entrances and Approaches);

(v) "Gisburne Hall ... At the west is the stable block now linked to the main house by a three bay range" (Details: Principal Building);

(vi) "The establishment of a holiday park has eroded the character of the parkland in this area ... An area to the east of the Stock Beck and north of the railway line has lost its parkland character by improvement and the establishment of a large plantation" (Detail: Park).

The Gisburne Historic Landscape Management Plan was commissioned by Gisburne Park Estates Limited and produced by Parklands Consortium Limited in October 2010. This identifies:

- (i) "**Lord Petre** ... it was previously thought that the new design was not implemented but in view of the evidence found it is clear that this was not the case. Elements of the design were undertaken over a longer period by Thomas Lister and in the late C18 by his son, and grandson, both Thomas, and **it is apparent that Lord Petre's design did influence the evolution of the present landscape park**" (Introduction);
- (ii) Poultry House Bridge "was probably constructed in the mid C18 for access to the 'henpen' or 'henhouse'" (page 108);
- (iii) Game Keepers Cottage "White's survey of 1812 shows it as two end gabled wings with a recessed block between. On the survey it is called a Menagerie and on the 1853 OS Map it is called the Poultry House. The building was recently altered" (page 109);
- (iv) 1742 Devis painting – "**paths run along the south side of the house and continue towards the Stock Beck valley**" (page 34);
- (v) General Plan of the Park and Garden at Gisburn 1734, Bourguignon – "The slopes down to the Ribble and to the west bank of the Stock Beck are heavily planted with trees whilst the Stock Beck itself runs within a deep wooded valley" (page 36);
- (vi) General Plan of the Park and Garden at Gisburn 1734 – "**The River Ribble and the Stock Beck act as the anchors of the design** ... After the Stock Beck enters the eastern edge of the park it enters a round formal pool acting as the turning point for its flowing north towards the river. From this pool, the stream forms a formal, edged canal, appearing to descend in three levels, the water flowing over cascades to the final pool which has a crisp rounded end. The stream must have drained out of the last pool underground as it reappears as a slightly wider flow to continue into the Ribble. **It is crossed by a small bridge carrying the riverside path. Both the canal pools and the Stock Beck have grassed areas on either side and the whole area would afford delightful walks, the paths meandering through the planted sides of the valley and emerging at the water's edge** ... the area south of the round pool at the head of the canal has a dramatic landform carved out of the natural contours leading to a terrace on which a monument is depicted upon a raised

octagonal mound. **The view from the top of this mound would have been along the Stock Beck valley, over the descending sections of the canal, with a narrow channel framed by woodland to the Ribble beyond**" (page 39);

- (vii) 1735 Griffier painting – *"the artist appears to have taken his view from the east side of the Stock Beck and the park and its planting are a bird's eye view of the main designs of Lord Petre ... the trees in the park correspond with the clumps, avenues and lines shown on Lord Petre's plan whilst the Stock Beck is depicted as a canal with crossing points. The painting also includes paths which may be seen on the proposed design ... it was thought that Griffier's view was a prediction of Lord Petre's design. However, as it only illustrates some elements of the proposals, namely the planting, it is likely that this may have been carried out"* (page 42) ... *"the many small variations between the scheme and the painting would suggest that Griffier had not created an idealised image of Lord Petre's landscape design but recorded the scheme as it evolved"* (page 80);
- (viii) 1812 White Map – *"A building is shown within the woodlands on the north bank of the Stock Beck"* (page 53);
- (ix) Plan of Gisburne Park 1817;
- (x) Ordnance Survey – *"the building east of the Stock Beck called the Menagerie in the 1813 plan was referred to as the Poultry House in 1853 and was approached by the Poultry House bridge"* (page 58);
- (xi) *"In 1762 the eastern route towards the Stock Beck was improved. The Chinese Bridge was constructed at the same time as the completion of the 'Hen House' which was sited on the east bank of the Stock Beck. Slightly before this date, the Summer House or temple was completed on high ground above the river Ribble and although not mentioned in the accounts, the Poultry House Bridge would have given access to these features. Further details in 1768 describe the making of Stock Beck Lane and 'walling the park walls' to the east"* page 85);
- (xii) Views and Vistas – ***"The mansion's views eastwards and of the Stock Beck valley are now compromised by the thick tree growth which surrounds it"*** (page 88);
- (xiii) Gazeteer of Historic Landscape Features – ***'The River Ribble and its tributary the Stock Beck form major divisions for the Park'*** (Very significant: Fundamental to the design concept or to historic interest of park), ***"Poultry House Bridge"*** (Very significant); ***"The Henhouse"*** (Very significant; Issue – converting this important feature building for holiday accommodation has lost the clarity of the design of the Menagerie or Hen House building);
- (xiv) Vulnerability: Summary of Lost Features – *"The historical interest of the park has been altered through a change in land management practices which commenced in the C20 and which has changed the previous open grazed parkland. **The introduction of additional sporting interests has altered the park and resulted in its more intensive use** ... The introduction of a gallop into the South Park has further altered the parkland character. Horses grazing in the South Park are also damaging the Lime Avenue ... the additional number of people visiting both the house and the additional hospital ... is putting pressure on the landscape ... Additional changes are also occurring through the pleasure grounds and within the park which are altering the levels and introducing a more utilitarian atmosphere into the park ... **The Stock Beck has lost much of the detail of the earlier design and the Henhouse, also later used as the Game keepers lodge, is currently used for holiday accommodation. The levels are also being eroded by the erection of temporary stabling** ... the Eastern section of the Park, created through the establishment of woodland along the valley sides and adjacent plateaus in the C18 and early C19 contrasted with the area of grassland with trees and ancient woods on the valley floor ... **the older boundaries within the Park are either dry stone walls or iron railings.** Many of the latter are in poor condition and more recent boundaries have been replaced by agricultural post and wire fencing or electric fencing. Post and wire and electric fences have been used to create the small equestrian paddocks to*

the south and south west of Gisburne House. The internal boundaries introduced within the landscape divide the park and interrupt the views. The paddocks have also resulted in the trees being damaged by the horses. A new post and wire fence and hedge, erected to screen the parking in front of the hospital will change the original design intention and will block the extensive views from and to the south"(page 131-2);

- (xv) **Damage to the fabric – Park trees and Avenue** "many park trees lost and remaining specimens poorly maintained"; **Woodland** "poor historic quality, continued neglect"; **Archaeological features** "the introduction of new and inappropriate features within the park is causing significant damage"; **Historic fence lines** "some significant lines lost and inappropriate new lines created"; **Historic fence materials** "partly lost, replaced by generally inappropriate materials"; **Paths** "much of the intricate path system that linked the pleasure grounds to the river and the Stock Beck Valley has been lost and replaced by utility road surfaces and car parking"; **Increased tree cover** "increased tree cover throughout the park blocks the open nature of the landscape. In the design with the exception of feature trees and tree groups the major planting followed the valleys ... Stock Beck" (page 133-5);
- (xvi) **Threats - Poor maintenance of buildings and structures** "*Gisburne is a complex designed landscape with a wealth of buildings and structures which articulated the design including ... the menagerie or hen house*"; **Damage to archaeological features** "deep cultivation, excavation and other operations may result in long term damage. Vehicle movement in other areas is potentially damaging to earthworks"; **Changes to agricultural practices** "any change further from the historic regime will cause additional damage" (page 135);
- (xvii) **Significance – "palimpsest of three design layers ... significant early C18 features including the hen house ... nationally acknowledged landscape designer, Lord Petre, whose work is exceptionally rare ... two water systems underpin the historic character of the park; the River Ribble and the Stock Beck and this together with the minor water features within the park, the topography and the escarpment situated high above the river creates an interesting landscape of great complexity with important reciprocal views throughout the estate ... an ornamented agricultural estate based on productive parkland"** (page 136);
- (xviii) **Significance: Architectural interest – "the designed landscape was orientated towards the River Ribble and the Stock Beck where many of the C18 park buildings are situated including ... Poultry House Bridge"**;
- (xix) **Significance: Landscape impact and visual significance – "it is apparent that Lord Petre's design did influence the evolution of the present landscape park"**;
- (xx) **Significance: Condition of the park - "the current condition of the park may be described as poor but the significance of the landscape should not be underestimated and a continuous period of positive management to include a change to extensive grazing management, sympathetic tree and forestry management, together with new planting within the park would considerably improve its condition"** (page 136-9);
- (xxi) **Land management – "Land management underpins much of the park restoration scheme: the South Park is currently grazed by horses. A ménage and a gallop have been inserted into the park. To re-establish traditional parkland grazing would require changes to the existing fencing to re-open the earlier character of the park ... further levelling for features such as the Gallop and the new stabling on the west bank of the Stock Beck could damage elements of the early C18 park"** (page 142);
- (xxii) **Character areas – "the present day park lies mainly to the south of the mansion. However, in earlier centuries it was more extensive and also encapsulated the upland area to the north east of the Stock Beck ... it is suggested that the listed horse shelter which stands approximately one hundred metres north of the River Ribble**

was designed as a shelter for race horses" (page 143);

- (xxiii) **Historic land use** – "the Gisburne Park estate was historically a managed landscape incorporating elements of farmland, woodland, fisheries and parkland ... this park was home to a thriving herd of deer and provided grazing for their famed white cattle ... hunting landscape ... number of plantations of trees" (page 143-4);
- (xxiv) **Overall vision** – "Restore Gisburne Park to its early/mid C18 structure and character as an ornamented park with supporting agricultural land, including conserving important archaeological and hydrological features from the earlier C17 landscape. This vision underpins the policies for each character area and where possible could include putting back elements of Lord Petre's design that were considered to be implemented but have subsequently been lost" (page 144);
- (xxv) **Character Area 4** – "the area of the Stock Beck valley ... was included by Bourguignon within his 'Exact Survey of Gisburn Park' in 1734 and this formed a major section of Lord Petre's subsequent design. It is apparent that the design was consulted and some elements implemented in the development of the area by the Lister family in the late C18. Thomas Lister, the son, produced a drawing of a Summer house or Temple erected in 1753-9 at the junction of the Ribble and the Stock Beck on a high promontory overlooking the river, a position indicated on Lord Petre's design. From here extensive views could be obtained both of the river and the Stock Beck valley ... the main east west route across the park to Gisburne mill and bridge entered the park from the Settle Road running across Little Painley and descending through Temple Wood to the Stock Beck valley where it crossed the stream via the Stock Beck Bridge and rose to the level of the lawn in front of the mansion. As part of the improvements of the Thomas Listers, the son and grandson, a substantial building, the Henhouse or Menagerie (later known as the gamekeepers cottages) was erected c. 1757-60 on the east bank of the Stock Beck. The Stock Beck was also crossed by the bridge on the Settle road. The OS 1909 depicts a footbridge to the west of Stock Beck Bridge and also a Pheasantry lying on the flat land within the turn of the Stock Beck in the position of the circular pond drawn on Lord Petre's design ... White's Plan of 1812 – the elevated nature of this landscape commands excellent views of the surrounding countryside which contrast with the Picturesque views of the Stock Beck as the routeway plunges down the slope through Temple Wood. Of great significance is the view from the temple in Temple Wood, which situated high above the Stock Beck at its junction with the river Ribble, commands exceptional panoramic views in three directions, along the Stock Beck to the south east and west along the River Ribble and most dramatic of all the view of the mansion on the opposite promontory ... Of great significance is the use of the changes of landscape character within this character area: the clear upland, dominated by the tumulus and commanding views in all directions; the dramatic nature of the steep sided valley with its exposed rock faces and the Picturesque character of the siting of the buildings and features. In particular, it is the drama of the Stock Beck which runs from the east before making a sharp right turn to the north before discharging into the River Ribble, which emphasises and enhances the changing landscape character. There are dramatic views in all directions throughout this Picturesque Valley, but perhaps the most exceptional was that from the Temple or summerhouse. This viewpoint, which dominates the River valley below and was part of a reciprocal view to the mansion on the western bank of the river Ribble, used all of the elements of the Picturesque vocabulary, not least the zig zag stream discharging down the hillside into the valley below" (page 154);
- (xxvi) **Vision and policies** – "at the heart of the park is the mansion situated on high ground with the River Ribble to the north with the Stock Beck joining it on the eastern side. These important water features together with the ponds and

streams within the estate were the focus of the design created by Lord Petre in the 1730s and together with the dramatic topography of the estate formed an exceptional landscape that was punctuated by buildings and structures of great interest. The restoration of the landscape with its range of important features, hydrological, biological, archaeological and architectural merits preservation”;

(xxvii) **Figure 39 – Entrances and circulation** – identifies the great importance of the Poultry House Bridge crossing (this is now a public right of way);

(xxviii) **Figure 91 – Character Area 4** – Recommendation 4.1 relates to the application site and states “*undertake the restoration of the Stock Beck valley and restore the levels which have been altered by recent changes*”.

No1 and The Dower House, Park Road, on the approach to Gisburne Park, are Grade II listed buildings.

The Gisburn Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council 3 April 2007) shows the immediate approach to the gate lodges to be a Significant Open Space. Included within the Summary of special interest is ‘the tranquil Park Lane, with its ‘polite’ architecture, gatehouses and park boundary walls (in General character and plan form it is also described as being a ‘haven of gentility). Origins and historic development states ‘the entrance to the park from the Main Street is a very attractive part of the conservation area’.

Site History

There are no applications shown in the planning record.

The application has been submitted following the Borough Council’s recent investigation of a complaint concerning works in progress.

Submitted information

The application form suggests:

- (i) there are no trees or hedges on the proposed development site or on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character (Q15);
- (ii) the site cannot be seen from a public footpath or bridleway;
- (iii) no existing employees; 1 (equivalent) full time proposed employment.

The heritage statement makes no reference to the Gisburne Historic Landscape Management Plan commissioned by Gisburne Park Estates Limited and produced by Parklands Consortium Limited in October 2010. It states:

- (i) the settings of Poultry House Bridge and Keeper’s Cottages “*could be seen to be affected by the proposed development*” (3.2);
- (ii) “*the bridge has little intrinsic architectural merit, and is designated primarily for group value within the park, while the cottages are at a sufficient distance to enable their setting to be unaffected. It is also considered that the setting of the principal listed building in the park (Gisburne Park) is not material here*” (5.2);
- (iii) “*the historic drive running east-west through the park, which crosses the Stock Beck by means of the eighteenth century Poultry House Bridge*”;
- (iv) the site “*lacks any distinguishing features which might have contributed to the park*”;
- (v) the site “*does not appear to have been one of the more important parts of the ornamental landscape at Gisburne, and is notable in the fact that it is entirely screened from view from the mansion house*”;

The design and access statement refers to:

- (i) *"the arena will be surfaced with rubber granules";*
- (ii) *"a short track with a turning head will provide vehicular access from the nearby estate road to the arena and stables, and access to the stables will be along a walkway immediately in front";*

A business plan states:

- (i) Ribblesdale Park *"a riding experience on the estate would be a perfect match. It will create a number of extra jobs and will increase bookings".*

Relevant legislation, policy and guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Mindful of the status of the emerging LDF, note is made of the opinions in Mynors C., 'Listed Buildings, Conservation Areas and Monuments' (2006) and the discussion of 'Applications for planning permission' and 'Overlapping statutory duties' at 14.2 ff. He concludes that *'the order of preference must be:*

- (1) the development plan, so far as material;*
- (2) the effect of the proposed development on any listed buildings or their setting or on any conservation area;*
- (3) the responses to publicity and consultation; and then*
- (4) any other material considerations'.*

Mynors states that *'It follows that the duties under the Listed Buildings Act are subordinate to the duty to have regard to the plan, but that they are still more important than the duty to have regard to any other material consideration'.* Other material considerations would appear to include the NPPF.

Policy ENV19 of the Ribble Valley Districtwide Local Plan states *"Development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted. In assessing harm caused by any proposal the following factors will be taken into account:*

- (i) the desirability of preserving the setting of the building;*
- (ii) the effect of the proposed development on the character of the listed building;*
- (iii) any effect on the economic viability of the listed building;*
- (iv) the contribution which the listed building makes to the townscape or countryside;*
- (v) the extent to which the proposed works would bring substantial benefits to the community including economic benefits and enhancement of the environment".*

Policy G1 of the Local Plan states *"In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature;*
- (h) Materials used should be sympathetic to the character of the area".*

Policy ENV13 of the Ribble Valley Districtwide Local Plan states

The Borough Council will refuse development proposals which harm important landscape features including traditional stone walls, ponds, characteristic herb rich meadows and pastures, woodlands, copses, hedgerows and individual trees other than in exceptional

circumstances where satisfactory works of mitigation or enhancement would be achieved, including rebuilding, replanting and landscape management.

Policy ENV3 of the Ribble Valley Districtwide Local Plan states

In the open countryside outside the AONB and areas immediately adjacent to it, development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials. Proposals to conserve, renew and enhance landscape features, will be permitted, providing regard has been given for the characteristic landscape features of the area.

Policy RT1 of the Local Plan states 'The Borough Council will approve development proposals which extend the range of tourism and visitor facilities in the borough.

This is subject to the following criteria being met:

- (i) the proposal must not conflict with other policies of this plan;*
- (ii) the proposal must be physically well related to an existing main settlement or village or to an existing group of buildings;*
- (iii) The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
- (iv) The proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems of disturbance. Where possible the proposals should be well related to the public transport network;*
- (v) The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas".*

Policy ENV14 of the Local Plan states 'The case for preservation of archaeological remains will be assessed having regard to the intrinsic importance of the remains which will be weighed against the need for the proposed development'.

Policy RT16 of the Local Plan, Horses, is not a 'saved' policy. However, its accompanying text states "Horsiculture, as it has become known, is more often associated with recreational horse riding, the most intensive form of which is the indoor riding school. Whilst such buildings can rarely be located in more urban areas, they can be prominent features in the rural landscape, requiring careful design and siting to minimise their impact".

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority 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.

The National Planning Policy Framework (27 March 2012) states:

"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system" (paragraph 6);

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking" (paragraph 14);*

Paragraph 7 of the NPPF states that sustainable development has three dimensions. The creation of a high quality built environment and providing support to community cultural well

being is part of the **social role**. Protecting and enhancing the built and historic environment is seen as part of the **environmental role** (the prudent use of natural resources and mitigation and adaption to climate change is seen as part of this);

Paragraph 8 states that these roles (including economic) should not be taken in isolation as they are mutually dependent.

Paragraph 17 states *"within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

... conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".

Paragraph 19 'Building a Strong Competitive Economy' states *"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system"*.

Paragraph 28 states *"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to **sustainable new development**. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and **well designed new buildings**; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, **and which respect the character of the countryside**. This should include supporting the provision and expansion of tourist and visitor facilities in **appropriate locations** where identified needs are not met by existing facilities in rural service centres"*.

Paragraph 56 states *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*;

Paragraph 60 states *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce **local distinctiveness**"*;

Paragraph 64 states *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*;

Paragraph 109 states *"The planning system should contribute to and enhance the natural and local environment by: **protecting and enhancing valued landscapes**; minimising impacts on biodiversity"*

Paragraph 118 states *"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"*.

Paragraph 126 states that local planning authorities should recognise that 'heritage assets

are an irreplaceable resource' which should be conserved in a 'manner appropriate to their significance'. Local planning authorities should also take into account 'the desirability of sustaining and enhancing the significance of heritage assets ... the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring ... (and) ... the opportunities to draw on the contribution made by the historic environment to the character of a place';

Paragraph 128 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".

Paragraph 129 states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".

Paragraph 130 "**Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision**".

Paragraph 131 states "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 132 states "When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification";

Paragraph 134 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the **public benefits** of the proposal, including securing its optimum viable use".

Paragraph 153 "Even the most minor repairs can sometimes have an impact on the archaeological interest of a heritage asset and may reveal new information relating to the significance of that asset"

Paragraph 188 'Pre-application engagement and front loading' states 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'

Paragraph 192 "The right information is crucial to good decision-taking, particularly where formal assessments are required ... To avoid delay, applicants should discuss what

information is needed with the local planning authority and expert bodies as early as possible"

English Heritage (web-site 23 April 2012) advice "Following the publication of the National Planning Policy Framework, PPS5 was deleted. However the Practice Guide remains a valid and Government endorsed document pending Government's review of guidance supporting national planning policy as set out in its response to the select committee. The references in the document to PPS5 policies are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF".

Paragraph 44, Design, of the Practice Guide states "it is important to recognise that new development that relates well to its surroundings is likely to last longer before its replacement is considered and therefore make a greater contribution to sustainability. Local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context".

Paragraph 80 of the Practice Guide, New development: design in context, states:

'A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

- (i) The significance of nearby assets and the contribution of their setting.*
- (ii) The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.*
- (iii) Landmarks and other features that are key to a sense of place.*
- (iv) The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.*
- (v) The topography.*
- (vi) Views into and from the site and its surroundings.*
- (vii) Green landscaping*
- (viii) The current and historic uses in the area and the urban grain'.*

Paragraph 178 of the Practice Guide states "it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting".

Paragraph 64 of the Practice Guide states "understanding the significance of affected heritage assets is vital to a successful scheme – one that proposes the optimum viable use to a design that takes advantage of the asset's significance while also conserving it. Early engagement can lead to an agreed understanding of the nature, extent and the importance of the significance of the asset or assets affected by a proposal, and identify the likely impacts before the details of the scheme are firmed up".

Paragraph 89 of the Practice Guide is entitled "Alterations to realise the optimum viable use of an asset" and states "it is important that any use is viable, not just for the owner but also for the future conservation of the asset. Viable uses will fund future maintenance. It is obviously desirable to avoid successive harmful changes carried out in the interests of successive speculative and failed uses. If there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long term conservation of the asset".

Paragraph 114 of the Practice Guide states 'the extent and importance of setting is often

expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another's setting".

Paragraph 115 of the Practice Guide states "setting ... perceived extent may change ... as understanding of the asset improves".

Paragraph 116 of the Practice Guide states "the setting of a heritage asset can enhance its significance whether or not it was designed to do so".

Paragraph 117 of the Practice Guide states "the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance".

Paragraph 118 of the Practice Guide states "any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting".

Paragraph 119 of the Practice Guide states "understanding the significance of a heritage asset will enable the contribution made by its setting to be understood. This will be the starting point for any proper evaluation of the implications of development affecting setting".

Paragraph 120 of the Practice Guide states "when assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

Paragraph 120 of the Practice Guide states "the contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials ... new buildings ... should together form a harmonious group".

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

"the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets" (4.5).

"arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. This will not adequately take account of qualitative issues, such as the importance of quiet and tranquillity as an attribute of setting; constraints on the public to routinely gain access to a setting because of remoteness or challenging terrain; or the importance of the setting to a local community who may be few in number" (2.4).

"where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from ... the significance of the asset" (2.4).

"The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The

likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance ... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result" (2.5).

'many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary" (2.5).

'Seeing the History in the View' (English Heritage, 2011) is relevant. However, Andy Brown (Planning Director, English Heritage) has recently advised (Exploring Constructive Conservation: Heritage Values, Blackpool, 3 October 2012) that the methodologies in this document are to be subject of early review.

'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

'Constructive Conservation in Practice' (English Heritage, 2008) states "*Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change ...*

The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment

... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance".

The 'Building in Context Toolkit: New Development in Historic Areas' (CABE, EH, the architecture centre) identifies 8 building in context principles.

The Garden History Society 'Planning Conservation Advice Note 2: Hotel and Leisure Development' includes the Watchpoint at 5.9 "*Leisure use which involves horses (e.g. riding schools, pony club courses etc.) may require special grazing enclosures which are usually fenced with post and rail for security, areas for ménage (usually similarly fenced, and with special surfacing e.g. bark) or courses of varied 'jumps'. Grazing of parkland by horses may result in uneven appearance to the grass, partially because of paddocking and because horses' hooves cut deeply into turf, but also because horses dung in particular areas. Subsidiary buildings (for stabling, tackrooms and feedstores), vehicular access (for feed delivery) and hard standing (for horse boxes) may also be required. All have potential for adverse impact upon the historic landscape".*

The Garden History Society 'Planning Conservation Advice Note 7: Treatment of boundaries and entrances' includes the Watchpoint at 5.4 "*Consider whether subsidiary development is likely to result from any proposed changes to boundaries and entrances (e.g. alterations to carriageways and footpaths; signage; security measures (e.g. lighting, CCTV, additional fencing etc.); street furniture (e.g. lighting columns, bollards, seating, bins etc.). New or replacement elements should be well-designed, fit for the purpose and appropriate to the individual historic landscape setting".*

The Garden History Society 'Planning Conservation Advice Note 14 : Management Plans (including Statements of Significance)' states:

- (i) *Designed landscapes do not remain static. Instead, they develop and decay and, while development should be carefully considered and setbacks mitigated, it is seldom possible (and rarely desirable) to maintain the status quo. Historic designed landscapes must adapt if they are to survive and, in practice, not everything can be preserved (1.4);*
- (ii) *Managing, developing and adapting historic designed landscapes usually involves making choices. Current needs and resources may drive such choices but these should be underpinned by a thorough knowledge of the site. Hence the value of historic research, recording and survey (1.5);*
- (iii) *Unless the relative importance of the significant elements of the place is clearly defined there is little basis for the resolution of conflict or for deciding priority in repair and renewal (4.4);*
- (iv) *A CMP will provide an informed basis for preparing development proposals and as such may be used to support proposals for change (5.2)*

'Farming the Historic Landscape: Caring for Historic Parkland' (English Heritage, 2005) states:

"What can harm historic parkland? – Loss of individual historic features such as trees and boundary walls will harm the park as a whole ... Other than pollards, coppice and individual trees which were venerated as historic and aesthetic features, parkland trees and woodland were always intended to be part of a regime of felling and replanting. Similarly parklands were designed as pastoral scenes enlivened by livestock ... Examples of changes that could harm parkland include - Undermining of the parkland form and archaeology from compaction, bramping, ploughing, digging and other movement of soil; New farm developments such as storage facilities, tracks and roads; Sub-division of parkland with new fences and boundaries; Harm or loss of trees, especially veteran trees, from livestock sheltering or browsing, ploughing and ditching, fertilisers and other chemicals, lopping and removing dead wood, felling; Poorly sited or unsympathetic new development such as new buildings, golf courses, telecommunication masts and details such as signage and lighting".

Conclusions

The Gisburne Historic Landscape Management Plan indicates that the application site is intrinsic to the Lord Petre influenced historic designed landscape. The Stock Beck valley has a dramatic and Picturesque character derived in large part from the careful siting and articulation of its (listed) buildings and features.

The Management Plan suggests that horse livery has already damaged the character of the Park. It specifically remarks on the impact of *"further levelling for features such as the Gallop and the new stabling on the west bank of the Stock Beck"* and warns of *"damage to archaeological features from deep cultivation, excavation and other operations (which) may result in long term damage. Vehicle movement in other areas is potentially damaging to earthworks"*. Subtle land sculpting is evident on site inspection and appears to be shown in the Griffier painting. The concerns of the Cheshire Gardens Trust and the Garden History Society's Advice Note 2 are noted together with the necessity for the proposed development to provide appropriate servicing and access (LCC Highways).

The proposal would appear to compound other existing concerns identified in the Management Plan i.e. *"many park trees lost and remaining specimens poorly maintained"*; Woodland - *"poor historic quality, continued neglect"* (the comments of RVBC Countryside Officer are noted in these respects); Historic fence lines - *"some significant lines lost and inappropriate new lines created"*; Historic fence materials - *"partly lost, replaced by generally inappropriate materials"* (it is noted that *"the older boundaries within the Park are either drv*

stone walls or iron railings"); Paths - *"much of the intricate path system that linked the pleasure grounds to the river and the Stock Beck Valley has been lost and replaced by utility road surfaces and car parking"*.

In my opinion, the stables and associated landscaping is prominent, conspicuous and visually intrusive and of undue harm to the character of the historic park and garden and the setting of the listed buildings forming part of this 'set piece'.

I am mindful of NPPF paragraph 6, 28 and 134, HEPPG paragraph 64 and 89 and the conclusions of the Gisburne Historic Landscape Management Plan (re-establish traditional parkland grazing) and do not consider the proposal to be sustainable development or the 'optimum viable use' of the site. The Management Plan identifies that whilst horses have been part of the Park historically, this has not related to or been part of the character of the Stock Beck. The application site is shown on historic paintings and maps and interpreted in the Management Plan as *"and the Stock Beck have grassed areas on either side and the whole area would afford delightful walks, the paths meandering through the planted sides of the valley"*. The Management Plan advocates the removal of C20 'horsiculture' from historically inappropriate elements of the Park in part because of the physical damage to subtle archaeological features.

In regard to the Overall Vision (see above) of the Management Plan it is noted that the NPPF not only requires consideration to the conservation of significant heritage but also that attention be given to the enhancement of significance, the promotion of local significance, improvement to the character and quality of areas and new development making a positive contribution to local character and distinctiveness (paragraph 7, 60, 64, 126 and 131).

Therefore, whilst I am mindful of the expected employment of one person from the scheme I do not consider this public benefit to outweigh the considerable harm to the historic environment and interests of acknowledged national importance (NPPF paragraph 134).

The absence of information concerning the impact on trees (see response to Question 15 of the application form) and site level changes (implemented and any proposed) makes it difficult to consider the acceptability of these elements (including the consideration of any possible mitigation for works already undertaken).

RECOMMENDATION: That permission be refused.