

Bassetlaw Unregistered Park & Gardens – A Methodology for Identifying and Surveying



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Prepared by the Conservation Team
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Document details

Title: Bassetlaw Unregistered Parks & Gardens – Methodology for Identifying and Surveying

Summary: This document comprises the Council's methodology for the identification and surveying of Unregistered Parks & Gardens within Bassetlaw District.

This methodology has been used to identify and survey each site, with a statement of significance produced for each of the 56 sites.

Approved: This document was approved at Planning Committee on the 1st March 2017.

Document availability:

Copies of this document are available at Bassetlaw District Council (Planning Services) and on the Council's website:

www.bassetlaw.gov.uk/

For further information on this document, please contact the Council's Conservation Team on (01909) 533484, 533191 or 533427 or email Michael.Tagg@bassetlaw.gov.uk.

Front page: Photographs and maps of Unregistered Parks & Gardens within Bassetlaw District (sources: Bassetlaw District Council & British Library)

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1. Introduction

1.1 Man-made landscapes form an integral part of the heritage of Bassetlaw and include some of its most important heritage assets. Whilst a small number of the District's historic landscapes are on the national register (and therefore receive a strong level of protection in the planning system), the vast majority of sites are not registered. It is therefore the role of the local planning authority to identify these landscapes and examine their significance, in order to better inform planning decision-making. Hence, the content of this document is intended to:

- a) Provide a definition for the term 'unregistered park and garden';
- b) Set out the criteria by which unregistered park and gardens are identified;
- c) Advise on the statutory and non-statutory protection afforded to unregistered parks & gardens;
- d) Provide the methodology against which each of the District's unregistered parks and gardens are surveyed;

2. What is a 'Heritage Asset'?

2.1 There are a wide range of significant places across the country, including buildings, groups of buildings, settlements, open spaces, landscape features and archaeological sites. English Heritage's (now Historic England) 'Conservation Principles' document of 2008 defines 'significance' as: *"the sum of the cultural and natural heritage values of a place, often set out in a statement of significance"¹*.

2.2 Collectively, those sites which are considered to hold a degree of significance are regarded as 'heritage assets'. The Government's National Planning Policy Framework (March 2012) defines a heritage asset as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)²".

2.3 Heritage assets can be categorised into two groups: those that are given protection at a national level; and those which are identified and considered solely at a local level. Those protected at a national level are regarded as 'Designated Heritage Assets' and comprise any of the following:

- Listed Buildings;
- Conservation Areas;
- Registered Parks and Gardens;
- Scheduled Ancient Monuments; or
- Historic Battlefields.

2.4 Those identified/considered at local level, called non-designated heritage assets:

- Local interest buildings;

¹ *Conservation Principles, Policies & Guidance*; English Heritage; April 2008.

² *National Planning Policy Framework*; Department for Communities & Local Government; March 2012; Annex 2, page 52.

- Unregistered parks and gardens;
- Unscheduled sites of archaeological interest.

3. What is an ‘Unregistered Park and Garden’?

Registered Parks and Gardens:

3.1 Certain parks and gardens are given protection by the Government under a system of registration, first established in 1983. Whilst statutory protection (i.e. where a specific consent is required for certain types of works) does not apply to ‘Registered Parks and Gardens’ (other than for Listed Buildings or Conservation Areas within those sites), a strong presumption in favour of conservation is given in both national and local planning policies, in addition to certain requirements on public consultation. Bassetlaw District contains 4 parks and gardens which are on the national register. These are:

- Welbeck Abbey;
- Clumber Park;
- Shireoaks Hall; and
- Babworth Hall.

For further information on the Registered Parks and Gardens in Bassetlaw can be found on the Council’s website: <http://www.bassetlaw.gov.uk/everything-else/planning-building/conservation-heritage/historic-parks-gardens.aspx>. For an overview of the historic development of landscaped parks and gardens, please see the relevant pages of Historic England’s website and the Parks and Gardens Data Service website:

- <https://historicengland.org.uk/listing/what-is-designation/registered-parks-and-gardens/> and
- <https://historicengland.org.uk/listing/selection-criteria/pag-selection/>.
- <http://www.parksandgardens.org/>

Unregistered Parks and Gardens:

3.2 Aside from the registered sites, a large number of significant landscapes and landscape features, of a variety of sizes, dates and functions, exist across the District. Whilst these sites may not meet the national criteria for registration, they are nonetheless significant in a local context.

3.3 The Council offers the following definition for these sites: ***Landscapes shaped by human activity which are not on the national register but are identified locally as having a degree of significance meriting consideration in planning decisions, because of their heritage interest.*** In some cases, these sites contain buildings, whilst in others there are no buildings and only small-scale features such as monuments, walls or walkways. In some cases, it is the natural features which provide much of the significance, including the trees, hedges, lawns or under-lying topography. Views into, out of and within the site may also contribute to significance. The types of sites identified by the Council include:

- Public parks;
- Formal gardens;
- Archaeological landscapes;
- Landscaped private parks and gardens;
- Municipal cemeteries.

4. Why Identify Unregistered Parks and Gardens?

- 4.1 As a type of heritage asset, unregistered parks and gardens are an important part of the District's heritage, often holding considerable landscape value and in many cases contributing greatly to the setting of other heritage assets (such as Listed Buildings). In addition, the majority of the unregistered park and gardens in Bassetlaw are publicly accessible (or contain public footpaths/bridleways) or are visible from the public highway. This good level of accessibility and visibility means that unregistered park and gardens are amongst the most enjoyed heritage assets in Bassetlaw. This is reflected nationally, as set out in the Historic England Advice Note 7 – Local Listing (May 2016).
- 4.2 In some cases, the unregistered park and gardens are within Conservation Areas, so already have statutory protection. In addition, the sites may contain Listed Buildings or Scheduled Ancient Monuments, which also receive statutory protection. However, many are not within Conservation Areas and do not contain Listed Buildings or Scheduled Ancient Monuments. Their identification allows the council to give the sites a degree of protection through both local and national planning policies when making decisions on planning proposals and policy-making.
- 4.3 Much of the above justification is set out in the National Planning Policy Framework (NPPF). Paragraph 169 of the NPPF places a duty on the Council to have an up-to-date evidence base on its historic environment: *“Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.”*
- 4.4 In addition, Paragraph 141 of the NPPF requires that: *“Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible.”*
- 4.5 Finally, the NPPF states that it is the purpose of the planning system to achieve sustainable development. Paragraph 7 emphasises the importance of the historic environment in this and sets out one of the key roles of the planning system: *“contributing to protecting and enhancing our natural, built and historic environment”*.

5. How are Unregistered Parks and Gardens Protected?

Statutory Protection

- 5.1 The statutory protection afforded to Listed Buildings and Conservation Areas (via the **Planning (Listed Buildings and Conservation Areas) Act 1990**) is unaffected by those sites being within an unregistered park and garden. Whilst the unregistered park and garden may add to the significance of the designated building/site and contribute to its setting, the main duty of the local planning authority when deciding planning proposals still lies in carrying out the requirements of the 1990 Act:

When assessing applications for Listed Building Consent, **Section 16(2)** states that: *“In considering whether to grant listed building consent for any works the*

local planning authority or 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”.

For applications for planning permission affecting listed buildings, **Section 66(1)** requires that special regard is had to the: *“desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

When a planning application is made for a site within a Conservation Area, **Section 72(1)** states that: *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.*

- 5.2 Applications for Scheduled Monument Consent (as required by the **Ancient Monuments and Archaeological Areas Act 1979**) are administered by Historic England. However, applications for Planning Permission are dealt with by the local planning authority.

National Planning Policies:

- 5.3 At a national level, a range of policies exist covering both designated and non-designated heritage assets. These are primarily contained in Section 12 of the National Planning Policy Framework. The paragraphs used in decision-making will depend on the type of heritage assets affected. The relevant NPPF paragraphs are:

Paragraph 128: *“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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.*

Paragraph 129: *“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 131 requires that when assessing applications affecting heritage assets, local planning authorities should consider: *“the desirability of sustaining and enhancing the significance of heritage assets”*; *“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: *“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...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 133: "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use."

Paragraph 134: "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 135: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Paragraph 137: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".

Paragraph 138: "Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."

Local Planning Policies:

- 5.4 In accordance with the adopted [Bassetlaw Core Strategy and Development Management DPD \(December 2011\)](#) and specifically Strategic Objecting SO9, Bassetlaw District Council will seek to:

"Protect and enhance the District's heritage assets, identify those of local significance, reduce the number of heritage assets at risk and ensure that development is managed in a way that sustains or enhances the significance of heritage assets and their settings" (Bassetlaw Core Strategy, para 3.3).

5.5 Policy DM8 of the Bassetlaw Core Strategy delivers the strategic objective and is the Council's Development Management policy on heritage. This policy states:

Policy DM8 – The Historic Environment

Support will be given to development proposals or regeneration schemes (particularly in central Worksop, Retford and Tuxford) that protect and enhance the historic environment and secure its long-term future, especially the District's Heritage at Risk. Support will also be given to proposals from the Welbeck Estate for the re-use of heritage assets, where these will result in the enhancement of the assets. Such proposals must recognise the significance of heritage assets as a central part of the development. They will be expected to be in line with characterisation studies, village appraisals, Conservation Area appraisals (including any site specific development briefs that may be found within them), archaeological reports and other relevant studies.

A. Definition of Heritage Assets

Designated heritage assets in Bassetlaw include:

- i. Listed Buildings (including attached and curtilage structures)ⁱ;
- ii. Conservation Areas;
- iii. Scheduled Monuments; and
- iv. Registered Parks and Gardens.

Non-Designated assets in Bassetlaw include:

- v. Buildings of Local Interestⁱⁱ;
- vi. Areas of archaeological interest;
- vii. Unregistered Parks and Gardensⁱⁱⁱ; and
- viii. Buildings, monuments, places, areas or landscapes positively identified as having significance in terms of the historic environment.

B. Development Affecting Heritage Assets

There will be a presumption against development, alteration, advertising or demolition that will be detrimental to the significance of a heritage asset.

Proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported.

The setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported. Where appropriate, regard shall be given to any approved characterisation study or appraisal of the heritage asset. Development proposals within the setting of heritage assets will be expected to consider:

- i. Scale;
- ii. Design;
- iii. Materials;
- iv. Siting; and
- v. Views away from and towards the heritage asset.

C. Change of Use Affecting Heritage Assets

The change of use of heritage assets, including Listed Buildings and buildings in Conservation Areas, will only be permitted where the proposed use is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the building^{iv}. Evidence supporting this will be submitted with proposals^v. New uses that adversely affect the fabric, character, appearance or setting of such assets will not be permitted.

D. Shopfronts

Proposals for replacement shopfronts, or alterations to shopfronts, affecting heritage assets will be expected to ensure that traditional shopfronts are retained wherever possible irrespective of the use of the property. New shopfronts will be expected to utilise traditional materials such as timber and be designed to respect the special interest of the building and its setting^{vi}.

ⁱ Any object or structure fixed to the principal listed building or any object or structure within its curtilage that has formed part of the land since before 1 July 1948 may also be protected.

ⁱⁱ As identified in the Nottinghamshire Historic Environment Record or by the District Council using the guidance publication Non-Designated Heritage Assets: Criteria.

ⁱⁱⁱ As identified in the Nottinghamshire Historic Environment Record.

^{iv} N.B. The most viable use that is compatible with the fabric and setting of the building may not always be the most profitable.

^v Requirements to be detailed in forthcoming SPD.

^{vi} Requirements to be detailed in forthcoming SPD.

6. How are Unregistered Parks & Gardens Identified?

6.1 The majority of the unregistered parks and gardens in Bassetlaw District are identified on the Nottinghamshire Historic Environment Record (HER) administered by Nottinghamshire County Council. The Conservation Team has used the County Council HER data as the starting point for the assessments, with a review of each boundary carried out as part of the process. In a small number of cases, it may be considered that a particular site from the County list no longer merits identification as there is a lack of coherent heritage interest.

6.2 The identification of new unregistered park & gardens in Bassetlaw is carried out using the definition as set out on page 5 and below. This definition, which is also partly informed by the four Historic England 'Registered Park & Garden' selection guides, states that an unregistered park & garden comprises the following:

Landscapes shaped by human activity which are not on the national register but are identified locally as having a degree of significance meriting consideration in planning decisions, because of their heritage interest.



- 6.3 As well as meeting the Council's requirements from the NPPF and the Bassetlaw Core Strategy, this methodology is also in accordance with Historic England's guidance on 'local lists' (HE Advice Note 7). Specifically, the methodology gives the council a basis from which follow the 'local heritage list cycle', which comprises the 5 stages of:
- a) **Identification** – The definition and methodology gives the starting point for identifying sites;
 - b) **Assessment** – The surveying methodology allows the Council to examine what is significant about each site;
 - c) **Ratification** – The methodology is approved, thereby giving approval for the subsequent list of sites;
 - d) **Publication** – The methodology and resulting statements of significance allow the Council to place evidence on the significance of each site into the public domain;
 - e) **Review** – Future reviews would be based on this methodology.

7. Surveying Methodology

7.1 Each unregistered park and garden is identified and assessed using the same methodology. This process comprises:

- Background historic research – including a review of:
 - Historic maps (enclosure maps, tithe maps, other estate maps, county/regional maps, etc);
 - Historic newspapers (local, regional and national);
 - Historic photographs;
 - Books;
 - Journal articles;
 - Archived building plans;
 - Relevant planning history;
 - Discussions with landowners and local historians;
- A review of all relevant HER data – this is especially important in gaining an understanding of the archaeological significance of each site;
- Topographical and geological information;
- A review of overhead photographs (both modern and historic); and
- On-site surveys.

7.2 Using the above methodology, a **statement of significance** will be produced for each unregistered park & garden, which sets out what is significant about each site. In identifying the District's unregistered parks and gardens at this stage, the Council is complying with paragraph 141 of the NPPF, which states that:

“Local Planning Authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible.”

7.3 It is considered that this methodology document, in conjunction with the statements of significance, provides the public with, at the earliest possible stage, a good level of understanding to show why each of the unregistered parks and gardens are identified,

what is significant about them and why the boundaries are drawn where they are. Although the statements are not intended to be full and comprehensive assessments, they will provide an overview of significance, to be used as a starting point in planning decision-making and policy-making. In the event of proposals affecting specific parts of an unregistered park and garden, it is likely that further research and/or surveying of that site may be required. Further information on sites within Conservation Areas may also be found in the relevant Conservation Area Appraisal & Management Plan.

- 7.4 The identification of a site as an unregistered park and garden does not affect any statutory protection a designated heritage asset within it (Listed Building, Conservation Area or Schedule Ancient Monument) may have.
- 7.5 Statements of significance for each of the 56 unregistered park & gardens is available on the Council's website: <http://www.bassetlaw.gov.uk/everything-else/planning-building/conservation-heritage/unregistered-parks-and-gardens.aspx>.

USEFUL CONTACTS & LOCAL HISTORIC INFORMATION SOURCES

Bassetlaw District Council (Conservation Team)

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Website: <http://www.bassetlaw.gov.uk/everything-else/planning-building/conservation-heritage.aspx>

Email: Michael.Tagg@bassetlaw.gov.uk; Simon.Britt@bassetlaw.gov.uk; Aimee.Dobb@bassetlaw.gov.uk

Telephone: (01909) 533484/533427/533191

Historic England

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Website: <http://www.historicengland.org.uk/>

Email: eastmidlands@historicengland.org.uk

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Nottinghamshire County Council

Address: Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP

Website: <http://www.nottinghamshire.gov.uk>

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The Gardens Trust

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