
Appeal Decision

Site visit made on 19 September 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2023

Appeal Ref: APP/M9496/W/23/3316665

Chatsworth House, Chatsworth, Edensor, Bakewell, Derbyshire, DE45 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steve Porter, Chatsworth House Trust, against the decision of the Peak District National Park Authority.
 - The application Ref NP/DDD/0622/0760, dated 15 March 2022, was refused by notice dated 11 October 2022.
 - The application sought to vary conditions 2, 9, 11, 13, 15 and 26 from NP/DDD/1018/0911¹ without complying with condition 3 attached to planning permission Ref NP/DDD/0921/1053, dated 13 January 2022.
 - The condition in dispute is No 3 which states that once the new car park is first brought into use, no public overflow parking shall take place between the Bastion Wall and the River Derwent (in the area marked green on the attached plan ref Plan for Condition 3) over and above the operational days of the three major events – RHS flower show (5 days per year), Country Fair (3 days per year) and Horse Trials (3 days per year).
 - The reason given for the condition is: in order to secure public benefits in terms of protecting the setting of the Grade I listed building and Grade 1 Registered Parkland, that are sufficient to offset and outweigh the identified harm and to justify major development in the National Park in accordance with policies GSP1, GSP2, L3, DNC5, DMC7 and DMT7 and advice in the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. Planning permission was granted in 2020 under reference NP/DDD/1018/0911 to reconfigure and extend the main visitor car park at Chatsworth House. This was subject to a number of conditions including condition 3 which seeks to control and restrict public overflow car parking in the area below the Bastion Wall and the river Derwent (the appeal site).
3. Permission was subsequently granted in 2022 under reference NP/DDD/0921/1053 to vary a number of conditions attached to that permission (conditions 2, 9, 11, 13, 15 and 26). These sought amendments to the wording of the conditions relating to landscaping, trees, archaeology and electric charging points and to allow the development to be phased. Condition 3 remained unchanged and was repeated on that permission.

¹ improvement and expansion of existing car park associated with Chatsworth House, together with the creation of a new access road via a spur off the existing A619/A621 roundabout east of Baslow

4. The reason for the imposition of Condition 3 states that it is in order to secure public benefits in terms of protecting the setting of the Grade I listed building and Grade I registered parkland that are sufficient to offset and outweigh the identified harm and to justify major development in the National Park.
5. The appeal proposal now seeks the variation of that condition to allow additional overflow car parking on the appeal site, over and above that stipulated in the condition.
6. This background, along with the reason for the imposition of condition 3, and the reasons for refusal for the application for the variation of condition 3, have led to my identification of the main issues below.

Main Issues

7. The main issues are:
 - Whether the variation of the disputed condition would preserve the setting of Chatsworth House a Grade I listed building (Ref: 1373871), and its effect on the significance of the Chatsworth House Registered Grade I Historic Park and Garden (Ref: 1000355); and
 - Whether the disputed condition is necessary to encourage sustainable transport and reduce the need to travel.

Reasons

The heritage assets

8. Chatsworth House is a magnificent country house which is recognised as being of the highest national significance and of exceptional architectural and historic interest. Dating to the 17th century it is built of sandstone ashlar in opulent baroque and neo-classical styles on a grand scale. It is situated on the river Derwent within extensive parkland that is backed by wooded hills rising to heather moorland beyond.
9. Insofar as relating to this appeal, the significance of Chatsworth House is derived from its architectural and historic interest as one of the country's most iconic and famous stately homes, to which the grandeur of its design and close relationship with the surrounding planned gardens and parkland contribute.
10. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The setting of Chatsworth House, and the contribution it makes to the significance of that asset, in so far as it relates to this appeal, is derived from the rich historic character of its impressive intentionally laid out gardens and open parkland landscape. These contribute to the setting of Chatsworth House and how it is appreciated.
11. The appeal site comprises an area of open grassland immediately to the west of the House between the Bastion Wall and the river and is part of the parkland. The House and its formal walled gardens are adjacent to the appeal site, directly overlook it and form part of the backdrop to it. There is clear and uninterrupted inter-visibility between the House and the appeal site, and important views of the listed building on approach from the west include the appeal site. Thus the appeal site has a direct visual and functional relationship

with the building and contributes positively to its setting. I have had special regard to this matter in considering the appeal.

12. Chatsworth House is also a Registered Historic Park and Garden of the highest significance due to its exceptional historic, architectural and archaeological interest. This designation takes in the formal gardens and pleasure grounds including the more informal parkland landscape surrounding the House. Designed by renowned landscape architect Capability Brown with 17th century origins, it is a designated heritage asset in its own right. The House is accessed via a long driveway through the rolling parkland. This crosses the river via the Three Arch Bridge, which is recognised as being of central importance to the landscape and views to and from the House.
13. In so far as relating to this appeal, I find that the significance of the Historic Park and Garden is derived from the quality and unspoiled character of its open parkland landscape. It also stems from the relationship of this with the House and the intended views and vistas associated with the carefully planned landscape.
14. The listing for the Historic Park and Garden indicates that 'the route from Edensor with falling parkland in the foreground and views of the bridge and the House beyond backed by steeply rising wooded slopes is one of the most impressive approaches to a country House in England'. The appeal site is a key part of this view and is seen in the foreground with the House and its formal gardens behind. As an open piece of grassland in front of the House and prominent on approach to it, the appeal site contributes positively to the character and appearance of the parkland and its significance as a heritage asset in relation to this appeal.

The effect of the proposal on the heritage assets

15. The appeal site has been used historically for temporary overflow visitor car parking and can accommodate up to 350 cars. However, in approving the extensions and remodelling works to the main car park in 2020 and 2022 as described above, the Authority sought to introduce some control and restriction of overflow car parking on the appeal site.
16. The condition as drafted restricts parking there to 11 days a year. This was allowed specifically and exceptionally during three major events (RHS Flower Show, Country Fair and Horse Trials). It was imposed in order to protect the Historic Park and Garden and the setting of Chatsworth House.
17. The proposed variation of the disputed condition would increase overflow car parking on the appeal site to 45 days a year. Additionally, rather than these being linked to any events, they would be managed in accordance with a Car Park Management Plan. This outlines three zones for parking and indicates that the overflow car parking at the appeal site (Zone 3) would generally only be used in times of high demand and as a final resort after the main car park (Zone 1) and the 'helipad' (Zone 2).
18. The appeal proposal seeks an additional 34 days a year of overflow car parking (over and above that permitted by the existing condition). This would take place in front of the principal elevation of Chatsworth House on an area of grassland which forms part of a key carefully designed intentional and powerful view of the House from across the parkland and on approach to the House. I

appreciate that the area has been used for car parking and events for some time and that the presence of cars there is not altogether an unusual sight.

19. Nevertheless, it remains that the parking of cars on the appeal site is appreciated as an unwelcome and obvious visual intrusion that seriously distracts from the open nature and rural feel of the appeal site. As a result the parking of cars undermines the site's contribution to the significance of both the Historic Park and Garden and the House itself. An increase in the instances of car parking there, would serve to further impair the ability to appreciate the historic parkland landscape and key views of the House.
20. Whilst the appellant argues that the increase in days on which overflow car parking would be allowed to take place would not be great, the Authority indicates that 45 days a year as sought is almost equivalent to every weekend (Saturday and Sunday) that the House is open. To my mind such an increase would not be modest.
21. I have had regard to the appellant's view that the variation of the condition as sought would represent an improvement in relation to the existing situation. The parties are agreed that the site has been used for visitor car parking for many years without restriction and that this continues to be the case. I understand that it is used as a last resort when visitor numbers are high. It has existing paths and tracks for vehicles and pedestrians, including an area where grass protector has been laid out and is conveniently located.
22. The appellant argues that the appeal site could be used for overflow car parking for 365 days a year. With this in mind, it is suggested that in prohibiting car parking on the appeal site for over 300 days a year, the condition as proposed would be an improvement over and above the existing situation. The appellant indicates that in practice, the appeal site has been used historically for overflow car parking for between 60 and just over 100 days a year. The Authority confirms that it has in the past regarded the use of the parkland for overflow car parking to be ancillary and incidental to the main use of the House. It has never been asked to take a formal view as to whether overflow car parking amounts to a change of use of the land, or sought to take any enforcement action in this regard.
23. That said, the Authority confirms that the use of the appeal site for 365 days a year for parking would require planning permission. The matter of the need for planning permission is not before me, however in practical terms I am not convinced that there is any real prospect of such a fallback position being possible in the absence of planning permission. It remains that the disputed condition was imposed to reduce and control overflow car parking on the appeal site to a specific number of days. Whilst the proposed variation of the condition would result in some restriction of car parking on the appeal site (and would allow less car parking than the 60-100 days referred to by the appellant), this would not be of the quantum of that that would be achieved by the condition as drafted.
24. As well as increasing the number of days that parking would be possible, the proposed variation of the condition would remove the restriction to parking only taking place in conjunction with the three events. The appellant indicates that over the last few years there is little significant difference in the number of cars coming to the estate across the whole of the open season (April to December).

25. Nevertheless, I am aware that the events referred to in the condition give rise to temporary structures, vehicles, people, and activities which in themselves have an unsatisfactory visual impact on the parkland. I agree with the Authority's view that parking on the appeal site is likely to appear less visually intrusive in this context than when the parkland is clear and unobstructed. Accordingly, I find that parking on the appeal site other than in association with events, would be likely to be more visually distracting and detrimental to the character and appearance of the parkland.
26. I understand that the RHS show has now ceased and have some sympathy with the appellant's view that the reference to the events in the condition as drafted is therefore impracticable and does not reflect the current operation of the estate. That said, I am mindful that the RHS show has permission to operate from the site until 2027 and that its return cannot be ruled out. Additionally, whilst appreciating that the events programme at the House can be subject to frequent change, I see no reason why the condition could not be varied to alter the main events referred to. This could be secured via an alternative application as suggested by the Authority. That said, the appellant is clear that even if overflow parking on the appeal site was not tied to events, 11 days are unworkable.
27. Thus, taking these factors into account, I find that parking on the appeal site at times when the parkland is not in use for events, would be likely to add to the proposal's unsatisfactory visual impact.
28. The RHS has permission to use the appeal site for 45 days around its event. The appellant argues that the proposed level of parking sought by the appeal would be the same as this. However, I am not persuaded that the use of the site for the duration of the RHS Show event and the more general use of the site for overflow car parking are necessarily comparable. The Authority confirms that the RHS permission was granted on a temporary basis only and in light of the substantial public benefits that arose (including financial contributions to the conservation of heritage assets, the local economy and education). This being so, I do not regard that permission to be comparable to the appeal scheme. Accordingly, the cessation of that event does not justify additional overflow car parking on the appeal site.
29. Turning to the impact of the proposal on the fabric of the parkland itself, I appreciate the appellant's commitment to the care of the historic landscape and stated recognition that car parking on the parkland carries a particular risk of potential impacts on the physical fabric as well as the visitor's experience in terms of increases in noise and movement. The appeal site is used because it is the best drained area and suffers the least sward damage and compaction damage from cars in wet conditions. As set out above, it is also used as a last resort.
30. Even so, the grassland on the appeal site takes time to recover from the damage arising from vehicles. In increasing parking over and above the level permitted by the existing condition, the proposal would lead to more damage to the grassland. The increased frequency of this would reduce the intervals at which the parking would take place and so limit the opportunities for the grass to rejuvenate. This would be particularly so if the site was used for regular parking spread across the year rather than in association with particular events.

31. Accordingly I consider that the variation of the condition as proposed would be likely to hinder the recovery of the grassland. This would harm the fabric of the Historic Park and Garden. The resultant areas of prominent damaged grassland would also add further to the proposal's unsatisfactory visual impact.
32. Bringing matters together, I appreciate that Historic England did not specify any number of days on which the parking should be restricted, or suggest it was tied to specific events. I also acknowledge the restriction that the Car Park Management Plan would introduce in terms of managing car parking across the estate and on the appeal site. I am aware that the estate operates in accordance with the 2013 Parkland Management Plan which seeks to conserve significance and the key characteristic that provide a sense of place.
33. Nevertheless, having regard to these matters and all the issues considered above, I find overall that the variation of the disputed condition as sought, would lead to increased and less restricted car parking on the appeal site in comparison to the condition as drafted. For the reasons given, this would unacceptably detract from the considerable historic character of the House's impressive carefully orchestrated open parkland landscape, and from the intentionally designed and quintessential views and vistas. Thus it would diminish the contribution of the setting of the listed building to its significance and would fail to preserve the setting of Chatsworth House. It would also detrimentally affect how the Historic Park and Garden is experienced.
34. I therefore conclude on the first main issue that the variation of the condition would fail to preserve the setting of Chatsworth House and would be harmful to the significance of the Historic Park and Garden.

Heritage Balance

35. The Framework advises at paragraph 199 that when considering the impact of a proposal 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.
36. Paragraph 200 of the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. I find the harm to the heritage assets to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
37. The appellant indicates that the overflow parking sought by varying the condition is needed in order to meet Chatsworth's minimum operational needs. Reference is also made to the public benefit gained from the retention of operational flexibility which is needed to continue to generate income. Whilst the long term objective is for no parking to be necessary on the appeal site, the appellant argues that this is not possible at present, and that the restrictive nature of the disputed condition is not viable given the current visitor numbers at various times of the year. As a result the appellant indicates that the permission to improve the car park has not been implemented because its implementation is not viable due to the terms of disputed condition 3.

38. On the other hand, it is also stated in the evidence provided by the appellant to support the appeal that the proposal to vary the condition seeks to better manage existing numbers of cars, rather than to provide additional visitor parking. Data collected by the appellant in recent years indicates that the number of cars coming to the site has not grown, but that a small decline in numbers has been managed by encouraging public transport and charging for car parking.
39. In this context it has not been established why overflow car parking on the appeal site under the terms sought by the appeal, is necessary to meet the estate's minimal operation needs or to ensure continued income generation. No further details have been provided as to why the approved works to the main car park are unfeasible either financially or practically as a result of the disputed condition.
40. The existing car park can currently accommodate some 675 vehicles. The committee report for the originally permitted scheme² to reconfigure and extend the main car park, indicates that this would increase its capacity by 30% to 895 spaces. The increase of 220 car parking spaces along with 13 coach bays would be achieved by a 10% increase in parking surface. The need for the car park re-configuration and extension was considered as part of that report when an assessment of visitor car numbers was undertaken.
41. I appreciate that if visitors cars cannot be accommodated within the estate they may try to park elsewhere in the National Park, resulting in congestion and knock on visual impacts. I have also had regard to the appellant's argument that in retaining overflow car parking on the appeal site, the need for cars to be displaced to another potentially undisturbed part of the parkland is removed, thereby preventing risk to other heritage assets. Other options for overflow car parking have been considered but ruled out due to the landscape, topography, ground conditions, lack of opportunities for screening, and road capacity. A remote park and ride scheme has also been considered but discounted. Additionally, I note from the committee report that at that time the appellant sought 29 days of overflow car parking on the appeal site.
42. Nevertheless, I am satisfied that the estate's operational needs and overall capacity issues with regard to car parking were assessed by the Authority in approving the re-configuration and extension of the main car park. It has not been put to me that circumstances in this regard have changed since that time. Thus, in the absence of any substantiated evidence to explain or quantify how the condition as drafted would adversely affect operational needs or hinder income generation, it has not been demonstrated that the approved works to the main car park are not viable or capable of succeeding in the absence of the appeal scheme. Nor have I seen anything to demonstrate that the condition as drafted will necessarily lead to cars being displaced to alternative locations within the estate or the wider area.
43. The appellant refers to the reasons for the application to reconfigure and extend the main car park. I appreciate that it has developed incrementally over many years and am aware of the reasons for its upgrade and the benefits that would arise from that permission. I also note the appellant's response to the harm identified by the Authority in relation to that application and the rebuttals provided with regard to landscape, trees and archaeology. The

² NP/DDD/1018/0911

overall merits of that scheme are not before me for consideration. The appeal is made under section 73 of the Town and Country Planning Act 1990 and I must consider the disputed condition only. Nevertheless, I am mindful of the Authority's reasons for imposing the disputed condition as part of the balancing of the harm and benefits associated with that scheme.

44. The condition as drafted has the effect of reducing overflow car parking on the appeal site (which is currently unfettered) to a specific quantum linked to three particular events. It is clear that the Authority considered the removal of inappropriately parked cars on the appeal site (to the level and frequency set out in the condition as drafted) to be an important factor in permitting the additional car parking to the main car park. The benefits in this regard were counted as public benefits by the Authority and were found to be of such a magnitude to be deemed sufficient to outweigh the harm that was judged to arise from the works to heritage assets of the highest national significance.
45. They were also considered sufficient to justify major development in the National Park. This is also a high bar. Whilst the appellant argues that the benefits associated with the original permission would be lost if the appeal were to be dismissed, on the other hand, it follows that the harm would not arise either.
46. Reference is made to the benefits that would stem from the appeal scheme in comparison to the existing situation of unrestricted car parking. This matter is considered above, and it remains that the appeal scheme falls to be considered in the context of condition 3 as currently drafted. That the permission to which that condition is attached has not been implemented does not alter my view. Notwithstanding the appellant's viability arguments which are dealt with above, it is the public benefits associated with the proposed variation of the condition to lessen its restrictive effect (and increase overflow car parking on the appeal site) that are at play here.
47. No other public benefits have been put forward. Thus, I find that overall the public benefits of the proposed variation of the condition would not outweigh the harm to the significance of the designated heritage assets that I have identified.
48. The proposal would therefore be contrary to Policy GSP1 E of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (Core Strategy) which states that in securing National Park purposes major development should not take place in the National Park other than in exceptional circumstances. It would fail to support Core Strategy Policy GSP3 which states that development must respect, conserve and enhance all valued characteristics of the site and buildings, and Core Strategy Policy L3 A which requires development to conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings.
49. There would also be conflict with Policy DMC3 of the Development Management Policies Part 2 of the Local Plan for the Peak District (DMP) which expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape. The proposal would fail to support DMP Policy DMC5 which states that development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed

by public benefits. Furthermore it would be at odds with DMP Policy DMC7 which aims to ensure that development preserves the character and significance of listed buildings and/or their settings, and with DMP Policy DMC9 which relates to Registered Parks and Gardens.

50. Furthermore there would conflict with the provisions of the Framework which aim to conserve and enhance both the natural and historic environments, including the landscape and scenic beauty in National Parks.

Sustainable Transport

51. Chatsworth is recognised as one of the area's most important visitor attractions, and the estate operates in accordance with a Travel Plan which was adopted in 2019. This sets out how alternative travel opportunities are supported and includes the long term strategy to reduce car numbers to the site. It supports the Authority's Sustainable Transport Action Plan and looks to reduce barriers to and enhance the use of public transport, make high quality non-car transport central to the experience of the visitor, maximise integration between different modes of travel, raise awareness and confidence about use of non-car modes and support behavioural change, as well as to work with partners and bus operators to improve public transport links.
52. Although the Authority accepts that the appellant is making efforts to promote a shift to public transport, it is concerned that the appeal proposal conflicts with the thrust of national and local policy with regard to sustainable transport.
53. As set out above, the appellant states that the appeal scheme seeks to better manage existing numbers of cars, rather than to provide additional visitor parking. The number of cars coming to the site has not grown in recent years, rather a small decline in numbers has been managed by encouraging public transport and charging for car parking. Even so, as set out above, notwithstanding the currently unrestricted use of the appeal site for overflow car parking, the practical effect of the proposed variation of the condition would see an increase in the number of days on which overflow car parking could take place on the appeal site.
54. This being so, I cannot see that the appeal proposal would encourage or promote sustainable transport. Nor would it reduce the need to travel through giving priority to conservation and enhancement, encouraging modal shift to sustainable transport and minimising traffic impacts within environmentally sensitive locations as required by Core Strategy Policy T1.
55. I therefore conclude on this main issue that the disputed condition as drafted is necessary to encourage sustainable transport and reduce the need to travel.
56. Thus the proposed variation of the disputed condition would be contrary to Core Strategy Policy T1. It would also fail to support Core Strategy Policy T7 which states that non-residential parking will be restricted in order to discourage car use and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. This policy also states that new non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible it will be made available for public use. Additionally the proposed variation of the condition would be at odds with DMP Policy DMT7 which states that new or

enlarged visitor car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown.

Conclusion

57. I have found that the variation of the condition as sought would fail to preserve the setting of Chatsworth House and would be harmful to the significance of the Historic Park and Garden. Additionally, I have concluded that the disputed condition as drafted is necessary to encourage sustainable transport and reduce the need to travel. There are no benefits, either private or public, that would be sufficient to outweigh the totality of this harm.
58. For the reasons given, I therefore conclude that the appeal should be dismissed and the condition should be retained.

E Worthington

INSPECTOR