



Appeal Decision

Site visit made on 8 January 2024

by A Edgington BSc MA (Hons) CMLI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/Y3425/W/23/3319659

Trentham Estate, Stone Road, Trentham, Stoke On Trent ST4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trentham Leisure Ltd against the decision of Stafford Borough Council.
 - The application Ref 22/35480/FUL, dated 22 December 2021, was refused by notice dated 19 October 2022.
 - The development proposed is Full planning permission for the retention of five dining pods, a catering service unit and associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although not mentioned in the reasons for refusal, the site lies within the Trentham Conservation Area and there are many listed buildings within the Trentham Estate. In accordance with my statutory duty, I have considered the effects of the development on these assets in my reasoning. As the heritage statement and correspondence between the appellant and the Council specifically refers to these effects, I see no reason why this should be prejudicial to either party.

Main Issues

3. The main issues are:
 - Whether the development would preserve the historic features or special architectural interest, including settings, of the Grade II* Registered Park and Garden known as Trentham Gardens, the Grade II* listed Perseus with the Head of Medusa, and the Grade II listed Garden Pavilion; Arbour Trellis; Retaining wall, balustrade, steps and boathouse, and Retaining wall, balustrade and steps between the flower and parterre gardens, and whether the development would preserve or enhance the character or appearance of the Trentham Conservation Area;
 - Whether the development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies; and,
 - If so, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Heritage assets

Registered Park and Garden

4. The listing for Trentham Gardens (the gardens) sets out that they were developed on the site of a 12th century Augustinian monastery by the Leveson-Gower family, who remained in ownership of the estate until its sale in 1979. During the family's ownership the estate underwent a series of extensive redesigns, each reflecting the fashion of the period, and in addition to the main house and ancillary buildings, designs included woodland rides, twin canals, tree lined avenues, stables, a lake and extensive formal gardens.
5. There are two very prominent designers associated with the estate. In the mid-18th century, Lancelot 'Capability' Brown was engaged to remodel and enlarge the parkland, thereby increasing the size of the lake, and adding earth mounds and using specimen trees to enhance the natural topography. At that time the previously formal gardens close to the house were replaced by a haha and a wide lawn.
6. However, by the mid-19th century, the family had amassed significant wealth and had extravagant taste. Sir Charles Barry (Barry) was commissioned to design a grand, formal and Italianate setting for the newly extended Trentham Hall (Hall) whose additions included a grand entrance, a belvedere tower, orangery, sculpture gallery and clock tower. The long lawn between the Hall and lake was replaced by two grand and spacious rectangular terraces, each with a formal parterre.
7. The planting schemes of the head gardener were noted for innovation in their use of bedding and colour effects, and the gardens' magnificence in its opulent heyday was such that it warranted inclusion in a novel written by Benjamin Disraeli. However, towards the end of the 19th century, expenditure on the gardens was reduced and by the beginning of the 20th century, the Hall and the gardens had fallen into a state of disrepair, largely as a consequence of the pollution in the River Trent which runs alongside the park and which feeds the lake.
8. The estate has been a commercial leisure attraction since 1996. The parterres have been restored and present an extensive formal and highly geometric garden layout between the lake and the remains of the Hall. They are a clear focal point on entering the estate from the visitor centre, framed on one side of the north-south axis by the listed Arbour Trellis and on the other by mature and established evergreen trees which mark the transition between the parterres and the more informal picnic and play areas beyond. Even from a short visit it is clear that the estate is sympathetically managed to a very high standard and provides a quality leisure experience, whilst ably reflecting the grandeur and diversity of the original composition which is enhanced by the quality of more recent landscape design and art installations. These make their own contemporary statements as well as sitting comfortably within this unique historic context.
9. As such, the gardens have historic and associative value linked to their long and illustrious association with a series of prominent families and designers,

and aesthetic and evidential value as a consequence of the retention and restoration of so much of the historic designed landscape and its features.

10. The gardens' significance therefore arises from their underlying historic layout and integral relationship with the natural and remodelled topography, the sense of grandeur which is derived from openness and scale, the spatial arrangement of the various features, and the presentation of historic features in a sympathetic setting. These include the many listed buildings and monuments to which the gardens are inextricably linked in spatial, aesthetic and historic terms, and for which the gardens provide the immediate setting.

Listed buildings

11. There is an abundance of listed buildings within the estate. These punctuate the gardens and provide an impressive reminder of the estate's former wealth and illustrious history.
12. The courts¹ have found that for a development to affect the setting of a heritage asset, there has to be a distinct visual relationship, although economic, social and historic considerations may also play a part. I have therefore included five listed buildings in my reasoning. These are arranged around the lower terrace.
13. The triple arched *Garden Pavilion*, constructed from limestone ashlar, and designed by Barry, is the last remaining classically inspired pavilion. It is situated to the west of the terraces, and is attached to the limestone *Retaining wall, balustrades and steps between the flower and parterre gardens, flower garden walls* which are an integral part of the remodelling which created the upper and lower terrace in the mid-19th century.
14. The cast and wrought iron *Arbour Trellis* runs down the eastern side of the upper and lower terraces, and remains as a prominent and fairly dominant feature when viewed from within the parterres.
15. Forming a boundary between the lower terrace and the lake, the *Retaining wall, balustrades, steps and boathouse* are punctuated by the Grade II* listed *Perseus with the Head of Medusa*, an important example of a bronze cast by the Italian sculptor Benvenuto Cellini.
16. The significance of the listed buildings collectively is derived from their intact historic fabric, their association with the Leveson-Gower family and its designers, and the aesthetic values of highly ornamented buildings and features which reflected the family's wealth and social status over the estate's long and varied development.
17. It is impossible to disentangle the settings of each individual listed building from the others, as they each individually and collectively contribute to the composition of the formal gardens whose underlying layout and ornamentation has survived to an impressive degree. As such, the listed buildings are both integral parts of the gardens as a whole, the formal gardens, and also provide reciprocal and overlapping settings for each other.

¹ Steer v Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council [2018] EWCA Civ 1697

18. The appellant argues that as there is limited inter-visibility between the appeal site and nearby listed buildings, consideration of the settings of these buildings can be discounted. However, the appeal site is an integral part of the framing of the lower parterre, as are the listed buildings outlined above. Moreover, I concluded that these listed buildings are part of the same visual envelope as the appeal site and are an integral part of appreciating the lower terrace.

Conservation Area

19. The Trentham Conservation Area (CA) includes an area slightly larger than the registered park and gardens. The CA Appraisal analyses the park's component parts and the way in which they combine to define the character, appearance and overall significance of the CA, which is derived from the historic Italianate gardens, the lake and parkland, the large number of listed buildings and monuments, the remaining lodges and estates, and the woodland and diverse habitats. The CA Appraisal notes that the identity and character of the CA is intrinsic to and inseparable from the historic park. I see no reason to disagree with this description of the CA, and the assessment of significance as set out in the Heritage statement² which reflects that of the CA Appraisal.

Proposals and effects – Registered Park and Gardens

20. The five pods are located on rising ground to the west of the lower terrace, close to a group of mature evergreen trees. Their bulbous shape, random positioning and highly reflective polycarbonate skin with black ribs is both incongruous and intrusive in the context of traditional materials and formal geometry. They fail to relate to the underlying geometry of the terraces and detract from the imposing scale of the nearby trees which form a neutral backdrop to the formal gardens.
21. One of the arguments advanced for the retention of the pods is that they allow a different view of the parterres. However, the views from the pods closest to the parterres are the same as from the nearby path. In any case, this argument is inconsistent with the premise that that additional screening would minimise their impact, which has been undertaken to allay the concerns of the Staffordshire Gardens and Parks Trust. Moreover, as far as I could ascertain sitting in the pods gives views mainly of the other pods or the nearby vegetation.
22. In any case, the additional planting reinforces the intrusion into what would otherwise be an informal transition zone between the parterres with glimpsed views to the less formal spaces beyond. Even if the pods were screened from the parterres, it would not alter my reasoning that they are incongruous and detract from the aesthetic and historic appreciation of the gardens.
23. I appreciate that the tea rooms has a highly contemporary and sleek design but this is set further back from the parterres, is on higher ground which also accentuates its separation, and even though internal lights were on at my visit, the tea rooms recede into the vegetated backdrop. They are also reflective of the high standards of design evident throughout the park which is not the case for the pods now before me.
24. I conclude that the pods and the service unit are prominent and incongruous additions which detract from their immediate surroundings and fail to relate to

² Heritage Statement, June 2022, Turley

their context. As such, they diminish the significance of the gardens as a whole.

Proposals and effects – Listed Buildings

25. The pods and the service unit would appear to be an incongruous intrusion into the area immediately adjacent to the terraces, and would also detract from the settings of the other listed buildings which collectively contribute to the appreciation of the gardens, thus reducing their significance.

Proposals and effects – Conservation Area

26. The pods and service unit would be intrusive and incongruous and would fail to preserve or enhance the character or appearance of the CA. This would amount to less than substantial harm and would diminish the significance of the CA.

Heritage balance

27. The harm identified above in relation to the gardens, the listed buildings and the CA would amount to less than substantial harm. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's conservation, irrespective of the degree of potential harm.
28. Paragraph 208 of the Framework notes that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing where appropriate, its optimum viable use.
29. The argument is advanced that the pods provide local employment. There is inconsistency within the evidence as to the precise numbers of full and part-time jobs created, and no financial information has been provided. As the pods have been in operation for a few years, and are an adjunct to the tearooms operations, it is unclear why more detail around the business model and past-occupation and activity could not have been provided. Nor is there any financial information to support the assertion that the pods are a legitimate need for the business and create significant revenue.
30. Nonetheless, I acknowledge that there is likely to be some additional revenue and some benefit in terms of job opportunities. Additional revenue could contribute to maintenance and the long term future of the listed buildings and the gardens. However, the information before me in this regard is generalised and unsubstantiated. In the absence of supporting documentation, I am unable to conclude that this would amount to public benefits sufficient to outweigh the harm to the heritage assets. Consequently, I am unable to give this more than minor weight.
31. The argument is also advanced that the pods provide an opportunity to access nature, but it is unclear how sitting in a polycarbonate pod within a formal garden increases access to nature and no further details are given.
32. The argument is raised that there are no other suitable locations for the pods. However, as there is no evidence before me that the pods are essential to the estate's operations or to the long term future of the heritage assets, I see no reason to pursue this argument further.
33. As such, I conclude that the development would fail to preserve the significance of the gardens, would fail to preserve the settings of the

aforementioned listed buildings, and would fail to preserve or enhance the character or appearance of the CA. The development conflicts with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It also conflicts with Policy N1 h) of the Local Plan (LP) which requires development to have regard to local context, including heritage assets and to preserve and enhance the character of the area, LP Policy N8 a) which requires development to protect conserve and enhance the elements of the landscape that contribute to local distinctiveness, and LP Policy N9 which is concerned with safeguarding the historic environment. It also conflicts with guidance given in Section 16 of the National Planning Policy Framework (the Framework).

34. The development is also contrary to Action 9 of the CA appraisal which notes that new development should ensure that new buildings are appropriate to the existing historic character and aesthetic qualities of the CA's landscape. It would also conflict with the 2001 management plan which recommended that there are filtered views through the Italian gardens to the western pleasure grounds and beyond.
35. The appellant argues that there is no formal objection from Historic England (HE) but that is not borne out by the evidence which shows that HE considers that the development amounts to less than substantial harm.

Green Belt

36. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
37. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt, but lists exceptions. One exception is the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
38. The officer's report states that because the definition of main town centre uses in the glossary to the Framework distinguishes between sport and recreation, and tourism, the development would not fall within Paragraph 154 b). However, it is unclear why a reference to main town centre uses should be relevant here. I see no reason why refreshment facilities should not be included as part of the leisure and recreational offering at Trentham Gardens. Nonetheless, I am required to consider openness.
39. The pods have a bulk and mass that intrudes into the transition zone between the parterre and the grassed picnic area. They are also highly visible when entering the gardens from the main visitor centre as they are on raised ground relative to the parterre.
40. The courts have determined that openness has a visual and spatial quality. In this case the pods have a bulk that intrudes into the space between mature trees that create an informal but visually semi-permeable frame for the formal gardens. They are also highly visible across the gardens when entering the estate from the main visitor centre. Although there appears to be an intention to plant a yew hedge between the formal gardens and the pods, when this is mature it will reinforce the obstruction of former glimpsed views.

41. The appeal statement refers to a court judgment³. However, this judgment notes that the tests for openness are not formulated as an assessment of the relative size of the existing situation and proposed development. Consequently, the floor area of the pods and the associated mobile service unit relative to the vastness of the estate carry no weight in my assessment of openness in the Green Belt.
42. I also acknowledge that the tea rooms are a significantly larger structure than what is proposed here. However, the existence of lawful development within the Green Belt does not necessarily justify further loss of openness through the building of further structures.
43. The appeal statement also refers me to an appeal for five wind turbines. However, this appears to be an appeal of some age, which predates the first edition of the Framework. It also predates the judgment referred to above. I have to determine this appeal in accordance with current guidance and the local development plan. I conclude that the aforementioned appeal is not comparable to the appeal before me. In any case, each appeal is determined on its merits.
44. Although additional refreshment facilities could be construed as being linked to the gardens' recreational offering, there would be an adverse effect on openness. The pods and the service unit would be inappropriate development, and would fail to safeguard the countryside from encroachment as set out in Paragraph 143 of the Framework. Paragraph 153 of the Framework notes that substantial weight should be given to harm to the Green Belt.

Planning Balance and Conclusion

45. This appeal concerns substantial harm to the Green Belt and less than substantial harm to designated heritage assets. I have set out above that there is insufficient evidence to demonstrate that the public benefits arising from the retention of the pods and the service unit would outweigh the identified harm to heritage assets. Moreover, even if I concluded that the provision of refreshments within the gardens would outweigh the harm to the Green Belt, it would not outweigh the harm to the heritage assets. I conclude that the other considerations that might amount to very special circumstances sufficient to outweigh the harm to the Green Belt, as well as harm to heritage assets, do not exist.
46. In the light of the above I conclude that the development conflicts with the provisions of the Act, clear guidance in the Framework, and policies in the local plan. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR

³ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466