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By email only planning.rye@northyorks.gov.uk

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For the attention of Jill Thompson



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Dear Jill Thompson,

ZE24/00001/MFUL ZE24/00002/LBC Change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed over 55's rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with leisure and sporting facilities, associated access, parking, landscaping, infrastructure, substation and engineering opportunities: St Martins Ampleforth The Castle Main Street Gilling East YO62 4HP

The above planning application has recently been brought to our attention by Yorkshire Gardens Trust (YGT), whom we understand have been consulted. Whilst we work very closely with YGT, as you are aware the Gardens Trust (GT) is the Statutory Consultee for all grades of historic designed landscapes included by Historic England on the Register of Parks and Gardens of Special Historic Interest (RPG). As Gilling Castle is included on the Register at Grade II the GT would have expected to have been included in this consultation in its own right and given the statutory 21 days consultation period within which to respond. We would therefore be grateful to now receive a formal consultation and response period from you. In the meantime, we offer the following comments on behalf of both the GT and YGT but reserve the right to amend them within the statutory consultation period, should this prove necessary. Please note that as we have not been able to make a site visit our joint comments are based on the documents submitted in support of the application.

Gilling Castle has a park with medieval origins and the gardens, largely terraced, probably date from the early 18th Century but may also have earlier origins. Gilling Castle (listed grade I) is a 14th Century tower house with late 16th Century alterations which was extensively remodelled in the early 18th Century. There are views over falling land and terraced gardens to the south and east, and over rising parkland beyond.

We consider the largely buildings-related works for Foals Yard will have minimal impact on the landscape, appear acceptable and we have no great concerns with these aspects of the application. Areas of the landscape have been degraded in the past with the insertion of modern structures and we welcome the proposals such as removal of the astro turf, some regrading work, change of tarmac to bound gravel in some areas and the removal of parking from the front of the castle. Whilst both the GT and YGT consider the design of the proposed wellness centre to be out of keeping and inappropriate in the RPG, we accept that, located in the former quarry, it will be screened and unlikely to have an impact on the historic landscape.

Where we have major concerns is with the new proposed new housing development and the impact on the landscape and consider that insufficient weight has been given to the RPG in

comparison to the building conversion, both heritage assets. You will be aware that on 26 October 2023, the Levelling Up and Regeneration Act received Royal Assent <https://www.legislation.gov.uk/ukpga/2023/55/part/3/chapter/3/enacted> strengthening the protection for registered parks and gardens amongst others and giving them the same level of planning protection as listed buildings and conservation areas. Chapter 3 (Heritage), Para 102, 58B (1) states 'In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.' It continues Para 102, 58B (2) 'For the purposes of subsection (1), preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.'

From studying the Landscape Visual Impact Assessment (LVIA), the proposed line of detached houses cannot but impinge on views both from and towards the castle, and has the appearance of a small suburban-style housing estate dropped into the historic landscape. The 15-year projection of the mitigation proposals on the visual impact does little to reassure us that the impact can ever be reduced, thus we consider it to be contrary to National Policy Planning Framework (NPPF) December 2023 Paragraph 206 in that less than substantial harm will be caused to both heritage assets, Grade II RPG Gilling Castle and the setting of Grade I Listed Gilling Castle itself, which cannot be outweighed by Public Benefit.

Ideally, we would wish the new development omitted, or at least the units reduced in number, but if considered essential on economic grounds we can only advise that alternative locations are considered to reduce the impact. Other locations which might be considered are beside the walled garden with screen planting of forest trees, or the development broken up and scattered, moved further away from the castle and back from the Avenue. Although this may involve the loss of more mature trees initially, it would allow scope for tree planting and screening from both the castle and the Avenue, thus reducing future impact. We further question the need for a 'curvy path', with the small amount of additional traffic likely to be generated, it would appear that pedestrians can walk down the road safely.

To summarise: The Gardens Trust and Yorkshire Gardens Trust have no major concerns with the works at Foals Yard and the location of the wellness centre in the well-concealed former quarry. However, we do have major concerns with the proposed insertion of housing into the RPG considering that the impact on the RPG has not been sufficiently considered and accordingly can only **object** to this element of the application.

Lastly as stated above, we request an official consultation for this application and the right to submit any additional comments within the consultation period.

Thank you for your help on this matter.

Yours sincerely,

Alison Allighan
Conservation Casework Manager

cc Yorkshire Gardens Trust