

# Heritage Statement

Pelham Walled Garden, Calder Bridge, Cumbria

on behalf of  
Avison Young

November 2022

Project no. 4082/H

## Issue Sheet

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### Historic Environment Desk-Based Assessment

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## Non-Technical Summary

The following heritage statement has been prepared to assess the potential impact resulting from proposed repair and stabilisation works of the perimeter wall and outbuildings at the walled garden of Pelham House, Calder Bridge, Cumbria (NGR centred at: NY 03711 05542). It addresses the information requirements set out in the NPPF and provides the proportionate response sought by the NPPF. The heritage statement does not consider below-ground (archaeological) heritage assets.

The Grade II\* listed Pelham House (NHLE 1356190) is situated c. 150m to the north of the walled garden. Its significance is derived from its archaeological, architectural, artistic and historical value, together with its setting comprising the estate parkland and woodland which surround the house. There has been some 20<sup>th</sup> century development within the estate, but it still retains most of its historic features, including the aforementioned walled garden. The walled garden is considered to be within the curtilage of the listed building.

The heritage statement has concluded that the proposed works would be beneficial to the longevity of the curtilage walled garden and therefore the Grade II\* listed Pelham House.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 states that 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. This heritage statement has shown that the Grade II\* listed Pelham House and its setting will be preserved by the proposed development.

It is therefore concluded that the significance of Pelham House will be maintained resulting in no harm.

## 1 Introduction

- 1.1.1 This heritage statement has been prepared by Lanpro Services Limited on behalf of Avison Young to inform proposals for the repair and stabilisation of the walled garden associated with the Grade II\* Pelham House (hereafter to be referred to as the 'study site'). It is located within the administrative boundary of Copeland Borough Council.
- 1.1.2 This heritage statement has been prepared in compliance with the National Planning Policy Framework (NPPF), to identify and provide a description of the significance of heritage assets on or adjacent to the site and the likely effects of development on that significance.
- 1.1.3 The following report makes reference to the relevant legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 and both national and local planning policy. In addition, relevant Historic England guidance, notably the recently published *HEAN 12: Statements of Heritage Significance* (Historic England 2019), *GPA3: The Setting of Heritage Assets* (Historic England 2017) and *Conservation Principles* (English Heritage 2008) has been consulted to inform the judgements made.
- 1.1.4 The conclusions reached in this report are informed by detailed historic research, a site inspection and the application of professional judgement based on historic, archaeological, architectural or artistic interest.
- 1.1.5 This heritage statement does not consider below-ground (archaeological) heritage assets.

## 2 Legislation, Policy and Guidance

- 2.1.1 In considering any planning application for development, the local planning authority will be guided by current legislation, the policy framework set by government planning policy, by current Local Plan policy and by other material considerations.
- 2.1.2 The National Planning Policy Framework (NPPF 2021) states that planning applications should consider the potential impact of the development upon heritage assets which includes both designated heritage assets (for example listed buildings and Conservation Areas) and non-designated heritage assets usually comprising assets recorded on a Local List or the Historic Environment Record.

### 2.2 Current Legislation

- 2.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) provides for the protection of listed buildings and Conservation Areas and is largely expressed in the planning process through policies in regional and local planning guidance, as outlined below. This act is the primary legislative instrument addressing the treatment of listed buildings and Conservation Areas through the planning process.
- 2.2.2 Section 66 of the 1990 Act states that '*...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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*'.
- 2.2.3 Buildings on the list are graded to reflect their relative architectural and historic interest, based on the below:

- Grade I buildings are of exceptional interest;
- Grade II\* buildings are particularly important buildings of more than special interest;
- Grade II buildings are of special interest, warranting every effort to preserve them.

2.2.4 In addition to the statutory criteria for listing, i.e. architectural and historic interest, and group value, the following general principles are also considered by the Secretary of State when determining if a building is suitable for addition to the list of building of special architectural and historic interest:

2.2.5 **Age and rarity:** the older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:

- before 1700, all buildings that contain a significant proportion of their original fabric are listed;
- from 1700 to 1840, most buildings are listed;
- after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
- particularly careful selection is required for buildings from the period after 1945;
- buildings of less than 30 years old are normally listed only if they are of outstanding quality and under threat.

2.2.6 **Aesthetic merits:** the appearance of a building, both its intrinsic architectural merit and any group value, is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.

2.2.7 **Selectivity:** where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Listing in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Secretary of State's policy is to list only the most representative or most significant examples of the type.

2.2.8 **National interest:** the emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be

listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.

- 2.2.9 **State of repair:** the state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair
- 2.2.10 Section 72 of the 1990 Act adds that ‘...with respect to any buildings or other land in a Conservation Area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 2.2.11 As far as Section 72 is concerned, it has previously been established by the Courts that development which does not detract from the character or appearance of a Conservation Area is deemed to be in accordance with the legislation. In other words, there is no statutory requirement to actively ‘enhance’.

### ***Curtilage Listing***

- 2.2.12 Since 1969, legislation (P(LBCA)A1990s.1(5)(b)) states that any object or structure that is not fixed to a building in the statutory list but:
- is within the curtilage, and
  - has been part of the land since before 1948,

is to be treated as part of the building. Listing thus extends to those structures within the curtilage of the building.

- 2.2.13 Case law indicates that while curtilage is a ‘matter of fact’, it is not always easy to determine, and relevant matters of consideration include physical layout, ownership (past and present), and function (past and present). Overall, any pre-1948 structure that was in the curtilage of the principal building at the date of listing will be included in the list (P(LBCA)A1990s.1(5)).

## **2.3 National Planning Policy Framework**

- 2.3.1 Section 16 of the NPPF (revised July 2021), entitled ‘Conserving and enhancing the historic environment’ provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets.
- 2.3.2 Overall, the objectives of Section 16 of the NPPF can be summarised as seeking the:
- Delivery of sustainable development;
  - Understanding the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment; and
  - Conservation of England's heritage assets in a manner appropriate to their significance.
- 2.3.3 Section 16 of the NPPF recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. Paragraph 194 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal



upon the significance of that asset. This is supported by paragraph 195 which states that LPAs should take this into account when considering applications.

- 2.3.4 Paragraphs 199-201 consider the impact of development proposals upon the significance of designated heritage assets. Paragraph 199 states that where a development is proposed that would affect the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the greater an asset's significance, the greater this weight should be. Paragraph 201 emphasises that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the scheme, bearing in mind the great weight highlighted in Paragraph 199.
- 2.3.5 Heritage Assets are defined in Annex 2 of the NPPF 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. It includes designated heritage assets and assets identified by the local planning authority (including local listing).'
- 2.3.6 A Designated Heritage Asset comprises a 'World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'.
- 2.3.7 Significance is defined as: 'The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'
- 2.3.8 In short, government policy provides a framework which:
- Protects nationally important designated heritage assets;
  - Protects the settings of such designations;
  - In appropriate circumstances seeks adequate information (from desk-based assessment and field evaluation where necessary) to enable informed decisions; and
  - Provides for the excavation and investigation of sites not significant enough to merit in situ preservation.

## 2.4 Planning Practice Guidance

- 2.4.1 The Planning Practice Guidance (PPG 2019) is a web-based resource which is to be used in conjunction with the NPPF. It is aimed at planning professionals and prescribes best practice within the planning sector. The relevant section is entitled '*Conserving and enhancing the historic environment*'. The guidance given in this section sets out the best practice to applying government policy in the NPPF. It provides an interpretation for each of the interests assigned to heritage assets in understanding its significance; archaeological, architectural and artistic, and historic (Paragraph: 006 Reference ID: 18a-006-20190723).

## 2.5 Local Planning Policy

- 2.5.1 Copeland District Council's Local Plan 2013-2038 Core Strategy and Development Management Policies was adopted in December 2013 and is the key document in the current local plan. Policy relating to heritage is reproduced below;

## **Policy ENV4 – Heritage Assets**

*The Council's policy is to maximise the value of the Borough's heritage assets by:*

- A. Protecting listed buildings, conservation areas and other townscape and rural features considered to be of historic, archaeological or cultural value*
- B. Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use*
- C. Strengthening the distinctive character of the Borough's settlements, through the application of high-quality urban design and architecture that respects this character and enhances the settings of listed buildings*

*Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.*

## **Policy DM27 – Built Heritage and Archaeology**

*Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.*

*A Development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites and their settings will be supported. This will be particularly relevant in the case of:*

- i) Scheduled Ancient Monuments*
- ii) Conservation Areas*
- iii) Listed Buildings and structures*
- iv) Non-listed buildings and structures or landscape features of local heritage and archaeological value*
- v) Surface and below ground archaeological deposits*

*D Development which affects Listed Buildings or their setting will only be permitted where it:*

- i) Respects the architectural and historic character of the building*
- ii) Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building*
- iii) Does not have a significant adverse effect on the setting or important views of the building*
- iv) Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and where the use can be implemented without any adverse alterations to the building*

## **2.6 Professional Guidance**

2.6.1 The ClfA *Standard and Guidance for Historic Environment Desk-based Assessment* (2020) provides guidelines and recommendations for best practice in undertaking archaeological desk-based research and assessment.

2.6.2 The Historic England publication *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment* (2015) outlines a seven-stage process for the assembly and analysis of relevant information relating to heritage assets potentially affected by a proposed development:

- Understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment;

- Understand the significance of the affected assets;
- Understand the impact of the proposal on that significance;
- Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
- Look for opportunities to better reveal or enhance significance;
- Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change; and
- Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

- 2.6.3 In order to understand the nature, extent and level of significance the note advocates considering the four types of heritage value an asset may hold, as identified in Conservation Principles (English Heritage 2008): aesthetic, communal, historic and evidential. However, NPPF (2021) has since provided a definition of significance dependant on the following four interests: archaeological, architectural, artistic or historic (para 2.4.1, above). Significance results from a combination of any, some or all of the values.
- 2.6.4 The Historic England publication *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets* (2017) recognises that whilst setting is not a heritage asset, elements of a setting ‘*may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*’ (para. 4). Setting is described as being distinct to curtilage, character and context. This guidance also notes that the contribution of setting to the significance of a heritage asset is often expressed by reference to views, although the importance of setting lies in what it contributes to the significance of the heritage asset, and this can be influenced by a number of other factors.
- 2.6.5 In order to assess the contribution made by setting to the significance of a heritage asset, and the implications of new developments, the guidance recommends that a systematic and staged ‘5-step process’ to assessment should be adopted, namely:
- i. identify which heritage assets and their settings are affected;
  - ii. assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
  - iii. assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
  - iv. explore the way to maximise enhancement and avoid or minimise harm;
  - v. make and document the decision and monitor outcomes.
- 2.6.6 This report therefore follows steps (i) and (ii) to identify the local heritage assets and their settings and then makes an assessment of the potential impact of the proposed development having regard to steps (iii) and (iv).
- 2.6.7 The Historic England advice note, *Statement of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12* (2019), brings together all of the above guidance in an analysis of an appropriate approach for applicants for heritage and other consents in providing an understanding of the significance of heritage assets in

line with NPPF. This is aimed at providing assistance for owners, applicants, local planning authorities, planning and other consultants in the implementation of not only the guidance but also historic environment legislation and policy. It emphasises the level of detail required in support of both planning and listed building consent applications, which should be no more than is necessary, i.e. proportionate to the significance of the heritage asset affected, to reach an informed decision.

## 3 Methodology

### 3.1 General Introduction

- 3.1.1 The purpose of a heritage statement is to meet the requirements of the NPPF and any local plans, in order to inform planning decisions when considering proposals that have the potential to have an impact, directly or indirectly, upon a heritage asset. It is not concerned with other planning issues.
- 3.1.2 The degree of impact a development could have on such heritage assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views.
- 3.1.3 Under the requirements of the NPPF and of other useful relevant guidance, such as English Heritage's *Conservation Principles* and *Informed Conservation*, and Historic England's *Good Practice Advice in Planning Notes* (GPAs), the process of heritage impact assessments can be summarised as involving three parts:
- understanding the heritage values and significance of the designated and non-designated heritage assets involved and their settings;
  - understanding the nature and extent of the proposed developments;
  - making an objective judgement on the impact that the proposals outlined in Part 2 may have on the information outlined in Part 1.
- 3.1.4 This is undertaken in line with the basic structure provided in the Historic England guidance *Statements of Heritage Significance* (2019).

### 3.2 Site Visit

- 3.2.1 A site visit was undertaken on 27<sup>th</sup> October 2022, in clear but wet conditions, to provide an assessment of the character of the study site and appraise the potential impact of the proposed development on any heritage assets (Plates 1-16).

### 3.3 Assessment Criteria

#### Significance

- 3.3.1 NPPF defines significance as:
- 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*
- 3.3.2 Historic England's *Conservation Principles* (previously English Heritage, 2008) identified four high level values: evidential, historic, aesthetic and communal. NPPF (2021) defines

significance in the planning context as resulting from the heritage interest of an asset determined by the following:

- **Archaeological Interest:** the potential of an asset to yield evidence of past human activity that could be revealed through future investigation. Archaeological interest includes above-ground structures, as well as earthworks and buried or submerged remains.
- **Architectural and Artistic Interest:** derives from a contemporary appreciation of an asset's aesthetics. Architectural interest is an interest in design, construction, craftsmanship and decoration of buildings and structures. Artistic interest can include the use, representation or influence of historic places or buildings in artwork. It can also include the skill and emotional impact of works of art that are part of heritage assets or assets in their own right
- **Historic Interest:** the way in which an asset can illustrate the story of past events, people and aspects of life (illustrative value, or interest). It can be said to hold communal value when associated with the identity of a community.

3.3.3 These values or interests encompass the criteria that Historic England are obliged to consider when statutorily designating heritage assets.

3.3.4 There are no single defining criteria that dictates the overall asset significance; each asset has to be evaluated against the range of criteria listed above on a case-by-case basis. These values are not intended to be restrictive but are identified in order to help establish a method for thinking systematically and consistently about the heritage values that can be ascribed to a place and contribute to a heritage asset's significance.

3.3.5 In relation to a recognised heritage asset, the production of this heritage statement also takes into account the contribution which the historic character and setting makes to the overall significance of the asset.

3.3.6 Assessment of significance has been undertaken in accordance with the *Historic England's Statements of Heritage Significance. Analysing Significance in Heritage Assets* (2019).

3.3.7 The relative contribution of the heritage values to the significance of the heritage asset(s) are graded as either high, medium, low, neutral/negligible (informed by ICOMOS (2011) and Historic England guidance) and illustrated in the table below.

Heritage significance	Description
<b>Very High</b>	<ul style="list-style-type: none"> <li>• World Heritage Sites</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Scheduled Monuments</li> <li>• Grade I and II* Listed Buildings</li> <li>• Grade I and II* Registered Historic Parks and Gardens</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>• Grade II Listed Buildings</li> <li>• Grade II Registered Historic Parks and Gardens</li> <li>• Conservation Areas</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>• Locally listed buildings</li> </ul>

Heritage significance	Description
	<ul style="list-style-type: none"> <li>Non-designated archaeological sites of local value, and/or potential to contribute to local research objectives</li> </ul>
<b>Negligible / nil</b>	<ul style="list-style-type: none"> <li>Heritage assets with very little or no surviving research value</li> </ul>

### Definition of Setting

- 3.3.8 The NPPF defines the setting of a heritage asset as: *‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’*
- 3.3.9 Historic England’s *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Setting* (2017) was used to inform the methodology for this assessment which follows steps i) to iv) outlined in the guidance (para 2.6.5, above).
- 3.3.10 The production of this heritage statement has taken into account the physical and sensory surroundings of the asset, in order to understand the contribution ‘setting’ makes to the heritage significance of the asset(s). This has included topography and intervening development and vegetation. It also considers how the asset is currently experienced and understood through its setting, in particular views to and from the asset and the site, along with key views, and the extent to which setting may have already been compromised.
- 3.3.11 The relative contribution of the heritage values to the significance of the asset(s) are graded as either high, medium, low, neutral or detrimental.

### Definition of Harm

- 3.3.12 Current guidance by Historic England is that ‘change’ does not equate to ‘harm’. The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – substantial and less than substantial (paragraphs 201 and 202). Paragraph 201 of the NPPF states that:
- ‘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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 3.3.13 Paragraph 202 of the NPPF states that:
- ‘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...’*
- 3.3.14 In determining the effects of the proposed scheme this assessment is cognisant of case law. In particular, that for Flag Station, Mansel Lacy, Herefordshire [22/09/2015] Case Number EWHC 2688, wherein it emphasised the primacy of the 1990 Planning Act and the fact that it is up to the decision makers in the planning system to ‘have special regard to the desirability of preserving the [listed] building or its setting’. HH Judge David Cooke



stated, in regards to an impact on the setting of a listed building, (Court of Appeal (PALMER and HEREFORDSHIRE COUNCIL & ANR) in 2016 (Case No: C1/2015/3383) para.34):

*'It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.'*

3.3.15 The judgment was agreed by Lord Justice Lewison at the Court of Appeal, who stated that:

*'It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.'*

### ***Methodology for assessing harm***

3.3.16 Heritage impact is defined as the potential level of harm or benefit to special architectural or historic interest caused by proposed development. The NPPF stresses that impacts on heritage assets should be avoided and if it cannot be avoided, it should be minimised or mitigated. The NPPF does not prescribe a format or title for analyses of heritage significance and/or impact. The following methodology is based on the guidance set out in Historic England Advice Note 12 - *Statements of Heritage Significance: Analysing Significance in Heritage Assets* (2019):

- Assessment of impact:
  - Effect on fabric
  - Effect on setting
  - Cumulative impact
- Avoiding harmful impact(s)
- Enhancing significance
- Justification for harmful impacts

#### *Assessment of Impact*

3.3.17 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Section 8 assesses the effect of the proposals on fabric, setting and cumulative impact on significance. A level of relative impact (major, moderate, minor or negligible) will be assigned to each proposal or group of proposals. Impact may also be beneficial and defined under the NPPFs sustainable development criteria of social, economic or environmental.

#### *Avoiding Harmful Impact(s)*

3.3.18 Harm to heritage assets should be avoided and if it cannot be avoided, it should be minimised or mitigated. This section will set out how decisions have been taken in the interest of the heritage asset to avoid harm, and if this is not possible, how risk has been mitigated or minimised through design changes.

#### *Enhancing Significance*

3.3.19 Impact may also have public benefits that can be defined as social, economic or environmental. Heritage benefits such as repairs and reinstatement can be defined as

environmental benefits. Any outcomes of the scheme that will enhance **significance** will be articulated here.

#### *Justification for Harmful Impacts*

- 3.3.20 Where a proposed development will lead to substantial or less than substantial harm, the proposals must achieve substantial public benefits that outweigh that harm or weigh the harm against the public benefits, respectively (NPPF paragraph 201 and 202). The proposals will be justified under the NPPFs sustainable development criteria of social, economic or environmental.

## **4 Site Appraisal**

- 4.1.1 The study site comprises the walled garden at Pelham House, an area equating to c. 0.5ha, located to the south of Calder Bridge, Cumbria. The site sits in an area of parkland and woodland surrounding the Grade II\* Pelham House (centred at NY 03920 05935). The study site is bounded to the west by woodland, and to the north, east and south by parkland. A small cluster of mid-20<sup>th</sup> century residential properties sit c.250m to the east. The site is approached from the east by North Drive.
- 4.1.2 The walled garden is separated from the house by car parks associated with the Nuclear Waste Commission which currently occupies the house. The internal area of the study site is currently used as community allotments.
- 4.1.3 The study site is generally level at c. 62m above Ordnance Datum (aOD), with Pelham House sitting at a high elevation of c.70m above Ordnance Datum (aOD).

## **5 Heritage Assets**

- 5.1.1 The Historic England National Heritage List for England (NHLE) and the Cumbria Historic Environment Records (HER) have been consulted regarding built heritage assets within the surrounding area that may be potentially sensitive to the proposed works. This has been informed based on the prevailing circumstances within the surrounding area, the nature of the proposed scheme and professional judgment, as suitable for determining the potential impact of the proposed scheme on designated heritage assets. It is, therefore, consistent with paragraph 194 of the NPPF, in providing a level of detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.1.2 A single listed building has been identified for further assessment as being potentially sensitive which is the Grade II\* listed. Pelham House (NHLE 1356190) approximately 150m to the north. The walled garden is consequently considered to be within the curtilage of Pelham House.

## **6 Historic Development**

- 6.1.1 This section provides an overview of the study site and the historical background relevant to an understanding of the site and its historic context and interest. This is based on accessible records. It is not the purpose of this document to create a detailed historical



narrative of the area, but to provide an assessment of the study site's historical development and heritage potential in accordance with the NPPF.

- 6.1.2 Ponsonby is not recorded on the 1086 Domesday Survey as, at the time, much of Cumberland was considered to lie within Scotland. Ponsonby or *Puncunesbi* is first recorded in 1160 within documents relating to the Priory of St Bees (Ekwall 1991). The name is believed to derive from a personal name, 'Puncun' or 'Punzun', and it subsequently became Ponsonby sometime in the 13<sup>th</sup> century. The manor was obtained by the Stanley family in the late 14<sup>th</sup> century when, in 1388, Nicholas Stanley purchased the manor and demesne of Ponsonby (Fletcher 1983). During this period and the following centuries, the lords of the manor resided at Ponsonby Old Hall which was located approximately 1km south-east of Pelham House.
- 6.1.3 The modern-day hamlet of Ponsonby is primarily located along the A595 and comprises scattered farmsteads and residential properties, although it is believed that the medieval settlement (CHER 8691) was more focused around Ponsonby Church (NHLE 1086628) which is c.440m east of the study site. Nothing remains of the settlement, but the medieval church survived and was subsequently altered and added to in the 19<sup>th</sup> century. It was likely that the surrounding area was primarily agricultural during this period.
- 6.1.4 It was George Edward Stanley, Lord of the Manor of Ponsonby and High Sheriff of the county of Cumberland, who decided a new house was required. The site chosen was on the southern banks of the river Calder on a plot of land previously occupied by a farmstead known as Raven's Crag. The red sandstone house was constructed in the Georgian Style sometime in the 1770's and was said to contain every modern convenience. Furthermore, it is documented that Stanley planted one hundred thousand trees within the vale of Calder and the surrounding estate (Fletcher 1983).
- 6.1.5 The architect of the building is under debate, but it is often attributed to the 18<sup>th</sup> century architect James Paine due to the hall being an almost exact copy of Paine's designs for St Ives in Bingley, Yorkshire. In 'A Sporting Tour Through the Northern Parts of England' by T. Thornton published in 1896, claims the house was designed by Paine. However, a letter from the Commission for Ancient Monuments in 1976 suggests that the house had been:
- 'executed by a local Mason without any architect in the modern sense being involved. The only variations from Paine's design are that the external detail is rather coarser and more conventional than on the original – and exactly of the type one would expect from a local builder of the time.'*
- However, the letter also states that when the property was constructed Paine was in retirement, he did not do any other work in the north-west of England and most notably he had never repeated one of his own designs so closely (Leach 1976).
- 6.1.6 The house also contains architectural similarities to an 18<sup>th</sup> century Georgian mansion owned by the Earl of Selkirk and known as 'the Burn'. This house was built in 1796 and the canopy, bay windows, shallow-angled roofs bear striking similarities to Pelham House (Fletcher 1983).
- 6.1.7 *A History of Ponsonby* by William Fletcher states that the walled garden contained a number of greenhouses which were used to grow peaches, oranges, citrus fruits, figs and decorative plants for the Hall. A gardener's 'bothy' was also constructed close to the garden, its location not known. A notable feature mentioned by Fletcher is an arch built through the wall to reveal the large fishpond which stretched south from the Walled Garden (Fletcher, 1983).

- 6.1.8 The walled garden is first shown in detail on an Ordnance Survey 25-inch map of 1863 (Figure 2), although the date of its construction is unknown. It is probable that it was built at a similar time to the house. A range of glasshouses are depicted along the south facing side of the northern wall of the garden with the back sheds lining the north facing side of the northern wall. There is a small building attached to the eastern wall, approximately where the gateway into the study site is located, this is likely a small portico. There are paths crossing the garden, with a sundial marked in the centre. An outer or slip garden is also depicted to the south and accessed via a gateway in the centre of the southern wall and appears to have been used as an orchard at this time. Additional slip gardens are also apparent on the east and north side of the walled garden. A curved pond stretches from the eastern wall veering north and is likely to have been connected, via the archway (Plate 13), to the fishpond. A raised walkway is also depicted on the external side of the eastern wall. To the north of the walled garden pathways run north towards Ponsonby Hall.
- 6.1.9 The layout of the walled garden is relatively unchanged on the 1899 Ordnance Survey 25-inch map (Figure 3), although the pond within the garden is no longer extant.
- 6.1.10 A plan of the gardens is depicted in proposed plans for a *New House at Ponsonby* by Philip Stanley, dating to 1929 (Plate 17). The plans are for a proposed gardener's cottage just outside of the south-western corner of the walled garden, within the outer or slip garden. The plans show the layout as it appears in the earlier plans.
- 6.1.11 The Stanley family continued to reside at Ponsonby Hall until 1942 when it was sold to the Home Office for use as an Approved Intermediate school for Boys. It was Herbert Sidney Pelham, the Bishop of Barrow, who came up with the idea for the school and after whom the House was then named. The sale particulars list the house, stables, farm buildings, lodges, and cottages, along with approximately 23 acres within the Parish of Ponsonby (Pelham House School Archives. Unknown). The estate contained a number of buildings, including a large red sandstone stable block along the main drive from Calder Bridge to the house. This was subsequently demolished in 1948.
- 6.1.12 A booklet from the early days of Pelham House school states that when the house was converted to its use as a school there were several changes to the grounds immediately surrounding. This included the addition of terraced flower gardens, a rose garden, a heath garden, an herbaceous border, and a rock garden (Pelham House School, Archives. Unknown). However, there is no indication of where these works took place.
- 6.1.13 Fletcher (1983) also reveals that during the war years, due to rationing, the Gardening Department were tasked with growing large quantities of vegetable for the boys, suggesting the walled garden was still being utilised for its original function during this period. The construction of a new 100-foot glasshouse is recorded as being constructed by the school's woodwork department with help from the boys and gardening instructor (Fletcher, 1983).
- 6.1.14 The Ordnance Survey 25-inch map of 1970 (Figure 4) shows the back sheds have been extended westwards. Only the very east end of the original glasshouses is still extant along the internal side of the north wall, although a large glasshouse is depicted running north-south in the centre of the garden. The walled garden still retains its cruciform path layout, although some of the paths in the north-east and north have been altered. Additional buildings have also been constructed along the north-eastern extent of the eastern wall, over the former northern end of the pond. The portico identified on early maps appears to have been incorporated into these structures. There are also several other built features in this area which are no longer extant today. By this map it appears the access points in the

south-western corner, the southern wall and the northern wall have all been infilled or are no longer in use. The sundial depicted on the earliest plans is no longer depicted within the garden, however there is now a sundial marked to the north of the house which implies it may be one and the same but relocated.

- 6.1.15 In the late 20<sup>th</sup> century, the school at Pelham House was closed and it was used as a children's home. In c.1990s the house became the Nuclear Decommissioning Authority Office, and is still government owned to the present day. The walled garden was, by this time, unused and derelict. However, in 2011, with permission from the Nuclear Decommissioning Authority and the help of the staff at Pelham House and local residents, the garden was divided into 20 allotments and the Pelham House Allotment Society was founded.
- 6.1.16 The 2022 Satellite Image of the study site (Figure 5) shows the study site in its current form. The cruciform path layout seen on all of the historic mapping is still extant as are the paths running around the internal perimeter of the garden. The external 'back buildings' attached to the northern wall, as are some of those attached to the northern extent of the eastern wall. There are no built features, such as glasshouses within the garden, but there are a number of temporary structures relating to the allotments which now occupy the space. It appears that the south-western and north-western stretches of wall are heavily covered in ivy.

## 7 Statement of Significance

- 7.1.1 It is recognised that not all parts of an archaeological asset will necessarily be of equal significance. In some cases, certain elements could accommodate change without affecting the significance of the asset. Change is only considered harmful if it erodes an asset's significance. Understanding the significance of any heritage assets affected and any contribution made by their setting (paragraph 194, NPPF 2021) is therefore fundamental to understanding the scope for and acceptability of change.
- 7.1.2 Based on the above evidence in Sections 5 and 6 and the on-site assessment, and in accordance with Steps 1 and 2 contained in GPA3: *The Setting of Heritage Assets* (Historic England 2017), the following section contains an assessment of the significance of those heritage assets considered to be potentially sensitive to or impacted by the proposals. In this instance, the proposals will affect the walled garden, which is considered to be within the curtilage of the Grade II\* Pelham House.

### 7.2 Walled Garden

- 7.2.1 The walled garden derives much of its significance from its historical association with Pelham House, as a kitchen garden built to serve a large household. The garden is considered curtilage to Pelham House, as it is still retained within the estate and was at the time of its listing. Therefore, its association with the house contributes to its significance due to its historical relationship. Whilst Pelham House has changed function over the centuries and the relationship between the designated heritage asset and the garden has also changed over time all the assets, both designated and non-designated, still possess significance due to their overall group value. Furthermore, it also contributes to the setting of the house.
- 7.2.2 The walled garden comprises a substantial brick wall which is faced externally with local red sandstone, comparable to that used on Pelham House, and capped with grey flat coping. The high walls of the walled garden protected the plants from animals and created a

micro-climate inside, whilst the brick provided a perfect surface for a fruit wall as it was strong, dry and heat-retaining. The main structure appears to be a single-phase, a number of areas were noted as likely being rebuilt or repaired. Modern metal security gates now occupy the main gateway into the area, set within the eastern wall (Plate 7). There is secondary access via a pedestrian gate set within the northern wall and several blocked doorways were noted around its perimeter. The date of the walled garden has not been fully established but is likely to have been contemporary with the Grade II\* listed house.

- 7.2.3 Pelham's walled garden sits on a topography which slopes down to the south-west, which was ideal for irrigation and drainage. The garden is also located in close proximity to the river Calder meaning the garden has five external walls instead of the standard four. The garden has atypical north-western and south-western walls as they appear to follow the topography of the river valley. However, this would not have been a detriment to the garden as south facing walls were desirable as they received the most amount of sunlight and were therefore beneficial for growing climbing plants. Therefore, this arrangement provides a much longer south facing wall than would have been possible with the traditional square or rectangular layout.
- 7.2.4 The walls of the garden are in a poor condition and have evidently been rebuilt and repaired on a number of occasions, however they are still of significance due to their historic value. Architecturally, the walled garden is of interest as a vernacular, horticultural and ancillary space that was used to supply the house with produce such as vegetables, fruit, and plants.
- 7.2.5 An archway is visible on the internal side of the eastern wall, south of the main gateway, with metal railings atop which has been infilled (Plate 13). Documentary research states that this archway provided views of the fishpond which is located to the south-east of the study site. Water passed beneath the arch from the fishpond to the east and into the walled garden for what could potentially have been an attractive water feature or a dipping pond but was likely a utilitarian feature providing water to the gardens. Running on the external side of the east garden wall is a raised pathway, partially visible beneath dense vegetation and is in a poor state of repair. This appears to have formed the northern border of the fishpond and bridged across the channel into the garden beneath the arch. This pathway is visible on the 1863 and 1899 Ordnance Survey maps (Figures 2 and 3). The arch and pathway relate to the original historic layout of the garden and contributes to the understanding of how the walled garden once functioned.
- 7.2.6 The historic cruciform path arrangement is still visible within the garden creating the typical 'four-square' layout. However, the north-western and south-western 'quadrants' of the garden are slightly irregular due the shape of the garden as a result of topographical constraints. The four-square layout was a common arrangement of walled gardens as it was practical for crop-rotation and general working within the space. The paths are currently built of concrete and relatively narrow. Paths in walled gardens were often relatively wide and made of gravel or smooth pebbles set into sand, gravel, and clay (Campbell 1998).
- 7.2.7 The garden space is currently used as allotments and the original planting layout has been lost over the years. No historic planting patterns were identified but there is a single relatively mature tree in the north-western extent of the garden which may have been part of the original design scheme. There are a number of temporary structures, such as greenhouses and sheds, and an area in the western extent is overgrown. The fact that the garden is still utilised for a horticultural purpose maintains some historical interest. The walled gardens use as an allotment also contributes to the heritage asset's significance due to its communal value.

- 7.2.8 A range of outbuildings, known as 'back buildings' survive along the exterior of the northern wall, which are faced with a red sandstone identical to the walled garden. A number of these are in a state of disrepair and therefore could not be accessed. The building at the eastern end of the range appears to have been a boiler or furnace room. A chimney is also still present at its eastern end, although it appears to have been rebuilt with modern brick. These were features of the heating system for the hot houses and glasshouses along the other (internal) side of the wall. A number of the buildings are still utilised for storage and appear to be contemporary with the walled garden. The very western building within the range appears to be of a later date and is constructed of brick. All of these buildings appear to have been heavily altered and repairs are evident, so their architectural and historical interests have been diminished somewhat. Nevertheless, they still contribute to the understanding of how the walled garden functioned, particularly in association with the main house, and, therefore, contribute overall to the garden's historical value.
- 7.2.9 The glasshouses and hot houses which were used to grow plants and produce were once aligned along the northern wall of the walled garden, which is evident in the still retained features consistent with having once been a 'hot wall'. These walls were hollow to contain the flues and vents connected to the furnace or boiler house, seen at the eastern end of the range of back buildings, which circulated hot air through the wall. The remains of the glasshouses can also be seen on the eastern wall in the form of remnants of a lead roof line. Furthermore, remnants of the white paint which would have covered the internal walls are still retained. These features contribute to the historical interest of the walled garden
- 7.2.10 There are also several further (external) structures attached to the northern extent of the eastern wall, outside of the garden, which appear to be later in date than those along the northern wall. These first appear on the 1970 Ordnance Survey map (Figures 4) and appear contemporary with the school which occupied Pelham House.

### 7.3 Pelham House

- 7.3.1 The study site is situated in the grounds of the Grade II\* listed Pelham House (NHLE 1356190), which was first listed on the 14<sup>th</sup> July 1989. The walled garden sits approximately 150m south-west of the house. The Historic England list entry dates the house to the c.1780's with later additions:

*Large house, currently empty (1988). c.1780 with later additions. Ashlar, some rubble to rear. East elevation of 2 storeys and 5 bays; 3-storey 3-bay centre breaks forward under pediment. Top frieze and cornice, sill bands. Windows are sashed with glazing bars, those to ground floor have architraves, friezes and consoled cornices. Entrance has architrave and Tetrastyle Doric portico. Top belvedere lights stair hall. 5-bay returns similar, with pilaster strips and cornices. Each return has rectangular bay window, tripartite sash. Plainer 3-bay extension has plain cornice, some triple sashed windows to north, plainer 3-bay service wing, and C20 extension to west, not of special interest, with single-storey flat roofed wings. Interior has semicircular stair hall with flying stair with iron balusters and 1st floor door. Many fireplaces, plaster cornices, doorcases with swan-neck pediments, etc.*

- 7.3.2 The building has been added to and altered significantly. However, it still retains its prominent location overlooking the surrounding estate, including the walled garden. Externally its high-status features have been mainly retained and extensions to the rear have been relatively in keeping with the rest of the building.
- 7.3.3 The setting of the building is considered to contribute to the significance of the Grade II\* designated heritage asset. This has been slightly diminished by modern development,

including car parking, in the surrounding area, but the house is still situated in a relatively rural location with the views which attracted Edward George Stanley to choose this site as the location of his home. The estate also still retains a number of original buildings and structures, including its church and the walled garden. The house's association with the surrounding estate, including the church and the walled garden, provides historical interest.

- 7.3.4 Historically the estate would have been relatively self-sufficient, and this can be seen in the historic mapping with the numerous ancillary buildings surrounding the house and within the wider estate.

## **8 Proposals and Assessment of Impact**

### **8.1 Proposed Development**

- 8.1.1 The proposals comprise structural remedial works and repair works of the Pelham House Walled Garden. This includes the stabilisation, rebuilding and relaying sections of the wall, the provision and installation of a new roofing system, rainwater goods replacement and repair and other general repairs.

### **8.2 Assessment of impact**

- 8.2.1 Local authorities have a duty under the 1990 Planning (Listed Buildings and Conservation Areas) Act (section 66[1]) to 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 NPPF expects local authorities to have access to significance and impact assessments to inform these duties (paragraphs 194 and 195).
- 8.2.2 Impact is assessed according to different levels, from neutral to beneficial with a range of degrees of harm, from slight to substantial. Where substantial harm will be caused, for example by the total demolition of a listed building or a building that contributes to the character of a Conservation Area, local authorities should normally refuse consent, unless the criteria set out in the NPPF are met (paragraph 201). For proposals where the harm is 'less than substantial', the Local Authority is expected to weigh the harm to significance against the public benefits of the scheme.
- 8.2.3 There is one Grade II\* listed heritage asset approximately 150m north-east of the study site, Pelham House (NHLE 1356190). Its designated status determines that the house is of high heritage significance. Its significance is derived from its architectural, historical, and archaeological interests. The proposed works will not change the use of the existing garden and its associated auxiliary buildings and will retain its historical horticultural function.
- 8.2.4 The proposed development on the walled garden within the Pelham House estate is considered to have no direct impact on the designated heritage asset and will likely have a beneficial effect to the significance of the listed building. This is due to the proposed works helping to retain and restore an original feature of the Pelham House estate, which will ensure its longevity and therefore its continued contribution of the Pelham House estate as a whole.

## **9 Conclusions**

- 9.1.1 This heritage statement has been prepared in order to inform proposals for the stabilisation and restoration of the walled garden at the Grade II\* listed Pelham House. It addresses the information requirements set out in the NPPF and provides the proportionate response



sought by the NPPF. This heritage statement does not consider below-ground (archaeological) heritage assets.

- 9.1.2 This assessment has established that there is one designated heritage asset within the 250m study area, Grade II\* Pelham House (NHLE 1356190). Its significance is derived from its archaeological, architectural and historical values together with its setting which comprises the parkland and woodland which surround the house and make up the estate. There has been some 20<sup>th</sup> century development within the estate, but it still retains a lot of its historic features, including the aforementioned walled garden, which is considered to be within the curtilage of the listed building. It has been considered that the proposed development would have no impact on the appreciation and understanding of the house. Furthermore, the proposed development would be beneficial to the designated heritage asset and the group value.
- 9.1.3 In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 states that 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. This heritage statement has shown that the Grade II\* listed Pelham House and its setting will be preserved by the proposed development.
- 9.1.4 It is therefore concluded that the significance of Pelham House will be maintained resulting in no harm.

## 10 References

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### Historical Mapping

- Stanley. 1929. New House at Ponsonby
- Ordnance Survey 1863, County Series 25 inch map (Cumberland)
- Ordnance Survey 1899, Country Series 25 inch map (Cumberland)
- Ordnance Survey 1970, County Series 25 inch map (Cumberland)
- 2022 Google Satellite Image



## Figures



- Study Site
- Listed Buildings



0 20 40 60 80 100 m

Figure 1. The study site with the location of NHLE records

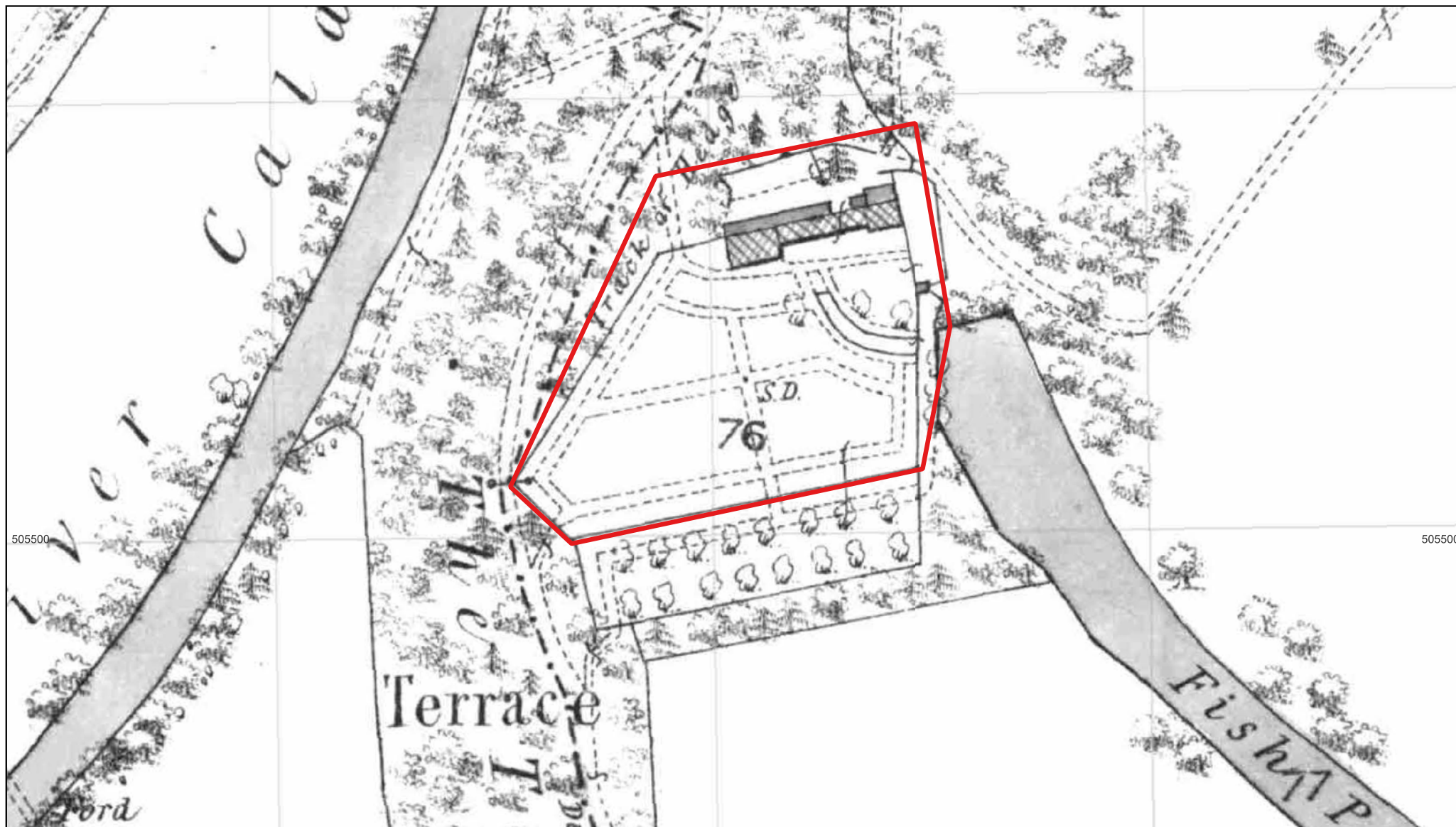



Figure 2. Extract from the Ordnance Survey 25 inch map of 1863



 Study Site

0 10 20 30 40 50 m



**Lanpro»**

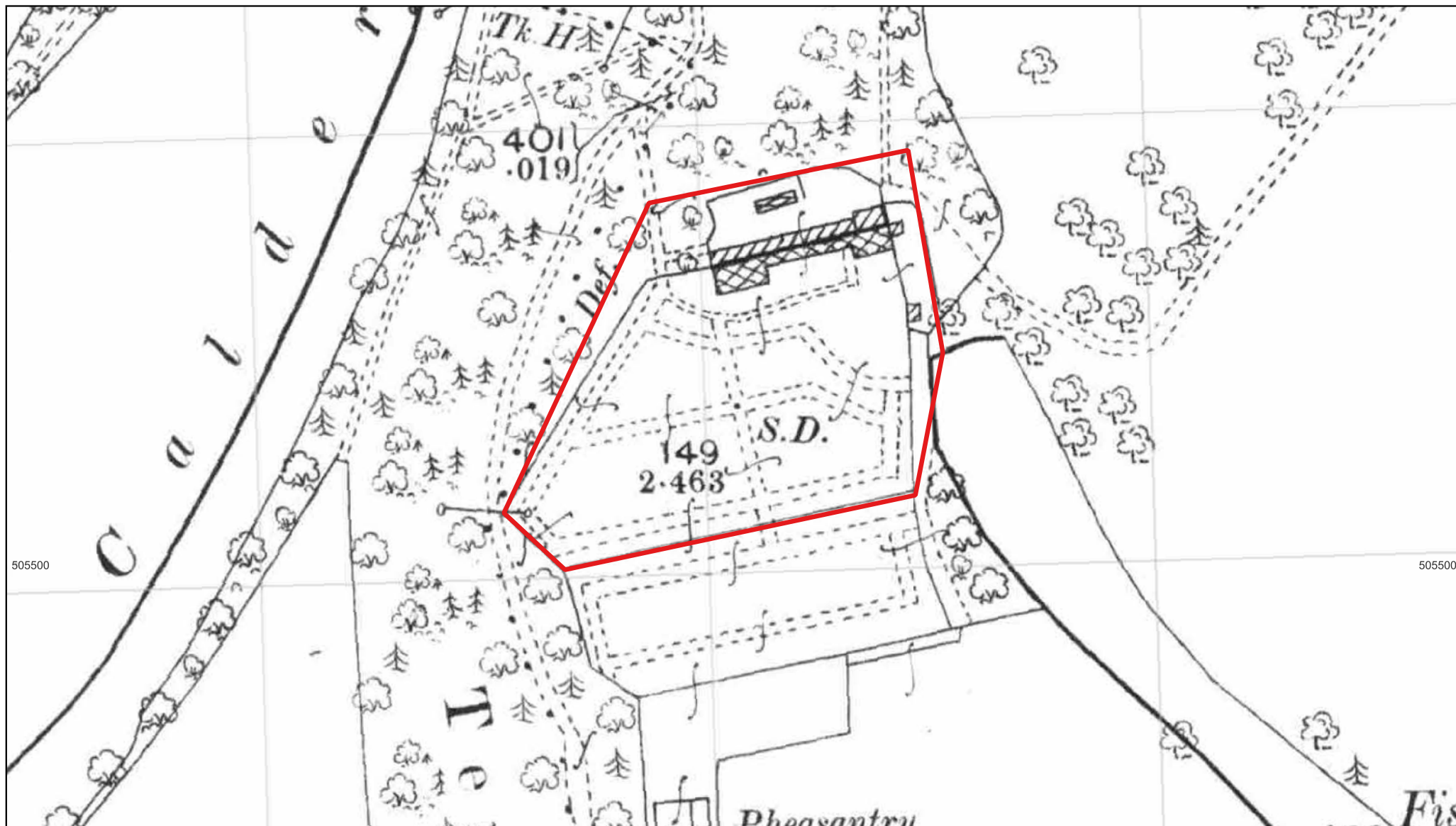



Figure 3. Extract from the Ordnance Survey 25 inch map of 1899



 Study Site

0 10 20 30 40 50 m



**Lanpro»**



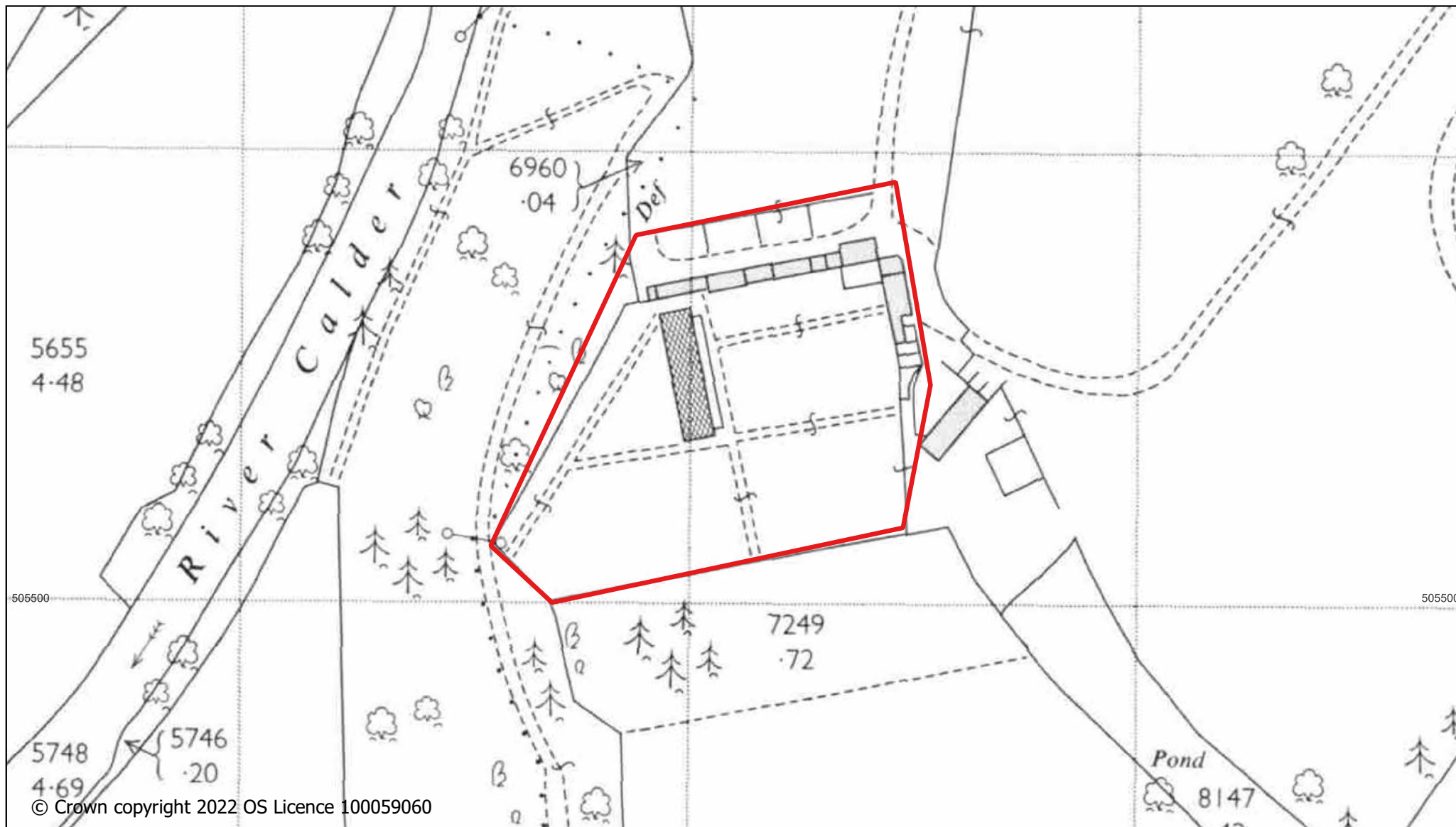



Figure 5. Extract from the Ordnance Survey 25 inch map of 1970



 Study Site

0 10 20 30 40 50 m



**Lanpro»**

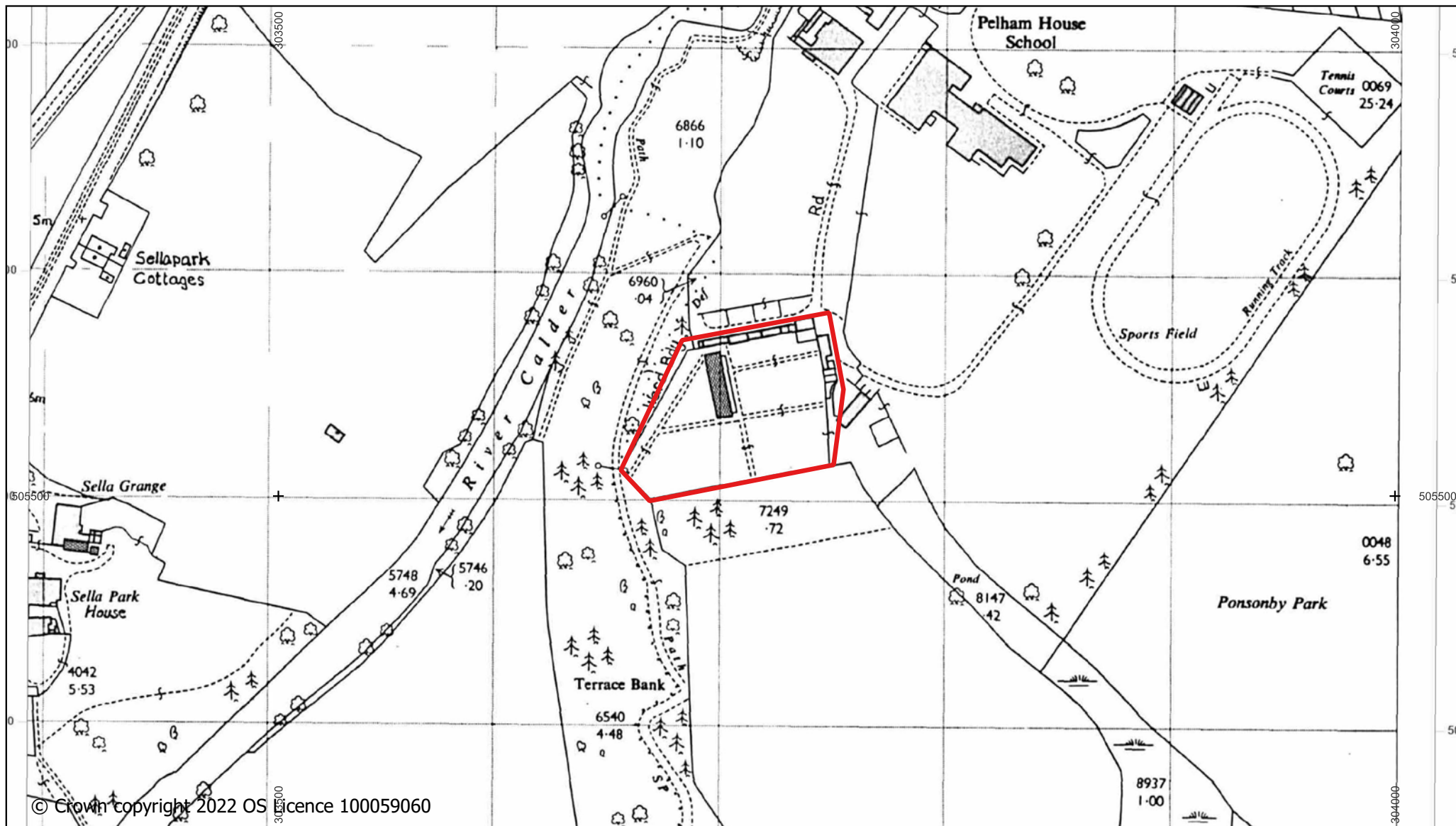



Figure 4. Extract from the Ordnance Survey 6 inch map of 1987



 Study Site

0 20 40 60 80 100 m




**Lanpro»**





Figure 5. 2022 Satellite Image of the Study Site (Google)



 Study Site

0 10 20 30 40 50 m



**Lanpro»**



## Plates



Plate 1. View west along the range of buildings lining the northern wall of the garden



Plate 2. Further view west along the range of building lining the northern wall of the garden





Plate 3. View east along the range of building lining the northern wall of the garden, showing later alterations to the buildings



Plate 4. View west along the range of building lining the northern wall of the garden, showing the most westerly building which appears to be a new addition





Plate 5. View south-west along the external face of the north-western wall of the walled garden



Plate 6. View south-west towards the modern buildings in the north-eastern extent of the study site.





Plate 7. View west towards the main entrance into the walled garden from outside the walls



Plate 8. View south along the eastern wall of the garden, showing the raised platform along the external side of the wall.





Plate 9, View north towards the northern wall of the garden, the rows of bricks which make up the heating system can be seen within the brickwork,



Plate 10. View north-east towards the north-eastern corner of the garden, showing the roofline of the glasshouse.





Plate 11. View south-west towards the south-western corner of the garden



Plate 12. View north along the eastern wall of the garden.





Plate 13. View east towards the archway within the eastern wall of the garden



Plate 14. View north-east from the just outside the study site towards Pelham House





Plate 15. View north-west of Pelham House



Plate 16. View north-east towards the rear of Pelham House



Plate 17: A plan of the walled garden taken from a plan of a *New House at Ponsonby for Philip Stanley Esq*, 1929.



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