

Summary Proof of Evidence
Heritage

Joanne Upton

Appeal under Section 78 of
Town and Country Planning Act 1990
By Laver Leisure (Oakamoor) Limited

Moneystone Eco Park
Whiston
Staffordshire

Application Ref:
SMD/2014/0682

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1.0 Introduction

- 1.1 My name is Jo Upton and I am a Technical Director at Orion Heritage. Orion is an independent heritage consultancy based in Brighton, Manchester and Worcester. The company acts for a wide range of private and public-sector organisations and advises on all aspects of historic environment related planning policy and practice.
- 1.2 My evidence relates to specific heritage impacts of the proposed development on designated heritage assets, which comprise Little Eaves Farm within the vicinity of the proposed development.

2.0 Key Issues & Analysis

- 2.1 In my full proof, I address the key historic environment related issues to address the LPA's reason for refusal: the significance of the designated heritage assets, which comprise Little Eaves Farm (which comprise two Grade II Listed Buildings [Little Eaves Farmhouse and Barn located c. 5 m east of Little Eaves Farmhouse]), and the contribution their setting makes to significance; and the impact of the proposal on significance.

Key Policy Considerations

- 2.2 Primary legislation under Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA or Secretary of State, as relevant, 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.
- 2.3 Local development plan policy seeks to grant planning permission for developments that are likely to cause harm to the significance of a heritage asset only where public benefits accruing from the development outweigh the potential harm to the significance.
- 2.4 The key issue in this appeal whether there is harm arising from the proposed Eco Park and if there is, whether it is 'substantial' or 'less than substantial'. Paragraphs 132 – 134 of the National Planning Policy Framework (NPPF) are pertinent in this respect. Paragraph 132 states that 'substantial harm' or loss to designated heritage assets of the highest significance (i.e. Grade I and II* listed buildings, grade I and II* parks and gardens, scheduled monuments, wrecks, battlefields and World Heritage Sites) should be wholly exceptional. It also states that substantial harm to grade II listed buildings and parks and gardens should be exceptional. The NPPF does not define what is meant by substantial harm.
- 2.5 Paragraphs 133 and 134 address the balancing of harm against public benefits. This guidance lays down a dividing line between substantial harm and less than substantial harm. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The guidance emphasises that where less than substantial harm arises from a proposed development, the harm should be weighed against the public benefits of a proposal.
- 2.6 The National Planning Policy Guidance Note (NPPG) provides further guidance on the issue of substantial harm. Paragraph 017 outlines that substantial harm is a high test, so may not arise in many cases. It states that when determining whether an impact of a proposed development constitutes substantial harm, an important consideration is whether there

will be an adverse impact that seriously affects a key element of the of an asset's special architectural or historic interest.

- 2.7 Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets (Historic England 2015) reiterates the NPPF definition of setting. The key points from the guidance are:
- Setting is the surroundings in which a heritage asset is experienced. Elements of the setting may make a positive, negative or neutral contribution to the significance of an asset.
 - Setting is often described in visual terms but it can include other factors such as noise, smell, dust and historic associations between heritage assets.
 - Setting is usually more extensive than curtilage, and is distinct from historic character and context.
 - Setting exists irrespective of public access.
 - The setting of heritage assets change over time.
- 2.8 The guidance sets out a 5-staged process for practical and proportionate assessment of potential impacts of proposed developments on the setting of heritage assets and the resultant decision-making process. This process was adopted in my full proof.
- 2.9 The reason for refusal states that the proposed development will have an adverse impact on the setting of Little Eaves Farmhouse, a Grade II Listed Building, and that there will be direct views from the heritage asset to the south/south east into the Multi Activity Hub area. The reason for refusal states that this harm is less than substantial in the terms of the NPPF.
- 2.10 Little Eaves Farmhouse, Barn c. 5 m east of Little Eaves Farmhouse and the curtilage listed barn c. 15 m south of Little Eaves Farmhouse are all situated c. 100 m to the west of the proposed development site.
- 2.11 The core setting of these designated heritage assets is the garden and a number of modern farm buildings located within the farm complex. Views from these heritage assets are restricted by mature trees and woodland to the north and to the east by mature trees around the eastern perimeter of the farm complex.
- 2.12 The surrounding agricultural fields which comprise the wider setting of Little Eaves Farmhouse, Barn c. 5 m east of Little Eaves Farmhouse and the curtilage listed barn c. 15 m south of Little Eaves Farmhouse have a positive contribution to the significance of these buildings and place them in a rural context with which they have a functional relationship. The quarrying operations to the north and east of the farm complex, on the contrary, have a negative contribution to the significance of the buildings, placing them in a semi-industrial context.
- 2.13 Within the wider landscape, namely along Whiston Eaves Lane (to the north of the site) and the public footpath (to the south-east of the site) which runs through the site, there would be occasional distant glimpsed views of

the farm complex which would be read in conjunction with the proposed development.

- 2.14 It is considered that the proposed Multi Activity Hub area within the development site will be visible from the farm complex, in views to the south-east. However, views are restricted by dense vegetation and trees which run along the western perimeter of the proposed development site, and mature trees located around the eastern perimeter of the farm complex.
- 2.15 By adapting the staged approach to the effect on the settings of Little Eaves Farmhouse, Barn c. 5 m east of Little Eaves Farmhouse and the curtilage listed barn c. 15 m south of Little Eaves Farmhouse, in accordance with Historic England's *Historic Environment Good Practice Advice in Planning Note 3 The Setting of Heritage Assets*, it is considered that there will be no change to the core setting of these designated heritage assets; the majority of their wider setting, will also be unaffected by the development.
- 2.16 It is considered that there will be a degree of change to the wider setting of Little Eaves Farmhouse, Barn c. 5 m east of Little Eaves Farmhouse and the curtilage listed barn c. 15 m south of Little Eaves Farmhouse, where there are occasional distant glimpsed views which would be read in conjunction with the proposed development. However, the removal of the orchard which was originally part of the core setting of Little Eaves Farm and the addition of modern farm buildings within the core setting, allied with the removal of the historic access track running between Whiston Eaves Farm and Little Eaves Farm, replacement of this with the modern access track to the east of Little Eaves Farm, and the quarrying operations, all compromise the setting of these designated heritage assets. Therefore, a negligible effect is considered from the proposed development on the contribution that the wider setting provides to the significance of farm complex, in limited views to and from it. The overwhelming majority of its wider setting will be maintained. The core of the farm's significance (i.e. its form and fabric) will be unaffected by the development proposals.
- 2.17 It is recommended that a Heritage Information Scheme is secured by way of a planning condition. This will contain provisions to maximise the heritage interest and understanding of the site. This could include website development, interpretation panels and/or a blue plaque scheme.
- 2.18 The impact of the proposed development will not result in a material reduction in the significance nor the ability to appreciate the significance of Little Eaves Farmhouse, Barn c. 5 m east of Little Eaves Farmhouse and the curtilage listed barn c. 15 m south of Little Eaves Farmhouse. As such, this equates to less than substantial harm to the settings and their contribution to the significance. Consequently, the public benefits arising from the proposal will need to be weighed against the limited harm to these designated heritage assets.

3.0 Summary & Conclusions

- 3.1 The reason for refusal states that the proposed development will result in 'less than substantial harm', but that it is not considered the public benefits arising from the proposal outweigh the harm.
- 3.2 The assessment undertaken by the appellant has concluded that the impact of the proposed development will not result in a material reduction in the significance nor the ability to appreciate the significance of relevant heritage assets. This equates to less than substantial harm to the settings and their contribution to the significance.
- 3.3 The assessment of the harmful effects arising from the proposed development weighed against the benefits arising from it is dealt with by Mr Suckley
- 3.4 Considering the conclusions of my proof, I respectfully suggest that the appeal be upheld.