

Heritage Assessment

The Alton Castle, Tape Street, Cheadle, ST10 1BG,

REF: P20-3432 / HA

DATE: 29th July 2021

Introduction

1. This Heritage Assessment has been prepared by Pegasus Group on behalf of Domino's Pizza Ltd. in relation to the proposed signage at The Alton Castle, Tape Street, Cheadle, ST10 1BG.
2. Advertisement Consent is sought for various forms of signage in relation to the new occupier (the Applicant), following the grant of Planning Permission in May 2021 for the change of use of the building and minor external works.
3. The Alton Castle is not a Listed Building. It is, however, located within the bounds of the Cheadle Conservation Area.
4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's National Planning Policy Framework (NPPF) which requires:

"an applicant to describe the significance of any heritage assets affected"

5. In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 199-203 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.
6. With specific regard to the content of this assessment, Paragraph 194 of the National Planning Policy Framework 2018 states:

"...The level of detail should be proportionate to an assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..." (our emphasis)

Methodology

7. The following assessment has been informed by *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹ (henceforth referred to as *GPA 2: Managing Significance*) and English Heritage's Conservation Principles.²

¹ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

² English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

8. How setting might contribute to the significance of any identified heritage assets has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*³ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.
9. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:
 - **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013⁴ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
 - **Less than substantial harm.** Harm of a lesser level than that defined above; and
 - **No harm** (preservation). A High Court Judgement of 2014 is relevant to this⁵, in which it was held that with regard to preserving the setting of Listed building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.
10. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment, it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
11. Full details of the methodology adopted are provided at **Appendix 1.**

Planning Policy Context

12. As set out above, The Alton Castle is not statutorily Listed; however, it is located within the bounds of the Cheadle Conservation Area.
13. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
14. With regard to development within Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any provisions mentioned in

³ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*.

⁴ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

⁵ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

15. In addition to the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is on such material consideration which carries significant weight.
16. Planning applications within Cheadle are currently considered against the policy and guidance set out within the Staffordshire Moorlands Local Plan 2014-2033, as adopted in September 2020.
17. Policy DC 2 pertains to the 'historic environment' and sets out that *"The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment."*
18. Point '3' of the Policy also highlights that the Council *"will continue its proactive approach to heritage assets at risk and welcomes development proposals which would result in the sympathetic reuse of these assets in line with NPPF policy."*
19. Full details of relevant legislation and planning policy, including Section 16 of the NPPF, are included at **Appendix 2**.

The Site

20. The Site comprises the ground floor of a former public house (The Alton Castle) located at the junction of Queen Street and Tape Street.



Plate 1: The Site as seen from the northwest.

21. Based upon a review of historic sources, and the overall form and architectural detailing, the public house was constructed in the mid-late 19th century as part of the development of the settlement during this period.
22. The footprint of the building addresses its corner position, with principal elevations onto both Queen Street and Tape Street alongside an oblique elevation facing the junction itself. The southern gable elevation is visible on the approach along Tape Street from the south, with an ancillary yard also accessible from this route.
23. Of particular relevance to this application is the 'existing' signage in place in association with the former use of the building as a public house. Fascia bands are present on both the Queen Street and Tape Street elevations (Plates 2 and 3), with fixed signs also present on the corner (Plate 3) and south gable (Plate 4) elevations.
24. The main fascia signs are illuminated by large trough lights, with remaining wall mounted signage being non-illuminated. An externally illuminated hanging sign is also present on the Tape Street elevation (Plates 3 and 4).



Plate 2: Queen Street elevation.



Plate 3: Tape Street elevation.



Plate 4: South (gable) elevation and Tape Street elevation.

Planning History

25. In May 2021, Planning Permission was granted for “*Change of use from former public house to hot food takeaway, installation of extraction/plant equipment and other external alterations*” (LPA Ref: SMD/2021/0058).
26. Changes were made during the determination of the application regarding the siting of the proposed ducting, with this responding to comments received from the Conservation Officer. Following revisions to the scheme, and subject to certain conditions regarding design, it was concluded within the Officer Report that the external changes would not harm the character and appearance of the Conservation Area.
27. It is also noted that neither the Planning Officer nor the Conservation Officer made reference to the built form within the Site comprising a non-designated heritage asset.

Development Proposals

28. The following provides a breakdown of the various elements of signage which are the subject of the application.

Queen Street Elevation

- Externally illuminated fascia board and sign situated between ground and first floor window openings.

Tape Street Elevation

- Externally illuminated fascia board and sign situated between ground and first floor window openings.
- Externally illuminated hanging sign.
- Frosting of the lower parts of two windows.

Corner Elevation

- Wall mounted externally illuminated sign.

Gable (South) Elevation

- Wall mounted externally illuminated sign.

Other

- Externally illuminated totem sign at entrance to car park.

The Historic Environment

29. The Alton Castle is not statutorily Listed; however, it is located within the bounds of the Cheadle Conservation Area
30. With regard to additional heritage assets within the surrounds of the Site, Step 1 of the methodology recommended by the Historic England guidance *GPA 3: The Setting of Heritage Assets* (see Appendix 1) is to identify which designated heritage assets might be affected by the works.

31. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
32. Consideration was therefore made as to whether any designated heritage assets with the surrounding area may include the Site as part of their setting which contributes to their overall heritage significance, and thus may potentially be affected by the works.
33. This has concluded that the only other heritage asset which has the potential to be sensitive to the development proposals is the Grade II Listed Former Black Horse Public House, located to the northwest of the Site.

Cheadle Conservation Area

34. The Cheadle Conservation Area was designated by Staffordshire County Council in 1970, with alterations to the boundary made in 1992. The boundary of the asset encompasses the historic core of the settlement, centred on the High Street.
35. It is widely accepted (paragraph 207 of the NPPF) that not all parts of a Conservation Area will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of any asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout of space or land use associated with a building or an area.
36. The heritage significance of the Cheadle Conservation Area is primarily derived from the buildings and spaces within it, and the contribution which they make with regard to the development of the settlement from the medieval period onwards, and its general character. Evidence of the medieval settlement is now most commonly understood via the street pattern, with much of the town centre having been rebuilt in the late 18th and 19th centuries.
37. Within the context of the above, it is considered that The Alton Castle comprises an element of built form which contributes to the character and appearance of the Conservation Area, and thus its heritage significance. This is primarily derived from the contribution made by the street fronting elevations to the general townscape of Tape Street and Queen Street at this prominent corner location. Despite changes which have occurred the building remains understood as a Victorian public house, constructed as part of the development of the settlement during this period, in particular with regard to the tape industry.

Former Black Horse Public House

38. The Former Black Horse Public House, located northwest of the Site, was added to the National List on 8th August 1986 with the following description:

"Former inn. Probably built as such. Early C19. Painted, rendered brickwork; tiled roof on moulded eaves band; end stack to left. Two-storey, three-window front; segmental-headed, tripartite glazing bar sashes; left hand range offset from composition by blind opening on first floor (bearing sign) set over round-arched entrance with fanlight and six-

panel door. This building occupies a prominent position in Tape Street near its junction with High Street."

39. The heritage significance of the asset is primarily derived from the architectural and historic interest of its physical fabric as an example of an early 19th century public house.
40. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise the relationship with Tape Street and its surrounding townscape, and the experience and appreciation of the asset from this location, both individually and within the wider context of the surrounding townscape.
41. Within this context, the Site is considered to form part of the general townscape within which the asset is experienced. It is, however, noted that no concerns were raised by the Local Authority regarding this asset during their consideration of the previous planning application.

Assessment of Impact

42. The Planning and Compulsory Purchase Act (2004) requires that Planning and Listed Building Consent applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
43. The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Sections 66(1) and 72(1) directs that considerable weight should be given to the preservation of the historic and architectural interest of Listed Buildings and their settings, as well as the preservation or enhancement of the character and appearance of Conservation Areas.
44. However, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Conservation Areas, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the Conservation Area as a whole, in the context of paragraphs 201 and 202 of the NPPF.
45. The PPG clarifies that within each category of harm ('less than substantial' or 'substantial'), the extent of the harm may vary and should be clearly articulated.⁶
46. The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. The PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed⁷. In addition, it has been clarified in both a High Court Judgement of

⁶ MHCLG, Planning Practice Guidance, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019)

⁷ Ibid

2013⁸ that substantial harm would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”.

47. The proposed signage is associated with the occupation of the Site by the Applicant, in association with the change of use and external alterations approved in May 2021. It is within the context of these changes which the proposals should be considered, alongside the existing baseline of the former public house signage.
48. The fascia panels on the Queen Street and Tape Street elevations are located in the same position as the existing public house signs.
49. Both fascia panels will be constructed of grey painted aluminium, with an acrylic signage panel centrally affixed. The panel and sign will be lit by trough lighting, as per the existing arrangement. The Queen Street fascia, measuring 4000mm x 800mm, is slightly wider and shorter than the existing public house signage, with the Tape Street arrangement being the same length but wider than the existing, measuring 5000mm x 800mm. The measurements are the same as the indicative fascia panels shown on the elevations approved under SMD/2021/0058, with no concerns raised by Officers during the determination of that application.
50. In terms of colour and design, this responds to the branding of the future occupier and the wider colour scheme for the external elevation of the building as approved under SMD/2021/0058.
51. Although representing a change to the size of the existing signage, the proposed arrangement is considered to reflect the overall composition and proportions of the host building and will not detract from the understanding of the building as a former public house.
52. In addition to the fascia panel signage on Tape Street, a new externally illuminated projecting sign is also proposed. The proposed projecting sign is roughly in the same location as the existing hanging sign, although it is smaller in size. The location and size of the proposed projecting sign is the same indicative signage shown on the elevation plans approved under SMD/2021/0058, with no concerns raised by the Local Authority during the consideration of the application.
53. The sign would comprise a metal ‘box’, measuring 750mm x 7500mm x 12mm, painted grey with vinyl branding placed centrally. The sign would be fixed to the elevation at two points and would be illuminated by trough lighting on both sides.
54. It is also proposed to apply vinyl to the lower elements of two of the windows in order to obscure visibility into back of house areas of the interior. The introduction of vinyl frosting on the Queen Street elevation for the same purposes was agreed under application SMD/2021/0058 with no concerns raised regarding potential impacts to the historic environment.
55. Two wall mounted signs are proposed as part of the works, one on the corner elevation and one on the gable (south) elevation. The form and design of both signs is identical, measuring 1200mm x 1200mm and comprising a grey aluminium base with an acrylic sign located centrally. As with the other signage, the colour and

⁸EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

branding of the signage reflects that of the approved colour scheme and the branding of the future occupier. Both signs will be illuminated by trough lighting.

56. Wall mounted signage, albeit it non-illuminated, is already located on the gable elevation and the location and size of the proposed panel was indicated on the elevations plans approved under SMD/2021/0058 with no concerns raised. It is, however, recognised that although a signage board is currently located on the lower elements of the corner elevation, there is currently no precedent for an illuminated signage in the central location proposed.
57. Nevertheless, despite the introduction of the signage on the corner elevation and the repositioning on the gable elevation, the introduction of the proposed wall mounted signs is considered to be in-keeping with the overall composition and proportions of the building.
58. Overall, the proposed signage is to be fixed to the exterior of the property and would not result in a change that would impact upon the surrounding historic environment. The proposals would not alter the ability to understand the host building as a former public house, nor would it negatively impact upon the contribution which it makes to the surrounding townscape, nor the character and appearance of the Conservation Area in this location.
59. Furthermore, the proposals would not result in a change to the appearance of the building and surrounding townscape which would alter the overall experience and appreciation of the Grade II Listed Former Black Horse Public House, via a change setting.
60. As part of the works approved under application SMD/2021/0058, the existing rear yard is to be used a car park for the takeaway. In order to advertise this space a totem signage pole is proposed at the entrance to the car park from Tape Street, with this comprising a steel post and frame with a signage panel at the top, lit by trough lighting. As with the fixed signage, the colour scheme will reflect the branding of the occupier and approved changes to the external elevation of the building.
61. It is recognised that the introduction of the totem signage pole would introduce a new feature into the townscape in this location. It would not, however, alter the understanding of the built form within the Site as a former public house, nor would impact upon the corner prominence of the building. It is also highlighted that it is often commonplace for public houses to have totem signage poles at the entrance to the car parks.
62. As such, the introduction of the totem signage pole in this location would have only a very minor impact upon the overall character and appearance of the Conservation Area this in location. Such harm would be at the very lower end of less than substantial harm.
63. With this regard, it is noted that when considering application SMD/2021/0058, the Case Officer highlighted within the Officer Report that the change of use and

occupation of the Site *"would benefit the viability and vitality of the town centre more than a long-term vacant building."*

64. Due to the separation between the two elements, no harm is identified to the Grade II Listed Building, via a change in setting, in association with the proposed totem pole.

Summary Conclusions

65. Overall, it is concluded that the proposed fixed signage would serve to protect the overall character and appearance of the Cheadle Conservation Area and would not impact upon the heritage significance of the Grade II Listed Former Black Horse Public House, via a change in setting.
66. The proposed totem pole is, however, considered to result in change that would have a very minor impact upon the overall character and appearance of the Conservation Area this in location. Such harm would be at the very lower end of less than substantial harm spectrum.
67. It acknowledged that Section 72(1) of the 1990 Act sets out that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance"* of a Conservation Area.
68. Nevertheless, under Paragraph 202 of the NPPF the identified harm to the designated and non-designated heritage assets, including the Conservation Area, should be considered by the Decision Maker in a balanced judgment alongside the public benefits of the development proposals.
69. regarding this context, the positive impact previously identified in associated with the occupation of the Site on the 'viability and vitality of the town centre' is highlighted, with this positive impact considered to have positive effects on the Conservation Area.

Appendix 1 – Methodology

Assessment of Significance

In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*⁹

Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*¹⁰ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's Conservation Principles.¹¹ These essentially cover the heritage 'interests' given in the glossary of the NPPF¹² and the online Planning Practice Guidance on the Historic Environment¹³ (hereafter 'PPG') which are archaeological, architectural and artistic and historic.

The PPG provides further information on the interests it identifies:

- **Archaeological interest:** *"As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."*
- **Architectural and artistic interest:** *"These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."*
- **Historic interest:** *"An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's*

⁹ MHCLG, *NPPF*, pp. 71-72.

¹⁰ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

¹¹ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28-32.

¹² MHCLG, *NPPF*, p. 71.

¹³ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.”¹⁴

Significance results from a combination of any, some or all of the interests described above.

The most-recently issued guidance on assessing heritage significance, Historic England’s Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12¹⁵, advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest.

Setting and Significance

As defined in the NPPF:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”¹⁶

Setting is defined 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.”¹⁷

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing Change Through Alteration to Setting

How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*¹⁸ (henceforth referred to as ‘GPA 3’), particularly the checklist given on page 11. This advocates the clear articulation of “what matters and why”.¹⁹

In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the

¹⁴ MHCLG, PPG, paragraph 006, reference ID: 18a-006-20190723.

¹⁵ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

¹⁶ MHCLG, NPPF, p. 72.

¹⁷ MHCLG, NPPF, p. 71.

¹⁸ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁹ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)²⁰:

Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".

Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."

Levels of Significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of

²⁰ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;

- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as "*buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*".²¹

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of Harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*";²² and
- Less than substantial harm. Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."*²³

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

²¹ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

²² *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

²³ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.²⁴

Preservation does not mean no change; it specifically means no harm. GPA 2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.²⁵ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating *"what matters and why"*. Of particular relevance is the checklist given on page 13 of GPA 3.

It should be noted that this key document also states that:

*"Setting is not itself a heritage asset, nor a heritage designation..."*²⁶

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA 3 states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".²⁷

Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should 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.²⁸

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

As detailed further in Section 6, the NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 and 202.

²⁴ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²⁵ Historic England, GPA 2, p. 9.

²⁶ Historic England, GPA 3, p. 4.

²⁷ Historic England, GPA 3., p. 8.

²⁸ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation."²⁹*

Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

²⁹ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2 –Planning Policy

Legislation

Legislation relating to the built historic environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990,³⁰ which provides statutory protection for Listed Buildings and Conservation Areas.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*"In considering whether to grant planning permission [or permission in principle] 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."*³¹

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

*"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*³²

A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.³³

With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, 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."

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

³⁰ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

³¹ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

³² *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

³³ *Jones v Mordue* [2015] EWCA Civ 1243.

In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.³⁴

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three "objectives" to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

...

For decision-taking this means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*

³⁴ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- *the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*³⁵

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."*³⁶ (our emphasis)

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in 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)."*³⁷

The NPPF goes on to define a Designated Heritage Asset as a:

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."*³⁸ (our emphasis)

As set out above, significance is also defined 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. For World Heritage Sites, the cultural

³⁵ MHCLG, *NPPF*, para. 11.

³⁶ MHCLG, *NPPF*, para. 11, fn.7.

³⁷ MHCLG, *NPPF*, p. 67.

³⁸ MHCLG, *NPPF*, p. 66.

value described within each site's Statement of Outstanding Universal Value forms part of its significance."³⁹

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 that:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*⁴⁰

Paragraph 197 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness."*⁴¹

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*⁴²

"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. Substantial harm to or loss of:

- grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

³⁹ MHCLG, NPPF, pp. 71-72.

⁴⁰ MHCLG, NPPF, para. 195.

⁴¹ MHCLG, NPPF, para. 197.

⁴² MHCLG, NPPF, para. 199.

- *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*⁴³

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

"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, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*⁴⁴

Paragraph 202 goes on to state:

*"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 including, where appropriate, securing its optimum viable use.*⁴⁵

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*⁴⁶

⁴³ MHCLG, NPPF, para. 200.

⁴⁴ MHCLG, NPPF, para. 201.

⁴⁵ MHCLG, NPPF, para. 202.

⁴⁶ MHCLG, NPPF, para. 206.

Paragraph 207 goes on to recognise that "not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"⁴⁷ and with regard to the potential harm from a proposed development states:

*"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."*⁴⁸
(our emphasis)

National Planning Guidance

The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the 'Historic Environment' which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals"*⁴⁹

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

*"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting"*⁵⁰.

⁴⁷ MHCLG, NPPF, para. 207.

⁴⁸ Ibid.

⁴⁹ MHCLG, Planning Practice Guidance, paragraph 007 (ID: 18a-007/20190723 revision date 23.07.2019)

⁵⁰ MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm"

Local Planning Policy

Planning applications within Cheadle are currently considered against the policy and guidance set out within the Staffordshire Moorlands Local Plan 2014-2033, as adopted in September 2020.

Policy DC 2 pertains to the 'historic environment' and states that:

- "1. The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.*
 - 2. Protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.*
 - 3. All applications likely to affect heritage assets will require the submission of a heritage statement, including a qualitative visual assessment where appropriate.*
 - 4. Where development is likely to affect archaeology, both designated and undesignated, the Council requires the submission of a desk based assessment, and where appropriate, field surveys and trench evaluation by a qualified professional.*
 - 5. Where the loss of significance is unavoidable, recording should take place and this should be added to the Historic Environment Record as a minimum, held by Staffordshire County Council.*
 - 6. The Council will continue its proactive approach to heritage assets at risk and welcomes development proposals which would result in the sympathetic reuse of these assets in line with NPPF policy.*
 - 7. The Council will promote development which sustains, respects or enhances buildings and features which contribute to the character or heritage of an area and those interests of acknowledged importance through the use of Conservation Area Appraisals, Design Guidance and Statements, Archaeological Assessments, Characterisation Studies and Masterplanning."*
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