

Mr N. Carter
Inspector of Ancient Monuments
Historic England
The Foundry
82 Granville Street
Birmingham
B1 2LH

14 August 2023
EP ref: 19-373

Dear Mr Carter

Re: Biddulph Old Hall, Biddulph, Staffordshire Moorlands – initial response to letter of 12 April 2023

Thank you for your letter of 12 April 2023 with detailed comments on the above application. We set out below our initial response.

We are encouraged that the letter doesn't represent an objection and in particular that you do not have any concerns with the main section of the access route from the A527 to Yew Tree Walk. In addition, we note that Historic England (HE) welcome the proposals for the consolidation and repair of the scheduled monument which is noted to be of both public and heritage benefit.

It is stressed that public access to Biddulph Old Hall is critical for its future and that this application represents the only option for ongoing public access to the site constituting the Hall (Grade II*), the Scheduled Monument (of substantial archaeological interest) and the landscape (potential future Registered Park and Garden). There is no access to and extremely limited views of the Hall and the Scheduled Monument from the public footpath. The closest public footpath runs along The Clough, and away from the Hall.

We are confident that with the information contained within this letter and the further information to be submitted following this letter, a positive position can be reached to facilitate a position of support from HE prior to the application being determined.

Impact of the Proposed Works

To clarify, the application only proposes one new parking area within the field, to be used when required by visitors. The other parking area adjacent to the Hall is an existing parking area and is proposed to be used for disabled parking only.

We note that there are no concerns with the proposed access from the A527 to Yew Tree Walk and that there are currently concerns with the other part of the route.

We also note the comment about discussing the proposals with Staffordshire County Council Archeology. Staffordshire County Council Rural County (Environmental Advice) responded on 23 May confirming no objection to the application. Their letter (attached) includes the following recommendations, should the application be approved:

- That an archeological walkover survey be completed;
- That a watching brief should be adopted for all groundworks; and
- Any upstanding drystone wall boundaries or earthworks impacted by the proposals should be recorded either by historic building record or earthwork survey.

In addition, an archeological condition is recommended, with the proposed wording set out within the letter.

The harm to the heritage assets is assessed in the submitted Heritage Statement. Please note that the Heritage Statement also weighed the impacts of the heritage benefits to the scheme, such as the proposed estate fencing as an ‘enhancement to the character while the removal of concrete stiles and addition of drainage will improve the existing footpath’, and the significant heritage benefit that the new track ‘improves access for current owners/events, increasing revenues to support further restoration work, and is conditional for securing Biddulph Old Hall’s future public access in charitable ownership’.

Notwithstanding the conclusion within the Heritage Statement, we note your view that the proposals will result in harm to the significance of the heritage assets and your suggestion that paragraphs 200 – 202 of the Framework are therefore engaged. Accordingly, as requested we assess the proposals on the basis of paragraph 202 and set out the public benefits of the proposal as follows:

Your letter does not confirm the level of harm to significance that you consider would be caused by the proposals. However, on the basis that the proposals do not involve the total destruction or even substantial loss of the heritage assets or their significance, we undertake the assessment below on the basis that the alleged harm is less than substantial and that the relevant paragraph from the Framework is therefore paragraph 202. Paragraph 202 of The Framework states:

‘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.’

Clear and convincing justification

Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

The purpose of the development is to provide lawful public access to the site. At present there is no lawful public access. The existing access runs through the active dairy farmyard which is not in the same ownership as Biddulph Old Hall. There is a covenant that only allows domestic access.

Access for visitors is currently only temporarily allowed by the owner of the neighbouring farm on the basis of goodwill. The existing track runs directly through the farmyard and in front of the farm house. This has resulted in consequential negative impacts to the farm, due to the number of vehicles using the narrow track and poor parking infrastructure. Outbreaks of Bovine TB have accelerated the requirement to end to use of the access track. After extensive dialogue between the applicant and neighbouring farmer, they could only find one solution to ensure access could continue. A new route. The farmer is allowing a small parcel of his land to the southwest of the Hall to be used for car parking. This land would be accessed via the proposed new access track. The existing access would revert to domestic traffic only for the Hall, in line with the covenant.

The development is therefore essential to enable continued public access. The profit stream as a result of visitors is necessary to finance the repair and restoration of the heritage assets. The access is also essential to enable the property to bequeathed to the charity Perennial, as set out below.

There is a clear and convincing justification for the proposals.

Public benefits

Public benefits are not prescribed by the Framework. The NPPG provide guidance on public benefits at paragraph 18a-020-20190723:

“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 a 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.”

The economic, social and environmental objectives referenced above are the three overarching objectives of the planning system. Paragraph 8 of the Framework confirms that these are interdependent and need to be pursued in mutually supportive ways.

The table below summarises the public benefits of the proposal:

1. Economic and social benefits	
1.	Securing ongoing public access to the house and gardens and benefits to the wider community It is estimated that there are approximately 2,000 visitors to Biddulph Old Hall each year. Group visits are highly popular with nationwide garden societies, historic groups and some international visitors. The Historic Houses Association offer 3 visits a year under their Invitation to View Scheme, which are always sold out. The Hall is a source of great enjoyment to its visitors and opening these historically important grounds for the benefit of the public promotes opportunities for the public understanding and enjoyment of the special qualities of the estate. The work being done at Biddulph Old Hall and its accessibility brings a large sense of pride not only to the owner of the Hall but also to the local community, Biddulph Town Council and Staffordshire Moorlands District Council. Support is given by the Shropshire Parks and Gardens Trust and the Staffordshire Parks and Gardens Trust. Opening Biddulph Old Hall to the public is entirely dependent upon discretionary access across third party land which could be withdrawn at any time. Without this proposed development Biddulph Old

	Hall will have to cease all public visits and return to a private estate. The closure of the Hall to the public would be a tragic loss to Biddulph's local tourism amenities which are of significant national interest. We consider that very significant positive weight should be attached to this as a material consideration. Very significant positive weight to this benefit.
2.	Securing the long term future of the heritage assets and the estate As previously set out in the Planning Statement, the long-term intention is for Biddulph Old Hall to be bequeathed to the charity Perennial. Perennial is a long-established charity providing free and confidential advice, information and support to people working in or retired from horticulture and their families. Perennial is the only charity dedicated to the care and support of those people working in all branches of horticulture. After significant research into the options for the future ownership of the hall, Perennial was selected as the most sustainable option for the future ownership of the Hall. Active discussions with the charity commenced in 2022 and were accelerated after the death of one of the joint owners. These discussions are now at an advanced stage, with only the issue of independent access preventing the draft Heads of Agreement with Perennial being signed. As a charity Perennial can only accept the bequest if there is lawful public access to the site, which at present there is not (as the covenant only allows domestic access). The charity also owns several gardens bequeathed to it for preservation of significant historic gardens and sites, which generate funds for the charity. Perennial is to play a vital role in the Hall's future. For the Perennial Board of Trustees to accept the bequest, five categories must be considered. Four of these categories are as follows: • The garden must be of high quality and of National Significance; • The garden must be individual and reflect the character of its creators; • The garden must be geographically located to fit in with Perennial's nationwide strategy; and • The bequest must be endowed sufficiently to prevent the running of the garden being a drain of the charity's funds. Peter Newman, the Chief Executive of Perennial has confirmed in a letter (attached) that these four categories are met by Biddulph Old Hall. The fifth category is that the property under consideration should have sufficient provision of infrastructure to facilitate public access. The proposal for the new access is therefore critical to Perennial's decision on whether or not to accept the property. Without a positive outcome to this application, Perennial will not be able to accept the bequest, thus threatening the future of Biddulph Old Hall. Without this proposal, the future of the Hall is in jeopardy. Very significant positive weight should be attached to this benefit.
2.	Public Safety The proposed new track and car park will provide a safer and more sustainable access for visitors; and will no longer negatively impacting the neighbouring working farm. The existing access arrangements limit the capacity of visitors to the Hall as it is not fit for purpose. The proposed development will connect seamlessly with the surrounding road network and will remove the issue of visitor traffic queueing to use the farm access. The replacement of the existing bridge is essential to facilitate vehicular access to the site, particularly for coaches. The design, width and visibility splays will ensure safe access from Congleton Road. Moderate positive weight should be attached to this.

3.	Scheduled Monument Management Plan / removal from Heritage at Risk Register The application is supported by a proposal to secure the repair and consolidation of the scheduled monument which in turn will enhance the collective significance of the wider site, but most importantly aim to remove the structure from the Heritage at Risk register. The proposed repairs are funded through the income generated by visitors to the site. The initial proposed schedule of works (on which we welcome feedback from HE) is attached to this letter. A more detailed schedule is being prepared and is subject to quotations for each element to enable a more precise estimate of the total cost and timescale of the proposed works. The detailed schedule will have input from an appropriate architectural masonry conservator to ensure the most appropriate methodology and materials are specified. It is proposed that the schedule of repairs to the ancient monument is secured by a planning condition which includes the requirements for a timetable to set out when the works will be undertaken, depending on sufficient income from public visits. The works would be subject to statutory consent at the relevant time. Very significant positive weight should be attached to this benefit.
4.	The Designated Landscape – proposal to become Registered Park & Garden Our client is committed to pursuing the possibility of the landscape within Biddulph Old Hall becoming formally designated as a registered park and garden and is very willing to positively pursue this with HE. The first priority is to protect the future of the site beyond its current ownership. An essential part of this is to ensure that public access can be maintained, so that visitors can continue to enjoy the historic site and provide essential funding to secure the site's future which is proposed to be through a plan for Perennial to take ownership. This succession planning with Perennial is predicated on the site being accessible to the visiting public which is what this application seeks to secure. Significant positive weight should be attached to this benefit.
2. Environmental benefits	
1.	Vegetation management of The Clough As acknowledged in your letter, The Clough is historically and physically important as it was created by The Bateman's to link Biddulph Old Hall to Biddulph Grange which is a Grade I Registered Park & Garden. The applicant owns a significant section of The Clough, which is also a public footpath and is committed to a programme of works to clear the route of overgrown vegetation and facilitate easier access. Although this work is already in progress, it is a significant project and although the time required to do the work is mostly being provided for free by the owner of the Hall, there are elements which will have costs associated and the income from visitors will assist in the continuation of this work. This element of work has economic and social benefits, as well as environmental benefits, as the natural environment and biodiversity was being restricted by the historic lack of maintenance of this important landscape. Moderate Positive Weight should be attached to this benefit.

2.	An assessment of biodiversity is being undertaken. Should a position of net gain be achieved, this would represent a further environmental benefit.
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Overall balance

Should the decision maker conclude that there is less than substantial harm, the relevant test is paragraph 202 of the Framework. The benefits to be weighed against the less than substantial harm are set out in detail above and summarised as follows:

- Securing ongoing public access to the house and gardens and benefits to the wider community: **very significant positive weight**
- Securing the long term future of the heritage assets and the estate: **very significant positive weight**
- Public safety: **moderate positive weight**
- Scheduled monument management plan and removal from the at risk register: **very significant positive weight**
- The potential for the site to become a registered park and garden: **significant positive weight**
- Vegetation management of the Clough: **moderate positive weight**

Taking the above benefits into account and weighing those benefits against any less than substantial harm, we consider that the benefits outweigh any less than substantial harm even after considerable important and weight is given to the harm.

Other Considerations

Landscape Visual Impact Assessment (LVIA)

We note the comments in relation to the visual impact assessment required and propose that an assessment is undertaken based on the viewpoints which will be sent under separate cover in due course. We would be grateful if HE could confirm agreement to these viewpoints.

Signage and traffic control

The proposed approach will replicate the current approach which is that temporary signage will be displayed on the days that visitors will attend the site and these will be removed following the visitor day.

No permanent signage is proposed.

Passing places on the track

A plan is being prepared alongside the landscape assessment works to show the proposed passing places in more detail. The passing places are focused on the main section of the access route from the A527 to Yew Tree Walk, avoiding passing places directly adjacent to the heritage assets.

Track surfacing – visual example

A visual example of the proposed access track and its surface finish will be provided alongside the landscape assessment.

Conclusion

We understand that HE's view is that the proposals will result in harm to the significance of the heritage assets and we therefore assess the proposals on the basis of Paragraph 202 of the Framework. In summary, where development would 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. Taking all the public benefits into consideration, the public benefits outweigh the less than substantial harm found to the heritage assets.

We look forward to your reply in particular your confirmation that the proposed LVIA viewpoints are agreeable to HE upon your receipt of these under separate cover.

Yours sincerely
Emery Planning

Alexa Burns

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Encs: - Consultation response - Staffordshire County Council Archeology - dated 23 May 2023

Letter from Peter Newman (Chief Executive of Perennial) - dated September 2022