



**Proof of Evidence: Heritage Assessment**  
**Land North of Droitwich - APP/H1840/W/22/3305934**

**Dr David Hickie**  
of Heritage Matters



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## Change History

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Report Author:

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IHBC

Principal Consultant: Heritage Matters



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## 1.0 Introduction

1.1 I am Dr David Stewart Hickie, Principal Consultant of Heritage Matters, a heritage consultancy of Arlington House, 7 Hunters Walk, Witherley, Atherstone, Warwickshire, CV9 3SU. Heritage Matters Associates is a registered IHBC HESPR Practice.

1.2 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.3 I am a national expert in the field of heritage management and planning. I regularly act as an expert heritage and landscape witness for Planning Inquiries and High Court cases. I was formerly Assistant Regional Director of English Heritage (now known as Historic England) where I led a team of Historic Building Inspectors, Historic Area Advisors and Ancient Monument Inspectors, providing expert advice across the Region. This included providing expert advice and training for all the Local Authority Conservation Officers within the Region. I was responsible for advising the Secretary of State on which planning applications should be 'called in' on heritage matters within the West Midlands Region. I am now the Managing Director and Principal Consultant for Heritage Matters, an independent specialist heritage consultancy.

### Synopsis

1.4 In this case, Beechcroft Land Ltd & Henry Bouskell c/o Trustees of the Wimbush Droitwich Settlement are appealing against the failure by Wychavon District Council to determine the 'Outline planning application for the erection of up to 102 dwellings, new vehicular and pedestrian access, and associated works. All matters reserved except for access' (APP/H1840/W/22/3305934) and LPA W/22/00201/OUT). I am advising on behalf of Wychavon District Council.

### Instructions

1.5 I have been instructed to provide expert opinion to help quantify the heritage impact of the development proposals.

### Site Visits

1.6 I have visited the site on Monday 10<sup>th</sup> October 2022 and have walked around the site and local area.

### Disclosure of Interests

1.7 I have no connection with any of the parties or advisers involved in the case.

## 2.0 Summary

### Reasons for Refusal:

2. The character of Hampton Lovett is of linear development of period properties set within large plots surrounded by farmed land. Hampton Lovett is not a nucleated village with a central core and therefore the character of the settlement is dependent upon the retention of the rural setting along the lane. It is considered that the proposal to develop the existing farmed land with dwellings would alter the character of Hampton Lovett causing harm to the setting of the Grade I listed church of St Mary and the period properties which form the settlement. This represents a less than substantial harm, which is not outweighed by public benefits. The significant and demonstrable harm identified provides a clear reason for refusing the development. The proposal fails to accord with policies SWDP6, 21 & 24 of the South Worcestershire Development Plan as well as guidance contained in Section 16 of National Planning Policy Framework. As such the proposal would not constitute sustainable development.

### Summary of the Heritage Impact Assessment

2.1 It is my professional opinion that, despite mitigation measures, the proposed housing development will:

A) Adversely impact upon the heritage setting of the Grade I Church of St Mary which is judged to be of Moderate/large adverse significance. This is at the top end of range of 'Less than substantial harm' to the heritage significance of a heritage asset

and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use; and

B) Adversely impact upon the heritage setting of the Grade II Lych-gate which is judged to be of Moderate adverse significance. This is at the upper end of range of 'Less than substantial harm' to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.

2.2 I would expect that heritage importance of the rural setting related to both the Grade 1 Church of St Mary and the Grade II Lychgate would be taken into account in the review of the valued landscape associated with this site.

### Conclusion

2.3 In the terms of the Framework and of SWDP Policies 6, 21 and 24, this amounts to 'less than substantial harm'. This heritage harm is of considerable importance and weight. As such, it is harm which should be weighed against the public benefits of the proposed development.

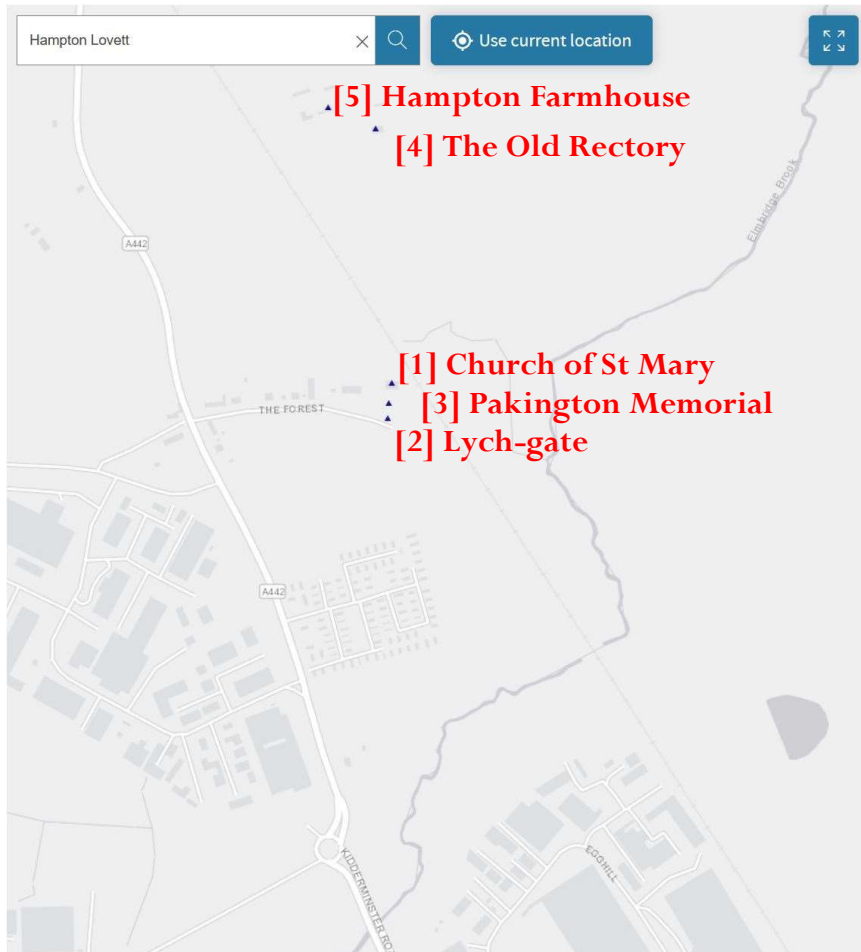
## 3.0 Existing Heritage Setting

3.1 The Appellant's Heritage Assessment correctly identifies the location of the relevant nearby heritage assets.

Figure 1: Location of Heritage Assets (extract from Appellant's 'Heritage Assessment Part 1' Jan 2022)



Figure 2: Extract from Historic England Map Data Search for Hampton Lovett



3.2 The Historic England listing text is provided below:

Box 1: Historic England Listing Text for Nearby Listed Buildings

**[1] CHURCH OF ST MARY**

**Official list entry**

Heritage Category: Listed Building

Grade: I

List Entry Number: 1215375

Date first listed: 14-Mar-1969

Statutory Address 1: Church of St Mary, Hampton Lovett

**Details**

SO 86 NE; 5/58  
HAMPTON LOVETT CP, Church of St Mary  
14.03.69

I  
Parish church. Early C12 with C14 to C16 alterations and additions; restoration of 1858-1859. Sandstone ashlar, tile roof. C12 nave, C16 south porch with tower over, C14 chancel, north (St Anne's) chapel built circa 1474, rebuilt 1561 for the Pakingtons.

Tower and porch: four stages, crenellated parapet, diagonal buttresses; belfry (top) stage: two-light windows with quatrefoil over, first and second have square headed windows; ground floor: porch

has outer doorway with double chamfered two-centred head, inner doorway of two moulded continuous orders.

Nave: two bays; south wall: west bay occupied by porch and tower, east bay has late C14 window of two lights under two-centred head; west wall rebuilt 1858-1859, jambs of window reset, tracery restored in C14 style, three lights; north wall: two-light late C14 window to west, roughly central, a blocked C12 north door with semicircular head and shafts with cushion capitals; set in jambs continued up to eaves as pilaster buttresses; east bay occupied by north chapel: almost entirely of 1561, with north vestry of 1858-1859 flanked by two reset windows of c1414, of two and three cinquefoil headed lights under square heads; east window of 1561 with five Tudor arched lights under a square head. Chancel: angle buttresses, south wall partially C12, of two bays, two early C15 two-light windows under square heads, blocked priests door between them; east window: late C14 with three trefoil headed lights.

INTERIOR: chancel arch of early C14, two-centred with two orders continuous down jambs; two-centred arch from nave to north chapel of 1858-9; early C15 arch between chancel and north chapel, four-centred head of two orders; piscina in south wall of chancel with trefoil head.

Roofs: nave: C16 restored 1858-1859, four bays with moulded, cambered tie beams, two queen struts (no collar) and moulded

purlins; an earlier, crenellated, beam is embedded in the wall above the chancel arch; chancel: four-bay wooden barrel vault of 1858-1859; north chapel: five-bay arch-braced collar roof of 1858-1859.

Fittings: chancel: chest tomb of Sir John Pakington, died 1551, set in north wall, with much restored canopy above; nave: wall memorial to Henry Hammond, died 1660, framed by Corinthian columns, armorial bearing above, signed by Joshua Marshall of London; north chapel: memorial to Sir John Pakington, reclining effigy on chest tomb with wall tablet behind, signed by J Rose of London. Glass: some fragments of armorial glass of 1561 in north window of nave; chancel east window by John Hardman. Font: C19 octagonal bowl on C14 moulded octagonal base.

#### Sources

Books and journals

Doubleday, AH, Page, W, The Victoria History of the County of Worcester, (1913), 156-7  
Pevsner, N, The Buildings of England: Worcestershire, (1968), 183

#### [2] LYCH GATE ABOUT 70 METRES SOUTH OF CHURCH OF ST MARY

##### Official list entry

Heritage Category: Listed Building  
Grade: II

List Entry Number: 1288109

Date first listed: 14-Mar-1969

Statutory Address 1: LYCH GATE ABOUT 70 METRES SOUTH OF CHURCH OF ST MARY

##### Details

HAMPTON LOVETT CP HAMPTON LOVETT SO 86 NE 5/60

Lych gate about 70 metres south of Church of St Mary  
GV II

Lych gate. Mid-C19. Timber-frame on sandstone ashlar plinth, tiled roof. East and west gables in herringbone strutting from king post, north and south gablets with crossed struts giving quatrefoil panels. Ornamental cross-braced gates with cast iron fleurs-de-lys rails and ornamental strap hinges.

#### [3] PAKINGTON MEMORIAL ABOUT 15 METRES SOUTH OF SOUTH PORCH OF CHURCH OF ST MARY

##### Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1288149

Date first listed: 14-Mar-1969

Date of most recent amendment: 26-Jun-1985



Statutory Address 1: PAKINGTON MEMORIAL ABOUT 15 METRES SOUTH OF SOUTH PORCH OF CHURCH OF ST MARY

### Details

HAMPTON LOVETT CP HAMPTON LOVETT SO 86 NE 5/59  
Pakington memorial about 15 metres south of south porch of Church of 14.3.69 St Mary (previously listed as Churchyard Cross)  
GV II

Cross. c1841. Possibly by Philip Hardwick. Octagonal base in three stages supporting octagonal shaft capped by finial with four small statues, surmounted by a Latin cross. Inscription, mostly illegible, to Augusta Anne Lady Pakington, died 1841. (BoE p 183).

### Sources

**Books** and **journals**

Pevsner, N, The Buildings of England: Worcestershire, (1968), 183

### [4] THE OLD RECTORY

#### Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1288100

Date first listed: 26-Jun-1985

Statutory Address 1: THE OLD RECTORY

### Details

HAMPTON LOVETT CP - SO 86 NE 5/57 The Old Rectory  
GV II

House. c1800 with early C20 alterations. Brick, hipped tile roof, side wall stacks. Garden (south) front: three storeys, brick dentilled cornice, three windows: glazing bar sashes under rubbed brick heads with stone sills; second floor: 6-pane sashes; ground floor windows in semi-circular headed recessed panels with linking band at impost level. Entrance to left return front through early C20 flat roofed porch.

### [5] HAMPTON FARMHOUSE

#### Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1288148

Date first listed: 26-Jun-1985

Statutory Address 1: HAMPTON FARMHOUSE

### Details

HAMPTON LOVETT CP - SO 86 NE 5/56 Hampton Farmhouse

- II

Farmhouse. Late C18 to early C19. Brick, machine tile roof, gable end stacks. Three storeys, dentilled brick cornice; three windows: 3-light casements under segmental heads; central entrance with flat canopy on wooden posts, 2-pane overlight above.

### *Settings of the Nearby Heritage Assets*

3.3 In order to determine the heritage impact of the development proposals, the heritage settings of all the nearby heritage assets need to be ascertained and assessed.

### **Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (2017)**

3.4 Historic England have provided a guidance note to provide assistance concerning the identification and assessment of the setting of heritage assets, given:

- *the statutory obligation on decision-makers to have special regard to the desirability of preserving listed buildings and their settings, and*
- *the policy objectives in the NPPF and the PPG establishing the twin roles of setting (see boxes below): it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation, including sustaining significance.*

3.5 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.”* (p.2)

3.6 The guidance clarifies that setting is not just the visual envelop from where the heritage asset can be seen: *“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.”*

3.7 The fact that the public do not have access to parts of the setting is not a determining factor: *“The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.”*

3.8 It is accepted that settings can evolve over time: *“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time, and because new information on heritage assets may alter what might previously have been understood to comprise their setting and the values placed on that setting and therefore the significance of the heritage asset.”* In the case of the Church of St Mary, recent research has further established the importance of the rural setting of this Church and its link to the nearby former

Hampton Court (now demolished after the Pakington family moved to nearby Westwood House).

3.9 To determine the extent of the setting of heritage asset, the guidance recommends a stepped process.

3.10 These steps are shown below:

*Step 1: Identify which heritage assets and their settings are affected*

*Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*

*Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it*

*Step 4: Explore ways to maximise enhancement and avoid or minimise harm*

*Step 5: Make and document the decision and monitor outcomes*

3.11 Steps 1 and 2 provide the extent of the existing setting of a heritage setting. Stages 3 to 5 are the assessment steps required to make a planning decision about the heritage impact of a development proposal.

*Review of Existing Heritage Asset Settings*

**The Church of St Mary**

Figure 3: View of Church from the South



3.12 This Grade I listed building dates from the C12, with C14 to C16 alterations, and restoration in the mid-C19.

3.13 The church is constructed of ashlar stone with a plain clay tile roof. The Pakington family were responsible for much of the alteration and restoration. The interior provides a wealth of historic features related to the Pakington family.

Figure 4: View of Chest Tomb of Sir John Pakington



3.14 The Church remained the family church after they moved from the Hampton Court (adjacent to this church) to the newly expanded Sir Westwood House a couple of years before his death in January 1626.

Figure 5: Picture of Hampton Court and the Church of St Mary from the Burney Collection - c.1780



3.15 The church retains its rural setting to this day, despite the construction of the nearby railway line (with passage underneath to connect Church to the Old Rectory) in the mid C19 and the more recent Doverdale Park, built originally as a workers' camp during WWII.

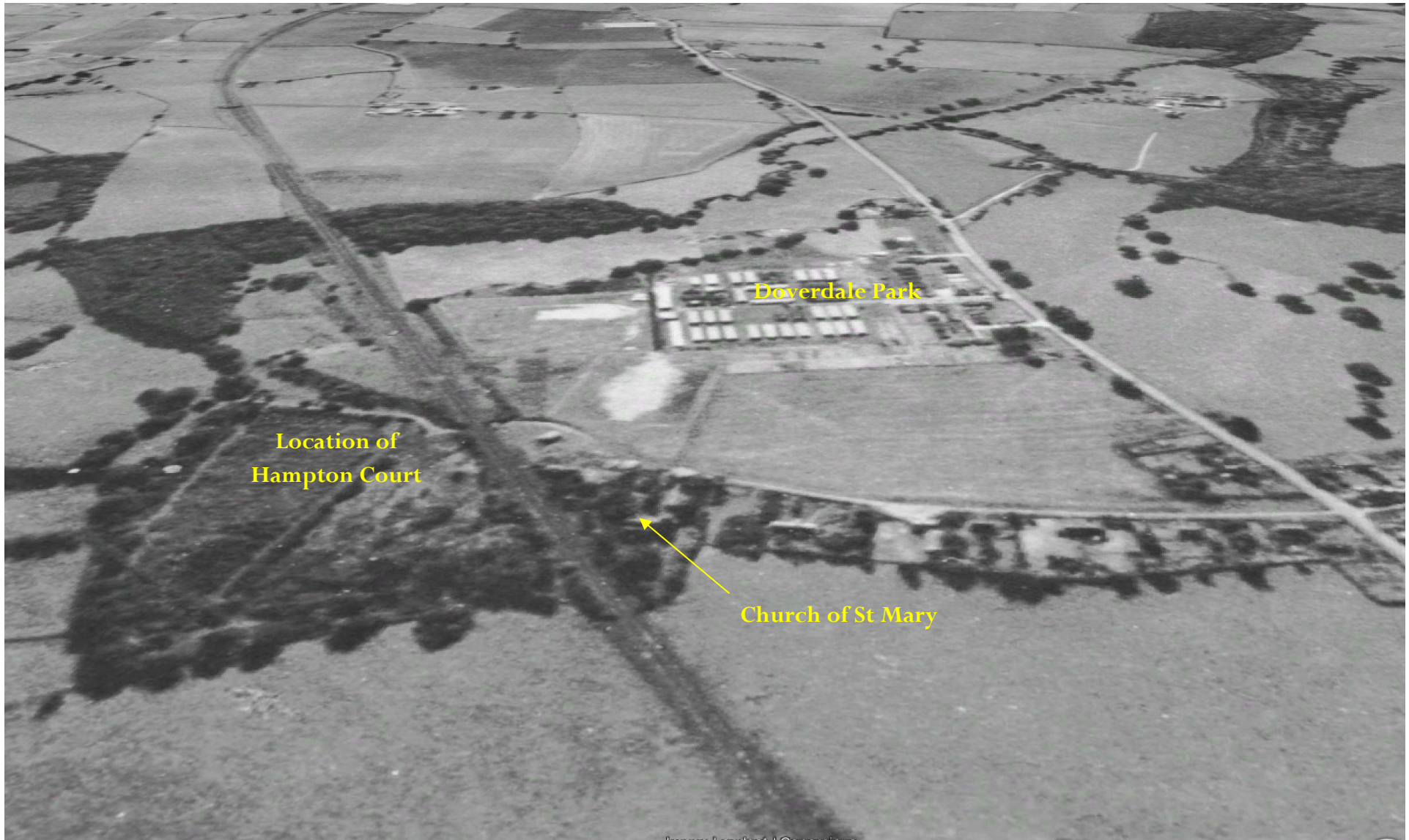
Figure 6: View of the Church nestled in the woodland – as viewed from the edge of Doverdale Park



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Figure 7: Aerial View (dated circa 1945) sourced from Google Earth (tilted view) looking southwards – showing remnants original large rural setting of the Church – with mid-C19 railway line and 1940s workers camp (now Doverdale Park)



## Heritage Proof of Evidence: Land to the north of Droitwich Spa, Droitwich

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Figure 8: Google Earth Aerial View (circa 2021) looking southwards – showing remnants original large rural setting of the Church – with mid-C19 railway line, Doverdale Park and the Industrial Park



### Setting of Church of St Mary

Figure 9: Aerial View (towards the south) showing extent of heritage setting of the Church of St Mary





### The Lych-gate

3.16 The Grade II listed timber lych-gate was constructed in the mid-C19. It has a timber-frame on sandstone ashlar plinth with tiled roof. East and west gables area in herringbone strutting from king post, north and south gablets with crossed struts giving quatrefoil panels. There are ornamental cross-braced gates with cast iron fleurs-de-lys rails and ornamental strap hinges.

3.17 The lych-gate is located within the curtilage of the Grade I Church and is the main access point to the churchyard and the Church building. A substantial part of its heritage significance is gained through its relationship with the Church of St Mary.

Figure 10: View of Lych-gate from the South



Figure 11: View of the Lych-gate structure and architectural detailing



Figure 12: View of Lych-gate from the Grade I Church porch showing its relationship with the church and the positive contribution that the open rural setting makes to the heritage significance of the lych-gate



Figure 13: View of Lych-gate showing the positive contribution of the open rural setting to the heritage significance of the lych-gate



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Figure 14: View of Lych-gate showing its relationship with the access drive off the main road, and open rural setting opposite the housing and Parish Hall



3.18 As can be seen in the historic photograph below (dated circa 1916), the parkland fencing was used to allow the visitors on arriving and existing the Church, to experience the Church (and Lych-gate) in a rural context - with views to the open field beyond. This was the family church of the Pakington family. They would have wanted this church to be seen to be a key part of their large rural family estate, despite their move to nearby Westwood House sometime during the C17. The parkland fencing was used in this location to allow maximum visibility of the rural field beyond and to minimise the screening of the view by the fencing elements.

Figure 15: View of Lych-gate and Church circa 1916 with metal parkland fencing in the foreground – allowing clear views into the field from the Church and Lych-gate

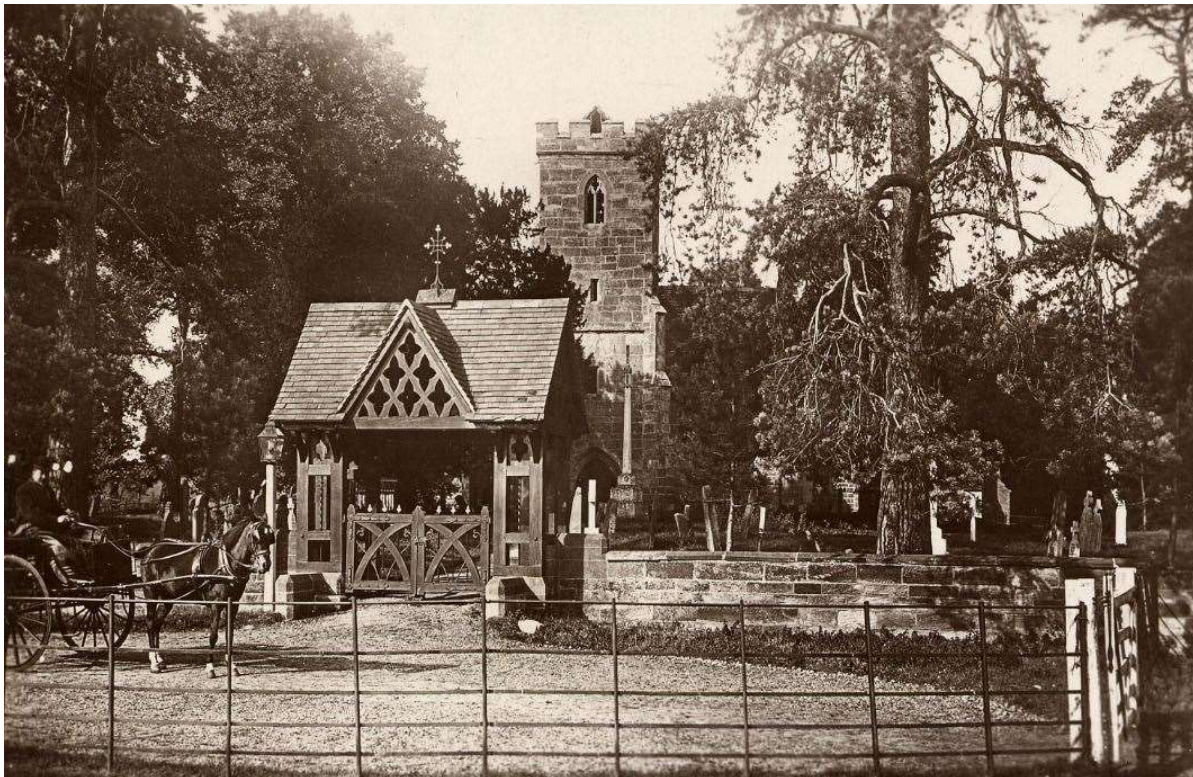


Figure 16: Aerial View showing extent of heritage setting of the Lych-gate – which includes the area which contributes to the rural setting and significance of the Grade II Lych-gate



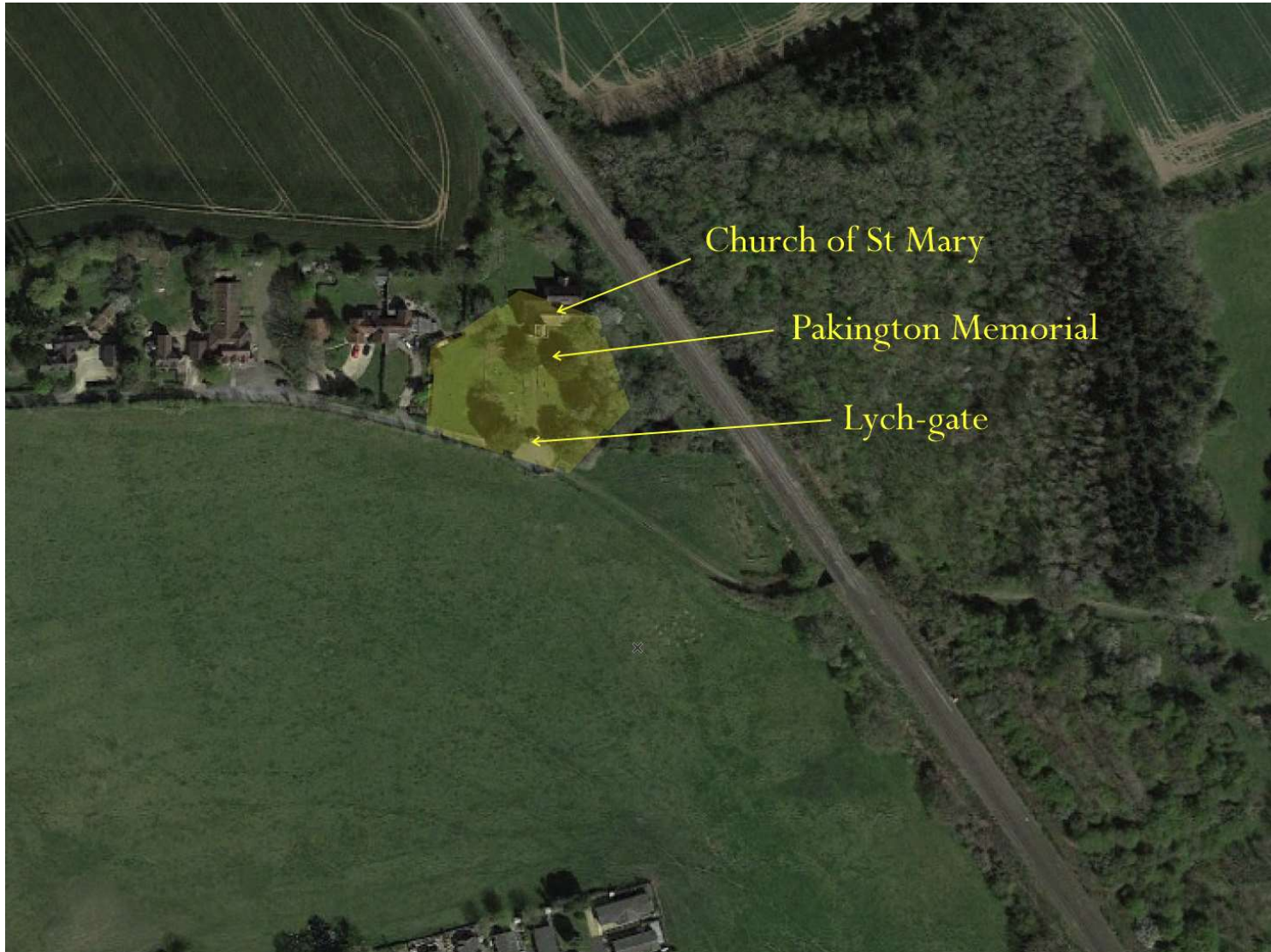
### **Pakington Memorial**

3.19 The Grade II Pakington memorial lies about 15 metres south of south porch of Church of St Mary. It is possibly by Philip Hardwick C1841. The fine stone cross has an octagonal base in three stages supporting octagonal shaft, capped by finial with four small statues, and surmounted by a Latin cross. The inscription, mostly illegible, to Augusta Anne Lady Pakington, who died 1841.

**Figure 17: View of Pakington Memorial to South of the Church Porch**



Figure 18: Aerial View showing extent of heritage setting of the Pakington Memorial – which includes the area which contributes to its heritage significance within the churchyard





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Figure 19: Aerial View showing extent of heritage settings of The Old Rectory (Yellow) and Hampton Farmhouse (Blue) – which includes the areas which contribute to the heritage significance and rural setting of these designated heritage assets



## 4.0 Review of Changes of Heritage Impact of the New Development Layout

### *Summary of Importance of the Existing Heritage Assets and their Settings*

4.1 The previous Planning Inspector rightly identified the heritage importance of the Grade I Church of St Mary. The building “... displays high quality architecture and changes through the ages. It has community significance as a building of ecclesiastical design and prominence and as a place to mourn those buried there and a place to enjoy other religious services, such as weddings or celebrating harvest festivals; the ecclesiastic relationship, and thus historical significance to the community, is not limited to that within the building” (para 25).

4.2 She goes on to say: “The Church is the listed building, and whilst its great age is particularly important, its later elements are also of significance and value, as is its wider setting” (Para. 26)

4.3 She describes the site of the development proposal as: “...an area of open pastureland to the south of the Church. Whilst it does not have a fixed functional, ownership or financial link to the building, the open pastureland provides a clear rural setting and strong sense of separation from the town of Droitwich which has been the case for hundreds of years. It provides for a sense of calmness even if it is not particularly tranquil. This setting therefore reinforces

*understanding of the historic role of the Church in providing for a rural community over a sustained period and this contributes to the significance of the asset. Additionally it provides for aesthetic interest that is derived from glimpsed views along The Forest of the Church seen with a woodland backdrop and with a pastureland context.” (Para 28)*

4.4 The previous Inspector stated that “It is agreed that there would be no harm to the fabric of the building or to its immediate setting provided by the churchyard.” I would suggest that the setting of the area within the churchyard is one where the rural open spaces to the south does contribute to these spaces as shown in the figure below.

**Figure 20: View from the Church Porch across the churchyard to the Lych-gate and the rural open countryside beyond**



4.5 The open field beyond clearly contributes to the peaceful and tranquil rural experience gained within the churchyard curtilage.

4.6 The recent research paper prepared by Nick Molyneux of Historic England (Nov. 2022) now shows the historic importance of the rural setting of the church and its link to the nearby Hamton Court (early family home of the Pakington family, now demolished).

Figure 21: Picture (circa 1780's) of Church and Hampton Court beyond viewed from the west - showing its rural setting



Figure 22: Picture (circa 1780's) of Church and Hampton Court beyond viewed from the west - showing it rural setting – viewed from within the field directly opposite the Church porch



*Differences in the Development Proposals*

Figure 23: Current Appeal Illustrative Layout



Figure 24: Previous Appeal Illustrative Layout



Figure 25: Extract from Current Proposed Illustrative Layout



Figure 26: Extract from Previous Proposed Illustrative Layout



4.7 As can be seen from the comparison of the current and the previous illustrative layout plans, there is relatively little difference in the space between the Grade I Church and associated heritage assets, and the proposed new urban built form of the new housing estate.

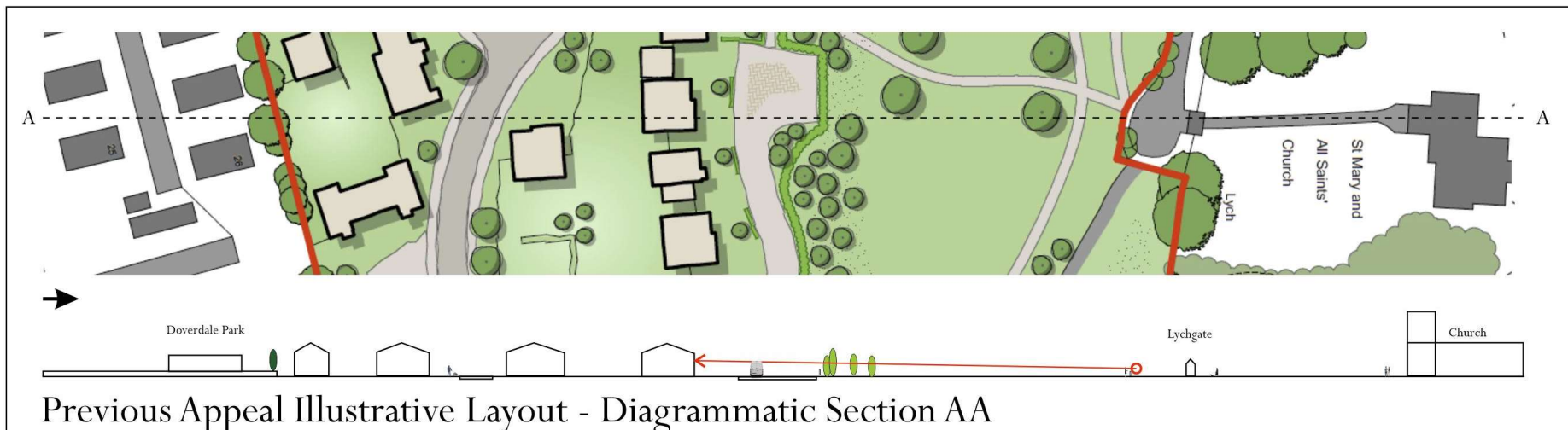
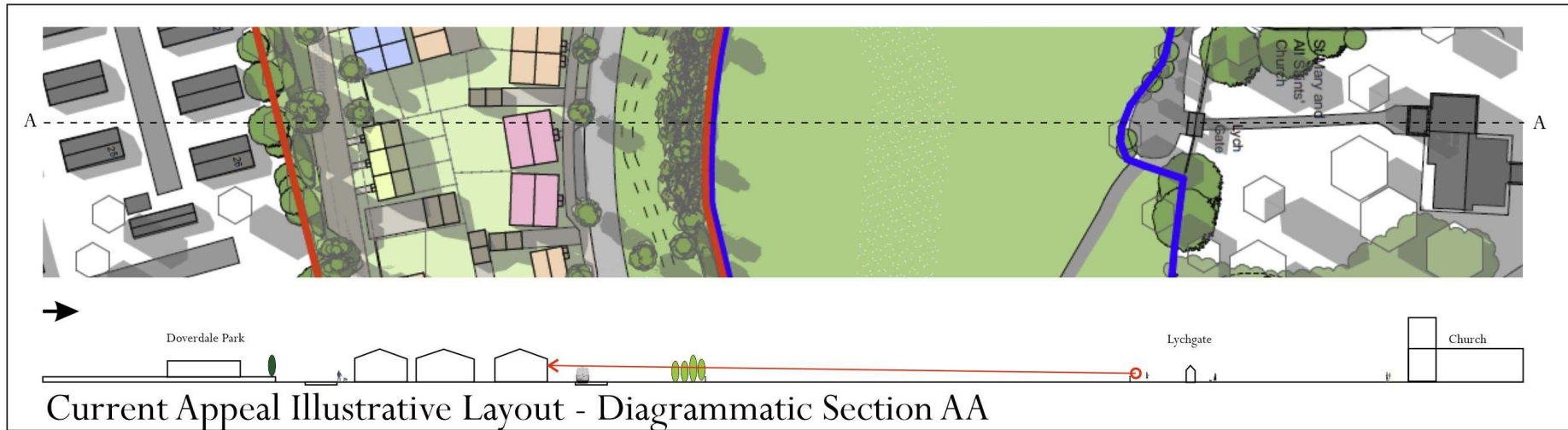
4.8 The only real difference is the removal of the housing at the western end of green open space – but relatively little change in the open space distance directly between the church and the new housing estate.

4.9 Whilst it is accepted that the layout is only for illustrative purposes at this stage, the current proposal appears to have to provide a much higher density compared with the previous illustrative layout. A higher density layout will look significantly more urbanised than a lower density layout. There will be a significant difference in the perceived urban quality of this housing estate now.

4.10 It is accepted that there is a change in the open space distance between the Church Lychgate and the actual built form of the housing estate.

4.11 The extracts from the illustrative plans and diagrammatic sections below show the comparative changes in this open space.

Figure 27: Diagrammatic Sections



4.12 The recent comments from Historic England states:

*The application site in its current use as open pasture makes a positive contribution to the wider setting of St Mary's Church which, despite the presence of more recent development and infrastructure nearby, provides an evident rural environment that can be experienced from within the churchyard itself. This setting in turn contributes to the aesthetic and historical value of the church and its historic role within a rural community.*

*Recent research emphasises the significance of the open space to the south of the church provides new information not discovered by the applicant's heritage consultants. I have set that out in the attached report. In particular, there was an important historic house on the site adjoining the church which commanded the open space being considered for development. The significance of that space as the setting of the church and the lost house is emphasised by two 18th century watercolours from the well-known collection by the Burneys, housed in the Worcestershire County Archives (see the images in the attached report).*

*With the above in mind, the proposed loss of this open pasture and its replacement with housing would clearly have a considerable impact on the rural character and cause harm to the significance of the church through development within its setting. The level and severity of this harm will depend greatly upon the approach to further matters of design, layout, landscaping, scale and massing, which are not addressed in this outline application. If the principle of development on this site is accepted by the local planning authority then it is vital that provisions are put in place to ensure that any changes enhance or better reveal the significance of the church and its existing sense of a rural setting.*

4.13 Historic England confirms their position: *It is evident that the scheme does not achieve the policy objectives set out above as we commented on a previous similar scheme (17/01631/OUT). That view was confirmed on appeal.*

### *Previous Inspector's Comments*

4.14 The previous Inspector concluded that: *"The key issue is therefore the effect of developing on the pastureland itself."* This key issue has not changed.

4.15 As with the previous proposed layout I agreed with her assessment that: *"Whilst it is intended to provide open space on the area closest to the Church, the loss of that pastureland would have an adverse effect upon the setting of the Church and thus would harm its significance, albeit this is a limited part of its significance as a whole."* (Para. 33).

4.16 As seen in my figures showing the diagrammatic sections related to current and previous layout proposals, there no significant real difference between the two layouts in terms of loss of pastureland and distance from the churchyard to the nearest built forms.

4.17 The existing view from the Church out towards the south is one where the built form within Doverdale Park nestles within a treeline on the horizon.



Figure 28: Panoramic View from edge of field near Lych-gate towards Doverdale Park



4.18 If the development is allowed the rooflines and built form, with associated domestic paraphernalia will now dominate the view – adversely changing the current rural tranquil perception of this open space.

4.19 The previous Inspector noted that the lych-gate was listed in its own right. She concluded that: *“The appeal site, being of open pastureland, provides an aesthetic context and sense of place which identifies this as a rural church lychgate. However, given the scale of the structure, and the proposed retention of open space at this point the proposed development would have a negligible impact upon the significance of the lychgate in its own right.”* (Para. 35).

4.20 It is my opinion that the Lych-gate gains a substantial part of its heritage significance in relation to the historic context of its rural setting. The field to the south of the Church is the key feature that provides this rural context.

Figure 29: View from Lych-gate over Pastureland with schematic proposed built form shown in orange – with historic views through the parkland fencing to the rural field beyond



4.21 It is my opinion that the impact of the proposed change in the rural setting is more significant and adverse than assessed by the previous Inspector, and this view is supported by the recent discovery of the importance of this historic relationship with the former Hampton Court. The current pastureland setting contributes to the historic significance of the Lych-gate (see my assessment of the extent of the setting of this heritage asset).

4.22 I concur with the Appellant's Heritage Assessment and the previous Inspector, that the settings of the Pakington Memorial, the Old Rectory and Hampton Farmhouse will not be adversely affected by the proposed development.

4.23 The Appellant's Heritage Assessment appears to misunderstand the 'rural' setting and its importance in heritage terms. They conclude that *"... the proposed scheme differs in layout, quantum of development and landscaping which have mitigated those issues identified by the Inspector in the dismissed appeal scheme."* (P.28)

4.24 They mistakenly suggest that, as the *"...proposed scheme avoids development within an area of pastureland to the south of The Forest and the Church, alongside tree and hedge planting to the boundary of the development area..."* this will create a 'rural setting'. And that *"...the experience of a 'rural setting' to the Church will be maintained and as such its significance will be preserved."*

4.25 I have shown in the previous sections of this evidence that this rural setting is adversely effected and this conclusion is supported by Historic

England, and the statement on heritage issues in the previous Inspector's decision notice.

4.26 In the next section, I will formally assess the heritage impact of the development upon the Grade I Church of St Mary and the Grade II Lych-gate.

## 5.0 ASSESSMENT OF THE IMPACT OF THE NEW DEVELOPMENT

### 5.1 Heritage Issues

The key heritage issues are: will the proposed development adversely affect the heritage significance of the settings of the Grade 1 Church of St Mary and/or the setting of the Grade II Lych-gate?

#### Evaluation of Significance of Impacts of Change

Table 1 Matrix showing evaluation of Heritage value against Magnitude of the Impact of the Change - based on ICOMOS (2011) and IHBC approved BS 7913:2013 guidance (2013)

<b>Heritage Value</b>	<b>Very High</b>	Beneficial	Neutral	Slight	Moderate/ Large	Large/ Very Large	Very Large	
	<b>High</b>	Beneficial	Neutral	Slight	Slight/ Moderate	Moderate/ Large	Large/ Very Large	
	<b>Medium</b>	Beneficial	Neutral	Neutral/ Slight	Slight	Moderate	Moderate/ Large	
	<b>Low</b>	Beneficial	Neutral	Neutral/ Slight	Neutral/ Slight	Slight	Slight/ Moderate	
	<b>Negligible</b>	Beneficial	Neutral	Neutral	Neutral/ Slight	Neutral/ Slight	Slight	
	<b>Detrimental</b>	Beneficial	Neutral	Beneficial	Beneficial	Beneficial	Beneficial	
	<b>Beneficial</b>	<b>No change</b>	<b>Negligible</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>		
							<b>Magnitude of Impact of Change</b>	

### 5.2 Assessment Methodology

This evaluation has followed the standard IHBC methodology of assessing the heritage value of the elements proposed to be changed and assessed the magnitude of the impact of the change - which then provides an assessment of the significance of these changes.

### Heritage Value Definitions

Table 2: Heritage Value and Impact Definitions based on ICOMOS (2011) Guidance

Value Grading	Built Heritage
Very High	Buildings or structures of recognised/designated value that have internationally important architectural features and fabric (aesthetic value); and/or internationally important meaning to people (communal value); and/or internationally important potential to yield evidence from the past (evidential value); internationally important associations (historic value); and/or, internationally important setting of the heritage asset.
High	Historic buildings or structures of recognised/designated value (e.g. Grade I and II*) that have nationally important architectural features and fabric (aesthetic value); and/or nationally important meaning to people (communal value); and/or nationally important potential to yield evidence from the past (evidential value); and/or nationally important associations (historic value). Architectural features, layout and/or setting that directly contribute and/or in their own right to the national heritage significance of the designated asset.
Medium	Historic buildings or structures of nationally designated value (e.g. Grade II) that have important architectural features and fabric (aesthetic value); and/or important meaning to people (communal value); and/or important potential to yield evidence from the past (evidential value); and/or important associations (historic value). Architectural features, layout and/or setting that contribute directly to the national heritage significance of the designated asset (e.g. Grade II), inc. lesser features of Grade II*.
Low	Historic buildings or structures of recognised/designated local value that have locally important architectural features and fabric (aesthetic value); and/or locally important meaning to people (communal value); and/or locally important potential to yield evidence from the past (evidential value); and/or locally important associations (historic value). Architectural features, layout and/or setting that do not directly and/or positively contribute to the national heritage significance of the designated asset.

Negligible	Historic buildings, structures, features, fabric of: no architectural merit; and/or no meaning to people; and/or, no potential to yield evidence from the past; and/or, no important associations.
Detrimental	Buildings, features of buildings or building fabrics that have an intrusive character or that are detrimental to the heritage significance of a historic building or structure.

### Heritage Impact Definitions

Table 3: Heritage Impact Definitions based on ICOMOS (2011) Guidance

Impact Grading	Built Heritage
Major	Change to key building (or structure) element or fabric that contribute to its unique heritage value such that the heritage significance is totally changed; or, a comprehensive change to the setting
Moderate	Change to key building (or structure) element or fabric that contribute to its unique heritage value such that the heritage significance is significant modified; or, a change to the setting such that it is significantly modified
Minor	Change to key building (or structure) element or fabric that contribute to its unique heritage value such that the heritage significance is noticeably changed - but not so that the heritage significance of the whole is significantly modified; or, a change to the setting such that it is noticeably modified but not so that the heritage significance of the whole is significantly modified
Negligible	Slight changes to a historic building (or structure) or setting that hardly affect it
No Change	No change to structure, fabric or setting.
Beneficial	A change that removes or beneficially enhances an element of detrimental and/or neutral element, fabric or setting

### Significance of Impacts of Heritage Change

Table 4: Heritage Impact Definitions based on ICOMOS (2011) and NPPF (2019) Guidance

Impact Grading	Built Heritage
Very Large	Upper End of Range of ‘Substantial Harm’ to a Heritage Asset – Full demolition/comprehensive change which cannot normally be balanced in planning terms by public benefit
Large/Very large	Lower End of Range of ‘Substantial Harm’ to a Heritage Asset – Virtually full demolition/comprehensive change which cannot normally be balanced in planning terms by public benefit
Moderate/Large	Top end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
Moderate	Upper end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
Slight/Moderate	Middle of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
Slight	Lower end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
Neutral/slight	Very lower end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
Neutral	No significance of impact to heritage asset and/or setting
Beneficial	Beneficial change to heritage asset – which can be delivered without any adverse consequences to the heritage significance of a heritage asset or its setting

#### Box 2: NPPF Planning Assessment Process for ‘Substantial Harm’

NPPF: Para 195. “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:

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

## 5.3 Heritage Assessment

Table 5: Matrix showing Evaluation of Significance of Impacts of Change

Ref.	Proposed Change	Existing	Heritage Significance Value	Proposed Works	Mitigation	Impact Assessment	Significance of Impact
<b>Grade I Church of St Mary</b>							
<b>EX01</b>	Construct new housing development in field adjacent to the Church	Open grazed field: that contributes to the setting of the Grade I listed church by retaining historic rural setting for this church associated with the nearby Westwood Park - historic seat of the Pakington Family	<b>Value: High</b> [...Architectural features, layout and/or setting that directly contribute and/or in their own right to the national heritage significance of the designated asset.]	Development will be built on part of the field, leaving a strip of open ground between the new housing development and the Church	Appellant has tried to minimize the adverse impact by leaving a strip of land between the church and the housing that will provide some retention of a rural setting for the church.	An important feature of the Church is its rural location and setting, associated with the nearby Westwood Park. If the rural setting of the Church were diminished or lost, this would greatly harm the heritage significance of the Church.  Loss of part of the field as an open grazed field, and the introduction of a new housing estate with associated urban built form and attendant domestic paraphernalia. The remnant strip of open field that will be left undeveloped, with views (even long-term glimpse views behind structure planting) of the urban built form and associated noise, will provide a comprehensive adverse change in rural setting of this Grade I heritage asset.	<b>Significance: Moderate/Large</b> [Top end of range of 'Less than substantial harm' to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.]
						<b>Impact: Moderate</b> [Change to key building (or structure) element or fabric that contribute to its unique heritage value such that the heritage	

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Ref.	Proposed Change	Existing	Heritage Significance Value	Proposed Works	Mitigation	Impact Assessment	Significance of Impact
						<i>significance is significant modified; or, a change to the setting such that it is significantly modified]</i>	
<b>Grade II Lych-gate</b>							
<b>EX02</b>	Construct new housing development in field adjacent to the Lych-gate	Open grazed field: that contributes to the setting of the Grade II listed Lychgate by retaining historic rural setting of this lych-gate within the curtilage of a Grade I Church, and association with this church, and the nearby Westwood Park - historic seat of the Pakington Family	<b>Value: Medium</b> [...Architectural features, layout and/or setting that contribute directly to the national heritage significance of the designated asset (e.g. Grade II), inc. lesser features of Grade II*]	Development will be built on part of the filed, leaving a strip of open ground between the new housing development and the Church	Appellant has tried to minimize the adverse impact by leaving a strip of land between the church and the housing that will provide some retention of a rural setting for the church.	This Lychgate is technically a Grade I curtilage listed building, as well as being a Grade II listed building in its own right. An important feature of the Church and associated Lychgate is its rural location and setting, associated with the nearby Westwood Park. If the rural setting of the Church were diminished or lost, this would greatly harm the heritage significance of the Lychgate.  There would be a loss of part of the field as an open grazed field, and the introduction of a new housing estate with associated urban built form and attendant domestic paraphernalia. The remnant strip of open field that will be left undeveloped, with views (even long-term glimpse views behind structure planting) of the urban built form and associated noise, will provide a comprehensive adverse change in rural setting of this heritage asset which is a Grade II listed building.	<b>Significance: Moderate</b> <i>[Upper end of range of 'Less than substantial harm' to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.]</i>

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Ref.	Proposed Change	Existing	Heritage Significance Value	Proposed Works	Mitigation	Impact Assessment	Significance of Impact
						<p><b>Impact: Moderate</b>  <i>[Change to key building (or structure) element or fabric that contribute to its unique heritage value such that the heritage significance is significant modified; or, a change to the setting such that it is significantly modified]</i></p>	



## 6. Summary of Heritage Issues

### *Summary of the Heritage Impact Assessment*

6.1 It is my professional opinion that, despite mitigation measures, the proposed housing development will:

- A) Adversely impact upon the heritage setting of the Grade I Church of St Mary which is judged to be of Moderate/large adverse significance. This is at the top end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.
- B) Adversely impact upon the heritage setting of the Grade II Lychgate which is judged to be of Moderate adverse significance. This is at the upper end of range of ‘Less than substantial harm’ to the heritage significance of a heritage asset and/or its setting – to be weighed against the proportionate public benefits of the proposal, including securing its optimum viable use.

6.2 I would expect that heritage importance of the rural setting related to both the Grade 1 Church of St Mary and the Grade II Lychgate would

be taken into account in the review of the valued landscape associated with this site.

### *Conclusion*

6.3 In the terms of the Framework and of SWDP Policies 6 and 24, this amounts to ‘less than substantial harm’. This heritage harm is of considerable importance and weight. As such, it is harm which should be weighed against the public benefits of the proposed development.

## Appendix 1:

### CV Dr David Hickie

#### **Professional Qualifications:**

Member of the Institute of Historic Building Conservation (IHBC)  
Chartered Landscape Architect and Member of Landscape Institute (CMLI)  
Chartered Environmentalist (CEnv)  
Member of the Institute Environmental Management and Assessment (MIEMA)

Affiliate Member Chartered Institute for Archaeologists  
Member of the Society of Architectural Historians of Great Britain  
Member of the Vernacular Architecture Group

#### **Academic Qualifications:**

BSc(Hons) Civil Engineering, University of Birmingham (1978)  
MA Landscape Architecture, University of Sheffield (1981)  
PhD Environmental Impact Assessment, University of Loughborough (1998)

#### **Professional Experience:**

**2008 to date** Managing Director and Principal Consultant: Heritage Matters – an independent specialist heritage consultancy.

**2005 to 2008** Chief Executive: Society for the Environment

**1998 to 2005** Assistant Regional Director: English Heritage - responsible for managing team of specialists providing national expert on a wide range of heritage environment matters.

**1993 to 1998** Regional EIA Manager: Environment Agency - member of the Landscape Institute's Working Group that developed the 'Guidelines for Landscape and Visual Impact Assessment (First Edition)'.

**1989 to 1993** Regional Conservation, Recreation and Navigation Manager and Chief Landscape Architect and Ecologist: National Rivers Authority – developed national methodology for River Corridor Landscape Character Assessment. Developed and lectured on landscape and ecological guidelines for river and coastal habitat restoration. Presenter for Open University/BBC series on River Conservation.

**1985 to 1989** Senior Landscape Architect Severn Trent Water Authority

**1983 to 1985** Senior Landscape Architect: Warwickshire County Council.

**1981 to 1983** Executive Director: Birmingham and Black Country Wildlife Trust.