

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 144 DWELLINGS (INCLUDING 50% AFFORDABLE), ACCESS AND ASSOCIATED WORKS. MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FUTURE CONSIDERATION.

LAND TO THE EAST OF KIDDERMINSTER ROAD, HAMPTON LOVETT

APPEAL BY BEEHCROFT LAND LTD AGAINST THE REFUSAL OF THE OUTLINE PLANNING APPLICATION BY WYCHAVON DISTRICT COUNCIL

Heritage Proof of Evidence

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Wychavon District Council

PLANNING INSPECTORATE REFERENCE: APP/H1840/W/18/3218814

LOCAL AUTHORITY REFERENCE: 17/01631/OUT

1. Summary

- 1.1. The application site is located on land to the east of Kidderminster Road in Hampton Lovett. The settlement was historically formed of a dispersed series of farm complexes and dwellings, but is now in close proximity to a large twentieth century industrial estate and a mobile home park. Kidderminster Road links Droitwich Spa with Kidderminster to the north-west, with the site being located in closer proximity to Droitwich Spa to the south-east. The northern site boundary is situated adjacent to the Parish Church of St. Mary and its associated churchyard to the north, and is defined by Kidderminster Road to the west and a railway line to the east.
- 1.2. Within this proof of evidence I have made my own assessment of the proposals within the application, and have concluded that the development has the potential to have an impact on the significance of the Church of St. Mary. This proof of evidence has therefore made an assessment of the significance of this heritage asset (section 5). I have then assessed the contribution which the setting of this asset makes to its significance (section 6), before assessing the impact of the proposed development on this setting and significance (section 7). This methodology follows steps 1 to 3 in the 'staged approach to decision-taking' set out in Historic England's *Historic Environment Good Practice in Planning Advice Note 3: The Setting of Heritage Assets* (2017).
- 1.3. The special historic and architectural character of the Parish Church of St. Mary derives from its evidential and historic value, as a good example of a multi-phase church of early medieval origin which exhibits a high level of architectural and aesthetic interest. Its multi-phase nature not only allows an understanding of the development of church architecture, but also allows an understanding of the history and development of the surrounding land. The church also has strong associative value with the Pakington Family and nearby Westwood House, as well as an important interrelationship with other designated heritage assets, including the Lych Gate, the Pakington Memorial, The Old Rectory and Hampton Farmhouse. Finally, the church is identified as being a building of high social and communal value.

- 1.4. The contribution made by the setting of the asset derives from two interrelated elements. The first element is its immediate setting, which is defined by its associated churchyard. The second is the wider landscape setting in which it is situated, and to which it historically formed a focal element. Both of these elements of the building's setting are identified to make an important contribution to the significance of the listed building, and to the ability to appreciate the building as being one of special historic and architectural interest.
- 1.5. The overall level of harm caused to the significance of the Parish Church of St. Mary will be **less than substantial**, due to the extent of the proposals, their permanent nature and their adverse impact on several key facets which contribute to the significance of this heritage asset. This would be contrary to one of the core principles within the NPPF, that heritage assets should be 'conserved in a manner appropriate to their significance' (paragraph 184).
- 1.6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting, or any features of special architectural interest which it possesses when considering whether to grant permission to an application. As it has been identified that the development of the site will result in less than substantial harm to the significance of the heritage asset, specifically relating to the contribution provided to this significance by its setting, it can therefore also be concluded that to grant this application would be contrary to the requirements set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.7. It is also concluded, for the same reasons as set out above, that the development would be contrary to local plan policies SWDP6, SWDP21 and SWDP24, as set out in the South Worcestershire Development Plan.
- 1.8. As my assessment identifies that the level of harm to these heritage assets is less than substantial, the tests set out in paragraph 196 of the NPPF are engaged, and this harm should be weighed against the public benefit of the proposal.

2.Introduction

Qualifications and Experience

- 2.1. My name is Richard Broadhead. I have a BA (Hons) in History from the University of Manchester and a Master's degree in Historic Conservation from Oxford Brookes University. I am also an affiliate member of the Institute of Historic Building Conservation.
- 2.2. I have been employed by Wychavon District Council as a Conservation Officer since August 2018. In this role I have provided advice on applications and pre-application enquiries which impact on Listed Buildings, Conservation Areas and other heritage assets.
- 2.3. Prior to working for Wychavon District Council I worked as a Historic Buildings Consultant for Place Services at Essex County Council offering specialist heritage advice for Local Planning Authorities who did not have their own in-house heritage specialists. In this role I predominantly worked with Braintree and Rochford District Councils, as well as assessing internal application for Essex County Council. I have also offered interim advice to Basildon, Harlow, Hertsmere, Epping Forrester, Babergh, Mid Suffolk, South Cambridgeshire and Brentwood District Councils. Within the role I was involved in stand-alone project work, including producing a report on at-risk coastal conservation areas for Historic England, and an assessment of settlements in Mid Suffolk and Babergh districts, to form part of the evidence base for the development of a local plan.
- 2.4. Prior to working for Place Services, I have worked for Stockport Metropolitan Borough Council and the Historic Chapels Trust, a charity which takes into ownership and preserves redundant non-Anglican chapels and other places of worship in England of outstanding architectural and historic interest.

Applicant's Proposal

2.5. The application relates to land to the east of Kidderminster Road in Hampton Lovett. It is an outline application, proposing the erection of 144 dwellings, with all matters reserved, save for access. The site is proposed to be served by a single vehicular access, with additional emergency and pedestrian accesses.

Involvement and Scope of Evidence

2.6. I was not involved in the initial determination of the application, as the application was determined on the 18th June 2018, prior to the commencement of my employment by Wychavon District Council.

2.7. However the site had been the subject of pre-application discussion, and concerns were raised by the previous Conservation Officer, Elaine Artherton, as to the principle of development and its impact on the significance of the grade I listed Church of St. Mary. In her consultation response she stated:

Hampton Lovett is a small settlement on the Droitwich to Kidderminster Road. It is located along a narrow lane. The setting for the village is of large gardens and open fields which buffer the hamlet from Doverdale Park. The settlement is linear with south facing period properties of medium size sitting in large plots ridge aligned to the lane. At the far end of the lane the grade I listed church of St Mary is located within a churchyard. The settlement is a calm oasis off the busy Kidderminster Road and forms an appropriate setting for the grade I listed church.

The proposal is to develop the farmed land which forms the southern boundary of Hampton Lovett. Currently the settlement retains its rural character due to this expanse of pasture between Hampton Lovett and Doverdale Park. Doverdale Park appears a little incongruously across the

pasture and has an impact on Hampton Lovett but undoubtedly this impact would be exacerbated by the proposal.

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. The proposal to develop the existing farmed land with dwellings would alter the character of Hampton Lovett causing harm to the setting of the church of St Mary and the period properties which form the settlement.

It is therefore considered that the proposal would not accord with the South Worcestershire Development Plan (SWDP) 6 and 24 or the National Planning Policy Framework (132) [paragraph 193 in the revised NPPF]. This would weigh against the proposal when considered in the planning balance.

The Conservation Officer did not offer additional comments in regard to the application, but reiterated within an email of the 9th February 2018 that they did not wish to alter their previous comments (set out above) in regard to the proposed development. It can therefore be taken that the officer assessed that the application would still not accord with South Worcestershire Development Plan (SWDP) 6 and 24 or the National Planning Policy Framework (132) [paragraph 193 in the revised NPPF].

- 2.8. Comments were also received from Historic England (in a letter of 30th August 2017), who raised concerns in regard to the impact of the application on the significance of the Church of St. Mary. In their response they highlighted that *the application site in its current use as open pasture makes a positive contribution to the wider setting of St Mary's Church*, noting that *despite the presence of more recent development and infrastructure nearby, [the site] provides an evident rural environment that can be experienced from within the churchyard itself*. They concluded that *this setting in turn contributes to the aesthetic and historic value of the church and its historic role within a rural community*. They therefore raised concerns in relation to the application, most particularly that *the proposed loss of this open pasture and its*

replacement with housing would clearly have a considerable impact on this rural character and cause harm to the significance of the church through development within its setting.

2.9. The scheme was refused in June 2018, and an appeal against this decision was lodged in December 2018. Following this I was approached to act as expert witness on heritage matters for this appeal.

2.10. My evidence concentrates on reason for refusal 2- the text of which is provided below:

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 any public benefits. The proposal is therefore not considered to represent sustainable development. The proposal fails to accord with policies SWDP6, 21 & 24 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework (including) paragraph 131 - 134.

2.11 The evidence I have prepared relates to the effect of the proposed development on the significance of the Church of St. Mary. Having assessed the site following the lodging of this appeal, it is my considered opinion that the alteration to the character of the setting of the listed building caused by the application will result in less than substantial harm to the significance of this asset.

2.12 Whilst it is not alleged that the application will result in harm to the significance of the following assets, they have an important interrelationship with the Church of St. Mary, and reference will be made to them in the course of this proof of evidence:

- Lych Gate about 70 Metres South of South Porch of Church of St. Mary (Listed Grade II, referred to in this proof as 'the Lych Gate')

- Pakington Memorial about 15 Metres South of South Porch of Church of St Mary (Listed Grade II, referred to in this proof as 'Pakington Memorial')
- The Old Rectory (Listed Grade II)
- Hampton Farmhouse (Listed Grade II)

2.13 It is accepted by both the Local Planning Authority and the applicant (within the heritage statement submitted to support the application) that application site forms part of the setting of the Lych Gate and the Pakington Memorial, and to a lesser extent, part of the setting of Hampton Farmhouse. However, it is also concluded that the development would not negatively impact on the contribution which this setting makes to the significance of these assets. Therefore, for the purposes of this assessment these assets have been scoped out, and their significance, setting and the impact of the development have not been assessed in detail.

2.14 As part of the supporting evidence submitted with this application, I have provided a set of photographs, taken on a site visit of the 1st August 2019, and a follow up visit of the 2nd September 2019. These are intended to illustrate some of the key concerns raised in regard to setting, views and the potential impact of the development, and have been used to provide a visual indication of the key views to and from the heritage assets referred to within my proof of evidence.

3 Legislation, Planning Policy and Guidance

3.11 In compiling this proof of evidence I have taken account of the requirements and guidance set out in the relevant local and national planning policy and planning guidance, as well as the overarching planning legislation. Important documents considered include:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (DCLG, revised 2019)
- National Planning Practice Guidance: Conserving and Enhancing the Historic Environment (DCLG, updated 2019)
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (Historic England 2015)
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, revised 2017)
- Conservation Principles: Policies and Guidance (Historic England 2008)
- South Worcestershire Development Plan (2016)

3.2 While further detail could be included setting out specific policies and sections within these documents verbatim, it is assumed that these will form part of the core documents within the public inquiry, and that the inspector, barristers and relevant expert witnesses are sufficiently well acquainted with these that there is not a necessity to repeat these in detail at this juncture. Where relevant and pertinent within the text, reference will be made to specific policies, paragraphs and sections within these documents.

4 Planning Background to the appeal (Incl. site history)

4.11 No relevant previous planning history was identified in relation to the site in the officer's delegated report. The applicant did however engage in pre-application discussions with the local planning authority (reference: 17/00474/PA), in regard to the proposed residential development of the site. Concerns were raised in regard to the impact and acceptability of the proposed development at this juncture, as seen in paragraph 2.7 above, concerns which were reiterated by the council in assessing the impact of the planning application which is the subject of this appeal.

5 Identification of the Heritage Assets affected and an assessment of their significance

- 5.11 As stated above, an assessment of the site identified that the proposed development of the site will impact on the significance of the Parish Church of St. Mary. The site boundary of the application site abuts the churchyard at its north-eastern edge, and encompasses the land to the south and south-west of the church. It has been accepted by both parties that the setting of this asset will be affected, albeit with differing viewpoints on whether this impact will result in harm to the significance of this heritage asset.¹
- 5.12 In statutory terms the overall significance of the Parish Church of St. Mary is very high, which is best illustrated by the fact that the building has been included on the National Heritage List for England at grade I, a group which encompasses only 2.5% of all listed buildings.²
- 5.13 This significance is most immediately noticeable in the architectural and aesthetic quality of the building, which exhibits a high level of craftsmanship and architectural design. It also has considerable aesthetic appeal in both the construction and detailing of the building, as well as in the quality of its internal fixtures, fittings and finishes. This aesthetic and architectural value makes a considerable contribution to determining the special architectural interest of the building, and to the high level of heritage significance which it possesses.
- 5.14 The church is also of particular historic interest, not least because it has its origins in the twelfth century, with sections of the nave surviving from this date. This in itself has important historic and evidential value due to the comparative rarity of structures, or elements of structures, surviving from this date. The early origins of the church also allow the conclusion to be drawn that the site has not only been the centre of religious activity for more than eight centuries, but also to extrapolate that there has been a settlement within the surrounding landscape, dispersed or otherwise, over this same time period.

¹ As evidenced in the reason for refusal offered by the council, and by the heritage assessment submitted by the application to support the application, authored by WYG.

² Information taken from <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>

- 5.15 It is also a building which demonstrates multiple phases of construction, alteration and restoration. This is a pattern of development which is common to many parish churches with medieval origins or earlier, as each successive century seeks to make its own mark on their place of worship. This in itself means that the building also has considerable inherent historic and evidential value in allowing an understanding of the changing forms and styles of ecclesiastical architecture. It forms part of a wider group of parish churches across the country and, whilst this value is therefore not unique to this asset, it does contribute to a wider regional and national understanding of this architectural evolution of ecclesiastical buildings. The high level of evidential and historic value common amongst this group of heritage assets is also one of the defining reason why so many are listed grade I or II*.
- 5.16 These later phases of alteration not only offer evidential value for the changing forms and design of ecclesiastical architecture in this period, but also give evidence to better understand the wider social and economic development of the parish, as a period of alteration to the church suggests a period of comparative stability, or at the very least relative affluence. This includes the later phase of restoration between 1858 and 1859, which itself offers evidential and historic value, not only in relation to its evidence of nineteenth century architectural styles and taste, but also allowing an understanding of contemporary responses to conservation and restoration of historic buildings.
- 5.17 As significant are the works which took place in the sixteenth century, which included the erection of the current south porch and tower and the rebuilding of north chapel, dedicated to St. Anne. This phase of construction would appear to coincide with the granting of lands in Worcestershire to the Pakington Family, who would later reside at Westwood House, located roughly 2km south-west of the application site. This again offers evidential value of a period of relative affluence in the sixteenth century. It also allows an understanding of the social and political facets of the period, offering evidence of the effect of changing landowners. The Pakington Family appear to have made a deliberate and ostentatious attempt to make their mark on the area, first in works to the church, and later in the redevelopment of the hunting lodge at Westwood to form the Jacobean mansion still evident at Westwood House. The works, when considered together, also serve to allow an

understanding of the wider landscape in which the buildings are located, and allow their wider interrelationship to be better understood and interpreted.

- 5.18 The wider interrelationship serves to enhance the known significance of the heritage assets, and also allows the associative value to be better appreciated. In particular the association with the Pakington Family connect the church to its wider regional and national context, as the family were regionally and nationally important. This regional influence is evident in the physical interventions into the built and natural landscape made by the family, perhaps most notably with Westwood House and its associated, although now sadly denuded, landscaped park. It is also evident in their continued political influence, as seen in the fact that successive generations of the Pakingtons were important courtiers to both Henry VIII and Elizabeth I, and that John Somerset Pakington was elected the MP for Droitwich between 1837 and 1874.
- 5.19 The church therefore possesses considerable historic and evidential value, which together make an important contribution to the special historic interest of the listed building and to its heritage significance.
- 5.20 The church also represents the centre of the community, both physically and socially. This is especially pertinent historically, when religious belief was all-pervading. Physically Hampton Lovett was a settlement which was historic formed of a series of farm complexes arranged in a dispersed and relatively haphazard way. The church therefore formed an historic focal point, set within the wider surrounding landscape, and is evident as such on the historic mapping. The settlement evolved in the nineteenth century, with the construction on the northern side of The Forest of a linear development of houses. This evolution did not however alter the fact that the church, located at the end of this road, still represented the focal point.
- 5.21 There is also considerable social value to the church, not just because of its function and use, but also because the church, which has been in use as a place of worship for an elongated period of time, is a focal point in defining the identity of the local community and the area. The church and its surrounding graveyard also provide a link between the present community and a shared past, and will also have emotional resonance for families for whom it has provided a place of worship to successive generations.

5.22 It is therefore concluded that the special historic and architectural character of the Parish Church of St. Mary derives from the architectural and aesthetic quality of the building, as well as from its evidential and historic value it provides in relation to the development of ecclesiastical architecture and the development of Hampton Lovett as a settlement. Finally it also garners significance from its important associative relationship with the Pakington Family, an aristocratic family of high regional and national importance.

6 Assessment of whether, how and to what degree the setting of the identified heritage assets make a contribution to their significance

- 6.1 Given the nature and location of the proposed development, its impact will relate to the contribution made by the setting of the Church of St. Mary to its significance, as the development is not identified to result in any physical alteration to the building. It is therefore of integral importance to the assessment of the impact of the appeal to clearly articulate the contribution which the setting of this identified asset makes to its significance. This assessment will make use of the guidance set out by Historic England in *Historic Environment Good Practice Advice in Planning: Note 3*, which relates to the setting of heritage assets. In order to structure this section, and to ensure legibility and functionality, relevant categories within the ‘non-exhaustive’ check list of ‘potential attributes of a setting that may help elucidate its contribution to significance’ will be utilised to form the basis of this assessment.
- 6.2 The setting of the Church of St. Mary is formed of two distinct, but interrelated, elements. The first element is its immediate setting, the extent of which is defined by its associated churchyard. This immediate setting is characterised by its soft landscaping, as well as by the church’s associated gravestones, funerary monuments and structures, two of which, the Lych Gate and the Pakington Memorial, are listed grade II in their own right. The second element is the wider setting of the building, encompassing the wider natural and built landscape in which the building is situated, within which the church historically formed a central focal element.
- 6.3 The immediate setting of the listed building allows an understanding of the spiritual and communal functioning of the church, and provides the foreground in short views and views looking away from the church, as well as the immediate context of the church in longer views looking back towards, and away from, the listed building. This element of the building’s setting is best experienced from within this associated churchyard, or standing directly adjacent to its boundary. This immediate setting of the listed building makes an important contribution to the manner in which the building is experienced, as well as providing evidential value for its function, usage, and communal and social value.

- 6.4 However, the churchyard only forms one part of the setting of the listed building, and this cannot be identified to be the only element of the building's setting which makes a contribution to its significance, as will be demonstrated below. The wider setting of the Church of St. Mary relates to the wider agricultural landscape in which the church is experienced, including the dispersed farm complexes within this landscape with which the church had an important interrelationship. This wider landscape also includes Westwood House, with which the church had a strong social, economic and functional relationship, although there is no physical or visual interrelationship between the two. This wider setting has been altered in both the nineteenth and the twentieth centuries, including the creation of the Oxford, Worcester and Wolverhampton Branch of the Great Western Railway in the mid-nineteenth century and the development of the industrial estate and Doverdale Park in the later twentieth century. This wider landscape is however still identified to make an important contribution to the experience and understanding of the listed building.
- 6.5 It is identified these later phases of development have served to alter and compromise the setting of the listed building. In particular the creation of Doverdale Park is considered to have harmfully encroached on the setting of the listed building, and thereby harmed the contribution made to the asset's significance. This in itself represents a further development of the site, following the usage of the western section of the current development as a Civil Training School which was erected in the earlier twentieth century.
- 6.6 Similarly, the industrial park to the south-west is also considered to have been an insensitive intrusion into the setting of the listed building, which alters the character of the surrounding landscape, albeit to a lesser extent due to the greater physical and visual separation.
- 6.7 The creation of the train line directly adjacent to the church has also altered the character of the asset's setting. It does not, however, completely divorce the church from the landscape to the north, which is most clearly seen in the retention of views looking towards Hampton Farm and The Old Rectory, which offer evidential understanding of the historic interrelationship between the farm complexes and the church. The train line also has heritage significance in its own right, allowing an understanding of the changing landscape of Victorian

Britain, as well as evidential value as to the changing social and physical landscapes brought about by the advent of the railways.

- 6.8 At this juncture is important to note that the relevant Historic England guidance specifically highlights the fact that *consideration still needs to be given to whether additional change will further detract from, or can enhance the significance of the asset where the significance of a heritage asset has been compromised in the past by unsympathetic development.*³
- 6.9 This proof of evidence will focus on the extent of the effect which the development will have on the surrounding landscape in relation to the impact which this will have on the contribution which this landscape makes to the significance of the listed building. However, the landscape itself is also identified to be a heritage asset in its own right, and the impact on this will be covered in detail by the associated landscape proof of evidence prepared by Eileen Marshall, the local planning authority's expert witness on the subject.

Topography and Visual Prominence

- 6.10 The church is located within a relatively undulating landscape, but the area to the south of the church is comparatively flat, which allows views back towards the church looking north. These are identified as being some of the key views of the heritage asset which help to illustrate the contribution of its setting to the church's significance. These views have, however, been partially curtailed by Doverdale Park, which serves to be a physical barrier in longer views from the south and south-west. To the north, the land rises, with Hampton Farm and The Old Rectory located on a plateau, looking down towards the church and churchyard.
- 6.11 A prominent location within the surrounding topography is characteristic of churches, as they are spiritual and communal centres, and their visual prominence serves both a functional and a more ostentatious purpose. From a functional perspective the building serves as the spiritual centre of communities, to which parishioners would be travelling at least once a week. There is therefore a logical reason for it to be visually and physically central. This location also relates to a more fundamental characteristic of settlement

³ Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, revised 2017), s.9

development, namely that it is common for the settlement to grow up around the church, thereby creating its focal location within the settlement pattern.

- 6.12 There are also more secular and personal reasons for churches to be prominent buildings. They are architectural grand buildings, exhibiting a high quality of materials and craftsmanship, on which large sums of money were spent. They were therefore built to be seen, and were often a source of local and communal pride. They were also built as a house of God, in an age where religious belief was much more widely and strongly held than the present day. Religion was therefore central to people's lives, and there is an inherent and intentional symbolism to the central location of the church, reflecting not only the centrality of God, but also, in its constant visibility, a sense of omnipresence. Finally, it will also have been built as a monument designed to glorify God, something that will have been more emphatically achieved the more visible the church is within the landscape.
- 6.13 As mentioned in paragraphs 5.7 and 5.8 above, the church had an important interrelationship with the local landowning family, and like many other churches, it also served as a canvas on which the manorial family could proclaim their power, wealth and godliness. In this instance this is perhaps best exemplified in the prominent siting of the Pakington Memorial, and the prominence in the wider landscape of the south porch and tower. Again, this contributes to our understanding of the heritage asset, and to importance attached to the visual prominence of the church in relation to its significance.
- 6.14 The church is therefore a visually prominent building. This is intentional, with this prominence providing an opportunity to better appreciate the special architectural interest of the building. This prominence allows the extrapolation of evidential value of social, communal and historical interest.

Interrelationship with other heritage assets

- 6.15 The setting of the building also allows a better understanding of the historic interrelationship between the Church of St. Mary and other heritage assets in close proximity, relationships which in turn contribute to the significance of this and other listed buildings.
- 6.16 The first of these is The Old Rectory, with which the church has a strong functional interrelationship. The Old Rectory historically served as the

residence of the parish priest, and it therefore has an important ancillary relationship with the church, providing a necessary residential function. Given this relationship there is a logical reason why there should be a close physical and visual relationship between the two assets. The building is screened in views within the wider landscape by an existing heavy screen of vegetation. However, whilst it is not a visual prominent building within the landscape in which the church is experienced, the building is still discernible, and the interrelationship is still appreciable. This relationship has also been partially severed by the introduction of the railway line, which forms a barrier between the two assets. However, the railway line has not only been an element of the setting of the listed building for over a century and a half, but it also does not serve to alter the fact that the historic interrelationship is still clear and legible. There is therefore not only evidential value attached to the relationship between the Church and Old Rectory, but it also makes a tangible contribution to how the each asset is understood and experienced.

- 6.17 Part of the significance of the church also derives from its historic relationship with the surrounding farm complexes. This is most evidently experienced in the relationship between the church and Hampton Farmhouse to the north. The landscape between the two is relatively unaltered, and the agricultural nature of both the land and the farm complex is still discernible. The building is a prominent and dominant feature within the landscape looking north from the associated churchyard. This relationship therefore still provides good evidential value for the character of the landscape in which the assets were historically experienced, as well as contributing to how the assets are currently read and understood.
- 6.18 The interrelated views looking from the church towards Hampton Farm and The Old Rectory, and whatever associated views there are looking back towards the church and its churchyard from these assets are also identified as being key views in which the significance of these assets is best understood and interpreted.
- 6.19 The relationship between the listed building and heritage assets within its immediate setting also make an important contribution to its significance. In particular the Lych Gate has an important visual and physical relationship with the church, serving to define both the perimeter of the churchyard and to define

the entrance into this space. In doing so it also frames, or forms part of, key views looking towards and away from the church, in which the contribution made by its setting to the significance of the church is best understood and experienced. Finally, its date of construction 1858-59, ties in with the Victorian restoration of the church itself, and therefore forms part of the evidence base which allows an understanding of the character and extent of the nineteenth century evolution and restoration of the building.

6.20 The church also has a significant relationship with the Pakington Memorial, which is situated adjacent to the main access path to the church, and in close proximity to the south porch. This prominent siting emphasises the important role which the Pakington Family played in the history of the church and the parish. This siting is assessed to be intentional, as a way in which the wealthy benefactors of the church could ensure that they were highly visible to the congregation as they entered and exited the church, and thereby notable and memorable. The memorial thereby provides strong evidence for the historic relationship between the Pakington Family and the church, as well as being a prominent element in determining how the church is visually experienced and appreciated.

Grain and Scale of Spaces

6.21 The setting of the church was historically defined by the openness of the surrounding spaces, with the church located within open fields, with little development beyond the dispersed farm complexes and their associated field boundary treatments. Historic mapping shows that these boundary treatments, along with the coppiced woodlands represented the only real sense of enclosure within the wider landscape setting of the church, with its immediate setting given definition and enclosure by its associated boundary wall and by tree planting within the churchyard.

6.22 This landscape later evolved and the setting of the church was defined not only by the open landscape, but also in part by the small scale linear development that flanked the access road to the west of the church. This was historically occupied by small scale dwellings located on the northern side of the access road, and whilst these dwellings have increased in size, they still only occupy

one side of the road, and they still form a relatively loosely configured series of houses, with a sense of separation between plots. The development of the railway directly to the east and north of the church also served to create a comparatively strong boundary feature within this landscape, albeit one which was visually and physically permeable, with a footpath traversing it to link the church to The Old Rectory.

- 6.23 The erection of the Civil Defence camp in the early twentieth century, and later Doverdale Park and the industrial estate, has introduced an area of more intensive development into the landscape in which the listed church is experienced, but this has served to intrude on, as opposed to make illegible, the character of the surrounding landscape, and has served to reduce but not remove its contribution to the asset's significance.
- 6.24 The grain and scale of spaces therefore contribute to the significance of the listed building, as they form an important aspect in defining the character of the landscape in which the church is located, and thereby also make an important positive contribution to the way in which the asset is currently, and was historically, experienced.

Green Space, Trees and Vegetation

- 6.25 The immediate setting of the church is heavily planted with trees, which serve to create a sense of enclosure around the building, and is in contrast to the wider landscape in which the asset is experienced. This also serves to bring a sense of tranquillity and restfulness to the area, which given its function as a graveyard, has practical and intentional purposes. The sense of quiet and the interaction between the sense of space and the vegetation also serves to bring a sense of spirituality to the area. This sylvan quality is characteristic across not just churchyards, but is also common to older and other sites of spirituality, such as sacred groves. These serve to make an important contribution to how the asset is experienced, and to provide the context in which it is appreciated and understood.
- 6.26 The wider landscape in which the church is located is also partially defined by trees and vegetation. This is more particularly in relation to their relationship with the open spaces which characterise the wider landscape, with fields

presently, and historically, being bordered and divided by areas of coppiced woodland.

Land Use

- 6.27 The use of the surrounding land also serves to make an important contribution to how the building is understood and experienced, as a church serving a rural farming community at the centre of a dispersed collection of farm complexes. The surrounding landscape also provided the revenue by which the church was supported, and there is therefore a further functional interrelationship between the land and the church.
- 6.28 The land is recorded on the tithe apportionments of 1838, as being in a mixture of arable and pastoral usage, with other areas being given over as meadows or coppiced woodland. The historic mapping of the later nineteenth and earlier twentieth century show a marginal increase in the quantity of built form within the immediate vicinity of the church, particularly on the northern side of the access road to the west of the church. It would however seem to suggest that the surrounding land remained open and agricultural, either arable or pastoral, until the later twentieth century.
- 6.29 The surrounding land use therefore forms the context in which the building is understood and experienced, as it contributes to the current sense of openness and sense of tranquillity. It also has evidential value in an understanding of the building's historic context, particularly offering the context to appreciate its current interrelationship with both the wider landscape, and interrelated assets, such as Hampton Farmhouse.

Accessibility and permeability

- 6.30 It is acknowledged within Historic England's guidance on setting that the 'setting does not depend on public rights of ability to access it'. However it is pertinent in this instance to note that there is considerable public access to the asset, with the church being adjacent to a dead-end road, a bridleway and a footpath. This public access is important in defining how the asset is

experienced, not least because the church is, by its nature, a public building which serves a public function.

6.31 The access to these footpaths, bridleways and roads, and the views of the church and its wider landscape which are visible from them are therefore identified as making an important positive contribution to how the listed building is understood and experienced within its wider context, and thereby in allowing the significance of the listed building to be comprehended and experienced.

Summary

6.32 The setting of the listed building is therefore identified as making an important positive contribution to the significance of the listed building. This contribution relates to both the immediate setting of the building, defined by the churchyard in which it is situated, and its wider landscape context. This is formed of a number of different, interrelated, facets, including the topography and use of the surrounding land, the relationship of open space, built form and vegetation within this landscape, and the associated between the church and other heritage assets.

7 Assessment of the effect of the proposed development on the setting and significance of the identified heritage assets

- 7.1 Step three of the staged approach to decision making, as set out in *Good Practice in Planning Guidance Note 3* requires the decision maker to make an assessment of the effect of a proposed development on the significance of the heritage assets which will be affected. This section will carry out this assessment, drawing on the conclusions made in sections 5 and 6.
- 7.2 It is noted that the application is outline, and therefore the layout drawings submitted to support the application are indicative. However, these layout drawings are useful in allowing an understanding of the extent of the site which will be required to be developed to achieve the number of units proposed, the constraints on the land where development could not be placed, and the extent of land allocated for other required elements, such as SUDS features.
- 7.3 The information provided implies that the site constraints would result in a development which encompassed the northern and eastern section of the site, with the southernmost section of the site required for SUDS features and tree planting. As a result, the proposed built form would be located in relatively close proximity to the Church of St. Mary, with the potential for a buffer zone located on the section of the site closest to the boundary with the church yard. This buffer area, when considered in the context of wider landscape in which the building is currently experienced, is a comparably small one. The closest built form, as it is illustrated on the indicative plan which supported the application will be c.120m away from the church at its closest point. Whilst this cannot be taken as a definitive distance, due to the outline nature of the application, it does allow a conclusion to be drawn that the built form within the new development will be located considerably closer to the church than any of the existing built form (the closest currently being the buildings within Doverdale Park, which are c.250m to the south of the building).
- 7.4 The result would be to create a development which is located in much greater proximity to the listed building, creating a sense of enclosure to both the south and west. This impact would be exacerbated by the quantum of development which is proposed, which would appear to necessitate the development of the entirety of the land in a curve from the west to the south-east of the church.

- 7.5 The indicative plans also show that there is an implied proposal to seek to mitigate the impact of the development by screening the development from the church through planting around the edge of the buffer zone. In regard to this it is highlighted, that, even if the development is screened by a strong boundary treatment, any form of hedge, tree line or other visually impermeable boundary will still serve to create this sense of enclosure.
- 7.6 The development will therefore serve to isolate the church from its wider landscape setting to the south. It will thereby not only alter the way in which the building is experienced from the southern section of the churchyard, but will also be an intrusive and harmful element in views looking southward and from the churchyard and from the Lych Gate. It will also partially erode the evidential value provided by the surrounding landscape, provided not only by the current and historic use of the land, but also by the church's visual prominence within this surrounding landscape.
- 7.7 The development of the site will also serve to integrate the church into a wider settlement pattern, at odds with its historic location within a dispersed settlement, and its current location within a small linear settlement. This is significant because the church is currently clearly physically and visually separated from the built form to the south and south-east, forming part of a small scale linear development along the northern side of The Forest. As set out above, this separation from larger bodies of built form, and away from areas of more intensive development is important in establishing not only the current context of the listed building, but also in retaining an understanding of the historic setting of the listed building, as part of a dispersed settlement.
- 7.8 The development of the application site, even with the small buffer zone which it is indicated could be provided, will result in the church being experienced in a suburban setting in views looking south from the churchyard, including forming the backdrop of key views looking south from the principal south door of the church, and from the Lych Gate looking south. It will also form the context of any views which survive looking north from, and across, the site, in which the church will be experienced as part of a suburban development. In doing so it

will serve to considerably divorce the asset from its current setting, which, as set out above, makes an important contribution to the asset's significance

- 7.9 It is however acknowledged that this sense of suburbanisation will be less evident in the northern section of the graveyard, and will not intrude on either the landscape to the north, or the church's interrelationship with The Old Rectory and Hampton Farmhouse. It will therefore not reduce the contribution made to the significance of church and of these listed buildings by this element of their setting.
- 7.10 This loss of context would only be exacerbated by the associated ancillary paraphernalia which would be necessary associated with the creation of 144 houses, including an increase of lighting and activity across the site. The associated noise and light pollution caused by the development of the site would serve to cumulatively erode the contribution which the site in its current form makes to the significance of the listed building, as set out in section 6 above. This intrusion would be permanent. There would also be a temporary intrusion into the setting of the listed building created by the auditory, visual and physical pollution resulting from the construction phase of the development. This in itself would result in a temporary harmful effect on the contribution made to the significance of the listed building by its setting.
- 7.11 The contribution made by its setting to the significance of the Church of St. Mary stems from the evidential value, which provides an understanding of the historic context of the church, the historic settlement plan, landscape character, and the interrelationship between the church and other associated heritage assets, such as The Old Rectory. It also stems from the contribution which it makes to the way in which the asset is experienced, in particular in creating a sense of tranquillity and isolation within the immediate setting of the listed building. Finally it makes an important contribution to how the asset is viewed, and in defining views looking away from the asset. In particular the open wider setting allows the building's intentional visual prominence to be read and experienced, and allows an appreciation of the high architectural and aesthetic quality of the listed building.

- 7.12 The development will enclose and curtail the open landscape in which the asset is experienced, and will considerably suburbanise the character of the landscape to the south of the listed building. In doing so it will harm the evidential value which this setting provides, as well as altering the way in which it is experienced. This can be best appreciated in the impact that it will have on key views to and from the church, including views looking south from the church porch and its associated Lych Gate and views looking north across the application site. It will not however completely erode these elements of the setting of the listed building, and will not impact on other elements, such as the interrelationship between the church and Hampton Farmhouse and The Old Rectory. It is therefore identified that the application will have a demonstrably harmful impact on an element which contributes to the significance of the listed building. It is not however concluded that this impact will result in the total, or near total, loss of the significance of the heritage asset, and therefore paragraph 195 of the NPPF is not considered to be engaged.
- 7.13 When these factors are considered together, I would conclude that the development of the site will result in harm to the significance of the Church of St. Mary, which would be characterised as less than substantial, as per paragraph 196 of the NPPF.
- 7.14 When assessing the impact of a development on the significance of a heritage asset, it is important to consider the permanence of the harm which is identified as being caused. The application proposes the erection of up to 144 dwellings, and will also require the creation of the paraphernalia associated with such a development, including hard and soft landscaping, a road network, boundary treatments and SUDS attenuation. The development can therefore only be concluded to be a significant and permanent insertion into the wider landscape and into the setting of the Church of St. Mary. Any harm identified to the significance of this heritage asset must therefore be considered as being permanent and irreversible.

8 Overall Conclusions

- 8.1 The proposed development of the site will alter the setting of the Church of St. Mary. As set out in section 6 of this proof of evidence, this setting is identified as making an important contribution to the significance of the heritage asset, and as set out in section 7 of this proof, the impact which the development will cause will fail to preserve this contribution. It is therefore identified that the application will result in harm to the heritage asset, which is quantified as being within the spectrum of less than substantial harm, as per paragraph 196 of the NPPF.
- 8.2 Case law has clarified how development which affects the setting of a listed building should be considered⁴. Within these decisions the courts have confirmed that where harm to the setting is identified, even where this is 'less than substantial', the decision maker, when applying the balancing approach as set out in paragraph 196 of the NPPF should give 'considerable importance and weight' to any harm to the setting and significance a designated heritage asset and the desirability of preserving the setting without harm. In doing so the decision maker should start with a 'strong presumption' that harm to the setting and significance of these heritage assets should result in refusal of planning permission, unless other relevant material considerations are considered powerful enough to outweigh the harm identified.
- 8.3 My proof has demonstrated that in the case of the Church of St. Mary, the proposed development would cause harm to several facets which contribute to the significance of the listed building. These include the visual prominence of the building, the character of the surrounding land and its location in relation to the surrounding surviving historic settlement pattern. The contribution which the setting makes to the significance of the heritage asset is high, being one of the integral elements which contribute to its high designation. The level of alteration and harm to this setting which would be caused by the proposed development is tangible but not substantial, as it will fundamentally alter some elements of its setting, while having a negligible impact on other elements.

⁴ Various judgements are relevant, but perhaps most pertinent are the judgements in *East Northamptonshire DC vs SSCLG* [2014], otherwise referred to as the Barnwell Manor wind turbine case, and the further judgement in the case of *R(Forge Field Society) vs Sevenoaks DC* [2014].

Accordingly it is concluded that the harm to the significance of the designated heritage asset would be less than substantial. This harm would be identified as being at the lower to mid range of the spectrum of harm covered by this definition. Therefore balancing act set out in paragraph 196 of the NPPF would apply in this instance.

- 8.4 It is also concluded therefore concluded that to grant planning permission would not have special regard to the desirability of preserving the building or its setting, and would therefore also be contrary to the tests set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.5 Therefore, as less than substantial harm to the significance of a designated heritage asset has been identified; I would identify that the tests set out in paragraph 196 of the NPPF as regard the balancing of harm against public benefit to be triggered. In this instance it would therefore need to be demonstrated that the public benefits of the scheme outweighed the harm identified.
- 8.6 Within the parameters of this appeal, the overall planning balance has been conducted by Mrs Emma Worley, and this will be covered within her proof of evidence.

9 Statement of integrity

- 9.1 I understand my duty to the Inquiry and I have complied, and will continue to comply, with that duty. I declare that the evidence which I have prepared and provide for this appeal is true, and has been prepared and given in accordance with the guidance of my professional organisation. I confirm that the opinions expressed are my true professional opinions.