LAND WEST OF PARK FARM, THORNBURY, SOUTH GLOUCESTERSHIRE

SOUTH GLOUCESTSESHIRE COUNCIL

PROOF OF EVIDENCE: ROB BURNS

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROOF OF EVIDENCE ON HERITAGE ISSUES**

**APPEAL REF: APP/P0119/W/21/3288019**

My name is Rob Burns, and I have been commissioned by South Gloucestershire Council (the Local Planning Authority) to prepare this proof as part of an Appeal against non-determination by Barwood Development Securities Ltd, for proposals at Land West of Park Farm, Butt Lane, Thornbury, BS35 1RA. The description of the proposed development is for the erection of up to 595 dwellings (Use Classes C3), land for a Primary School (Use Class D1), up to 700m2 for a Retail and Community Hub (Use Classes A1, A2, D1), a network of open spaces including parkland, footpaths, allotments, landscaping and areas for informal recreation, new roads, a sustainable travel link (including a bus link), parking areas, accesses and paths and the installation of services and drainage infrastructure (Outline) with access to be determined and all other matters reserved.

I have qualifications in Archaeology and post graduate qualifications in Planning and Urban Design, and over 40 years of experience with the historic built environment. Although I now run an independent consultancy dealing with urban design and heritage aspects of development, guidance and management, I was formerly a Historic Areas Inspector for Historic England, and manager of a team of heritage and design staff in local government.

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1. **INTRODUCTION**
	1. Background

1.2 This Proof of Evidence has been prepared on behalf of South Gloucestershire District Council to support an appeal against non-determination under Local Authority application reference PT18/6450/O, Planning Inspectorate Appeal Ref: APP/P0119/W/21/3288019.

1.3 The application is for the erection of up to 595 dwellings (Use Classes C3), land for a Primary School (Use Class D1), up to 700m2 for a Retail and Community Hub (Use Classes A1, A2, D1), a network of open spaces including parkland, footpaths, allotments, landscaping and areas for informal recreation, new roads, a sustainable travel link (including a bus link), parking areas, accesses and paths and the installation of services and drainage infrastructure (Outline) with access to be determined and all other matters reserved. The application was appealed on the grounds of non-determination and in order to establish the Council’s position, if it were in a position to determine the application, on 20 January 2022 it determined it would have refused permission for four reasons.

In relation to this proof of evidence, reason 1 of the refusal is the most germane: *The proposed development would cause less than substantial harm at the lower end of the spectrum to the setting of the Grade I listed Thornbury Castle and St Mary’s Church and the Grade II listed Shieling School and Thornbury Conservation Area. Great weight is required to be attached to this harm and in applying PSP17 and paragraph 202 of the NPPF it is not considered that the public benefits of the proposal outweigh that harm.*

1.4 The appeal site is located to the north east of the Thornbury conservation area, and a number of designated heritage assets, and has the potential to detrimentally impact on their setting. These include:

* Thornbury conservation area
* Thornbury Castle- grade I listed building
* St Mary’s Church- grade I listed building
* The Sheiling School- grade II listed building
* Thornbury Castle Scheduled Monument
* Thornbury Castle grade II registered park and garden.

1.5 A plan of the conservation area is included at Appendix 1, and an extract from Historic England’s National Heritage List is included at Appendix 2 which shows the location of the listed buildings, the scheduled monument and the registered park and garden. Descriptions of the assets from the National Heritage List are included at Appendix 3. There are multiple list entries for both Thornbury Castle and St Mary’s church, indicating the substantial heritage sensitivities of the sites.

**2.0 THE APPEAL SITE**

2.1 The appeal site is located to the north-west of Thornbury a market town set in a rural landscape. It covers c.35.97 ha, comprising agricultural land, and is bounded by Oldbury Lane to the north, Parkmill Farm to the west, the Park Farm site to the east which is now a new housing development with construction still on-going. To the south, and separated by a small field, is the northern boundary of the Thornbury conservation area.

2.2 The appeal site sits within the landscape character area of the Severn and Avon Vales, although most of Thornbury is within the Bristol and Avon Valleys and Ridges, and there is a change in topography with the appeal site sitting at a lower level than Thornbury and the conservation area. The Parkmill Covert area of Ancient Woodland is to the immediate west of the site, with the Pickedmoor Brook located to the south in an east-west orientation.

**3.0 THE HERITAGE ASSETS**

3.1 A number of heritage assets are impacted by the proposal, which include the setting of highly graded designated assets. Chapter 7 of the Environmental Statement on Archaeology and Built Heritage submitted by the appellant as part of the suite of supporting documents for the planning application, contains a table which classifies the importance of the receptors, and it is proposed to follow this metric for the sake of consistency. Table 1 reproduces table 7.1 in the ES.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Receptor | High | Medium | Low | Negligible |
| World Heritage Site |  X |  |  |  |
| Scheduled Monument |  X |  |  |  |
| Grade I or Grade II\* listed building |  X |  |  |  |
| Grade I or Grade II\* registered park or garden |  X |  |  |  |
| Registered battlefield |  X |  |  |  |
| Grade II listed building |  X |  X |  |  |
| Grade II registered park or garden |  X |  X |  |  |
| Nationally important archaeological remains/non designated heritage |  X |  |  |  |
| Conservation Area (reflecting special character and appearance) |  X |  X |  |  |
| Locally listed building |  |  X |  X |  |
| County/Regional archaeological remains/non designated heritage |  |  X |  X |  |
| Locally important archaeological remains/non designated heritage assets |  |  |  X |  |
| Historically significant hedgerows/banks |  |  |  X |  |
| Limited interest remains |  |  |  X |  X |

 Table 1.

3.2 Thornbury Castle- grade I listed structures

 Thornbury Castle- grade II registered park and garden

 Thornbury Castle- scheduled monument

 Thornbury Castle- grade II west lodge

 Thornbury Castle- grade II east lodge

 Significance- High. The assemblage is identified as a single group, and the collection for historic and architectural reasons warrant a high classification.

 There are three grade I list entries for Thornbury Castle, covering the outer court and walls of the kitchen court, the walls enclosing the privy garden immediately south of the inner court, and the inner court. The scheduled monument covers the buried remains of the earlier, mediaeval fortified farmhouse and the 16th century privy garden. The registered park and garden includes the surviving landscape of the walled gardens and the inner and outer courts. The current buildings are an unfinished project, commenced in 1511 by Edward Stafford, the 3rd Duke of Buckingham, but with extensive restorations by Anthony Salvin. The Duke of Buckingham played a role in national politics, and was a member of Henry VII’s Privy Council, and served as a captain during the invasion of France in 1513. However, his Plantagenet bloodline led to accusations of treason, and he was tried and executed in 1521. The 2nd Duke of Buckingham, Edwards father, had similarly been executed by Richard III for his role in the rebellion of 1483.

It is recognised as being one of the finest examples of Tudor domestic architecture on the country, and was anecdotally inspired by Richmond Palace. The ambitions of Edward Stafford were not just limited to the construction of what was seen as a house to rival that of the Royal Palaces, but also included the enclosure of 1500 acres of parkland between 1510 and 1517, as part of its estate, to form the Newe Park deer park, which directly adjoins the castle grounds to the north, and which likely corresponds to the estate map of 1716, which includes the appeal site. The site was chosen to provide views over the deer park directly from the castle, and these views remain expansive today.

3.3 Church of St Mary the Virgin Parish Church- grade I

 St Mary’s Parish Church, group of 8, 18th and 18th century table tombs- grade II

 St Mary’s Parish Church, group of 28, 17th, 18th and 19th century table tombs- grade II

 St Mary’s Parish Church war memorial- grade II

 Significance- High. The assemblage is identified as a single group and the collection for historic and architectural reasons warrant a high classification.

 The church has 12th century origins, but with alterations in the 14th, 15th and 16th centuries, and restored in 1848 and 1889. The dates from the mid 16th century and due to the location of the church on higher ground as the topography falls away to the north and west, it is highly visible from the surrounding countryside and the approach to Thornbury. The church lay at the centre of the Parish of Thornbury, which extended some 7.5 sq. miles, and included the town and the surrounding rural area.

3.4 Sheiling School- grade II

 Significance- High. In visual terms, the Sheiling School building reads as part of the group of Thornbury Castle and St Mary’s church, and has a similar setting, outlook and relationship with the field systems to the north. It is part of the extended settlement of Thornbury, and the northernmost building within the conservation area. Whilst its intrinsic merit as a grade II listed building would provide a Medium classification, it is the relationship with other heritage assets which provides a historic and spatial context and which warrants a High classification (Appendix 4).

 The main house at Sheiling School was originally built as a residence for Henry Wenman Newman, and originally named Thornbury Park, and in addition to the house he owned 445 acres of what was formerly Newe Park. The Sheiling School provides continuity of occupation, and the parkland which formed part of its estate was as open land, providing a setting not just for the new house but also retaining the setting for the castle and the church, as further emphasis on the value of views from the collection of heritage assets to the north, towards the Severn estuary over the lowland fields. The appeal site has served this important function since the construction of the castle in the early 16th century, in addition to forming the setting for the church since mediaeval times. Whether used as a deer park, agricultural purposes, or informal parkland, the open, rural nature of the land has been a constant feature.

The house itself dates from 1832, and is in neo-classical style with Ionic portico and large service wing. A newspaper advert in 1904 describes the house as “approached by a nicely-timbered winding driveway and is surrounded by tastefully laid out pleasure gardens and park-like pasture land’ (quoted in Thornbury and District Museum research News, No. 153, November 2016).

3.5 Thornbury Conservation Area.

Significance- Medium to High. The Conservation Area takes the general form of long, linear streets with strong enclosure provided by buildings which are located at back of pavement to Castle Street and High Street. Whilst it is identifiable as a market town, the oldest part of the conservation area appears to be the northern edge, with the town expanded to the south. It is this northern area where the high value listed structures of Thornbury Castle and St Mary’s church are located, and where the earliest of the buildings within the Conservation Area are located. It also features a sequence of rubble stone boundary walls and a series of lanes, and is more informal and organic than the remainder of the conservation area. The inclusion of the field systems north of the castle, and the number of trees and hedgerows within this northern section are also a visual reminder of the fundamental link between the town and its rural surroundings. The Thornbury Conservation leaflet recognises the importance of views and setting in the northern section of the Conservation Area, around the castle. It states that *There are also important views and glimpses over the levels and Severn Estuary from this area. The area is characterised by the large mature specimen trees, the traditional church yard, and the special castle walls, set within the open fields of the former deerpark. Care is particularly needed to maintain the informality, enclosure, and setting of properties and boundaries facing onto the road or other open spaces, where the simple character is an important foil to the richness of the listed Church and Castle*. As part of the enhancement strategy outlined in the leaflet, it is crucial to *ensure that the views of the church tower are retained and protected, together with the glimpses from this area to the estuary.* The appeal site sits at the core of the former deer park, and the field systems to the north of the Conservation Area, where views of the church can be enjoyed.

**4.0 SETTING OF THE HERITAGE ASSETS**

4.1 The setting of the assets is based on their location on higher ground to the north of the Conservation Area, which drops away to the north. Appendix 5 is a view looking from the roof of Thornton Castle across the appeal site towards the Severn, and illustrates this change in levels and the expansive outlook enjoyed by the tightly knit group of assets, over open countryside in agricultural use that comprise the levels and Severn Estuary and beyond. Appendix 6 is a view taken from the appeal site looking south across the appeal site towards the Conservation Area, with the prominent landmark of St Mary’s church the major focal point in the countryside.

4.2 The appeal site forms part of the setting, and the context of the Conservation Area relies on the fundamental link between the built and the surrounding landscape. The landscape and open spaces section within the Thornbury Conservation Area leaflet (Advice Note 12) is clear in acknowledging this connection of the town and its environs, which forms part of the regionally important Severn Ridges classification in the Landscape Character Assessment. This is characterised by the views over the lowland levels and Severn Estuary, diverse vegetation cover, with settlements nestling into the landform. The open aspects to the west and north, with the outlook of the Severn Estuary and with the old town walls set within open space, form important landscape features which contribute to the setting of the conservation area. The appeal site is set within this landscape. The Thornbury Conservation Area leaflet is included in the core documents.

4.3 The land to the north of the Conservation Area, including the appeal site, also has a strong historical association with Thornbury Castle, St Mary’s Church and the Shieling School, as well as providing a visual setting.

4.4 The area to the north and west of the earlier manor house, which was replaced in the early 16th century by Thornbury Castle, was originally part of the field system of Kington Tithing, and archaeological evidence supplied by the appellant illustrates that there is still evidence of mediaeval ridge and furrow across much of the appeal site as shown in Figure 4 of the magnetometer survey undertaken for the appellant by Sumo Survey (ES Appendix 7.3, Geophysical Survey Report) (Figure 4 is provided in Appendix 7 of this proof of evidence).

4.5 As part of the ambitious development of Thornbury Castle, the Duke created the Newe Park under a royal licence to empark 1000 acres in 1510, which added to the enclosure of 172 acres of demesne land, 96 acres of arable and 32 acres of pasture in 1508. Further expansions were made in 1515 and 1517, resulting in a c.4 mile circumference to the park, and which likely correspond to the estate map of 1716 (Appendix 8), which displays the classic spherical geometry common to the deer park layout. The probable extent of the deer park, and the relationship of the appeal site to the parkland, is shown in Appendix 9. Newe Park was one of three deer parks associated with the castle and early manor at Thornbury, with Eastwood Park and Marlwood Park dating from the 13th century. Eastwood Park is located at Falfield to the east of Thornbury, and Marlwood Park to the south near Alverston. The earlier deer parks were already in existence when Edward Stafford commenced his works at Thornbury Castle, and Newe Park was a further expression of status and a precursor to the large hunting parks formed under Henry VIII. It reflected the huge ambitions of the 3rd Duke of Buckingham, at one time a pretender to the throne, and should be identified as part of the expansion and intent of Thornbury Castle as part of its intrinsic interest. This also included the excavation of a canal to link to the Severn, which would have allowed access to the Duke’s estate at Newport, although this was not completed before his execution in 1521. The deer park was developed in two stages in 1508-10, and 1515-17, and there is the possibility that the earlier boundary line from the first phase can be traced in the existing field boundaries. Deer parks were generally marked by woodland and water features for the animals, and with a distinctive spherical boundary which was enclosed by park pales of wooden stakes, and with interior ditches to prevent the deer from escaping from the park. The northern boundary of the deer park was coterminous with Oldbury Lane, and it is more than possible that the ditch and hedgerow fronting onto the road are remnants of the deer park boundary. The Newe Park helped to create a setting for the castle. Although the deer park was short-lived following the execution of the Duke, and under royal ownership of the land as a deer park by Henry VIII, records show that livestock were kept there in 1554/5, with the enclosure still in place. Whilst Historic England have examined the evidence for designation of the area of Newe Park, and concluded that it does not meet the test for national importance, it is stated in the Historic England Research records that *The former deer park, New Park, is however of considerable local importance, particularly as part of the wider landscape which developed around the Castle during the mediaeval and early post-mediaeval periods.* (Appendix 10).

4.6 The current open area of fields and hedgerows are also important in relation to the influence of the church of St Mary, and not just in visual terms. The church lay at the centre of a parish of c.7.5 square miles, and was the visual and spiritual focus not just for the town, but also the surrounding rural area within the parish boundary. Its role does not just relate to the built up areas of Thornbury, but to the pattern of dispersed farms which occupy the hinterland to the north and west.

4.7 The development of the Shieling School as a private house also relied on the openness of the landscape to the north, as a house located in a parkland setting, and which was constructed to take advantage of the open views, in naturalistic surroundings.

4.8 The land forming the appeal site provides an attractive context to the significance and understanding of the Thornbury conservation area, the Castle, Church of St Mary and the Shieling School, linking it to its agricultural and market town history, the significance of highly graded heritage assets and the rural setting. The appeal site forms part of the earlier deer park, and is now part of the agricultural field systems, and is part of the landscape which forms the setting for a series of heritage assets of high significance. Whilst Table 1 above suggests that sites of local importance are classified as of Low significance, it is considered that the strong association with Thornbury Castle, its inclusion within the boundary of the parish of St Mary’s church and its role in the location and parkland setting of the grade II listed Shieling School, means that the level of significance should be raised to Medium as the landscape has a symbiotic relationship with these assets, and forms part of their context and understanding. Its former use as a deer park, with residual elements of this remaining, also raises its significance status as a site of local or regional importance.

4.9 The impact on the setting of heritage assets relates to both visual and perceived. The Appellant has assessed the scheme in relation to views, concluding that it has less than substantial harm to the significance of the heritage assets. However, as we are reminded in Steer v Sec of State for CLG and Ors [2017] EWHC 1456, setting does not just rely on the visual, but on other elements. Prominence, dominance or conspicuousness are cited in the guidance from Historic England, alongside competition with or distraction from the asset, materials and texture/tone, architectural style, introduction of movement or activity, lighting effects, noise changes to public access or land use such as car parking. We are also reminded that impacts are not restricted to areas open for public access such as footpaths.

4.10 The guidance also states that the historic character of a place is the group of qualities derived from its past uses that make it distinctive, including associations with people both now and through time, its visual aspects and the features, materials and spaces associated with its history.

4.11 Visual aspects of setting;

Currently the tower of the grade I listed St Mary’s Church is viewed across the field systems from the north and west. The appeal site is located within these field systems, and the tower is a focal point from within it. It is a landmark structure, and seen from the appeal site and as part of a sequential movement corridor along Oldbury Lane, at times there are glimpsed views to the tower, but also direct views from other locations. The viewpoints illustrate the spatial and associational linkage of the church and the historic core of the conservation area, with its rural landscape. The church tower is seen from both within the appeal site and throughout the landscape to the north, and is a ubiquitous landmark. It is read as a constant structure, and its location on a high point provides added visual interest and dominance. The rural landscape is an important part of the significance of the church, as the church has a parish of c.7.5 sq miles, covering both town and the rural surroundings. Its importance is as an asset and religious centre not just for those who live and work in the conservation area, but in an extensive rural area too, and it’s tower a substantial and evocative feature which is intended to be a focal point.

4.12 Cultural aspects of setting:

Whilst views of the conservation area may be limited in their extent from the north and west, the landscape, forms part of the historic and cultural milieu. The landscape and its historic, spatial, and cultural associations with the historic core of Thornbury evokes an emotional response, irrespective of the ability to read the town and it setting as a single entity. The approach along Oldbury Lane provides a clear contextual assemblage, with a rural road, lacking footpaths and edged by verges and hedgerows, with views over to fields and trees and further hedgerows. It is layered, rich in agrarian identity and part of an extended and familiar pattern, with a legible landscape and resonating with the expectations of a rural scene. The approach to Thornbury along Oldbury Lane consists of a pattern of dispersed farms and outbuildings, some adjacent to the road, whilst others are set back along trackways, with surrounding fields and a network of hedgerow criss-crossing the scenery. The larger settlement of the township remains in the distance, marked by the stand-out tower of the church.

4.13 This is archetypal rural Gloucestershire, and whilst it is a landscape which has experienced change and evolution, the essential and fundamental characteristics remain. This pattern of individual farmsteads set in the field systems, and forming part of the approach and setting of Thornbury, prompts an emotional response to context which does not rely on the ability to actually see the conservation area in any detail, or as a comprehensive whole. The appreciation of the landscape around the conservation area provides a rationale and historic context, and forms part of its significance. Thornbury as a market town relied on the produce and livestock of the surrounding fields which formed part of its economic, social and cultural identity. Whilst the area of the appeal site is not in itself designated, it forms a fundamental element of the intangible associations with the conservation area as part of the pattern of land use. This is not a dead or passive landscape, and part of its appeal is the almost visceral or subliminal understanding of the rural context of the conservation area. This accords with the guidance offered in Planning Note 3 produced by Historic England (The Setting of Heritage Assets) which advises that *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.* This includes the contribution made by landscaping in relation to the setting of an asset, and how that may add to its significance.

4.14 The note also explains that cumulative change also needs to be taken into account when considering setting; *Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.* The development currently under construction at Park Farm, to the south of the appeal site has already constrained formerly expansive views across the former field systems, and divorced the mediaeval fishponds which formed part of the deer park, from their original setting and context. Development of the appeal site would add to this fragmentation of the setting, extending the suburban character of the Park Farm development, and decimating further the character of the landscape which forms the setting for the heritage assets.

4.15 The history of the appeal site and its inclusion within the Newe Park deer park, provides a clear, historic association and context with Thornbury Castle, and contributes to its significance. Whilst the land is no longer used as a deer park, it remains a legible, enclosed landscape, and still contains the features of fields, hedgerows, trees groups, streams and other elements such as the mediaeval fishponds which characterised the landscape in the early 16th century, and is still cultivated and used as pasture. Whilst the detailing may have changed, with the advent of larger fields, the component parts have remained.

4.16 Part of the experience from within the conservation area are the views from its northern edge, and the extensive arrangement of fields, hedgerows, tree groups and dispersed farms. The footpath which runs northwest from Thornbury Castle takes the walker out of the settlement and into the surrounding countryside, and there is the very real sense of transitioning from the enclosed streets of the town into its rural hinterland. Due to the location of the castle on slightly higher ground, the footpath has extensive distant views towards the Severn, and these can also be seen from the northern gate of Thornbury Castle, beyond the appeal site.

**5.0** **THORNBURY CONSERVATION AREA**

5.1 The conservation area comprises distinct character areas of High Street, Castle Street, Thornbury Castle and St Mary’s Church, the back lanes area and the open closes to the west. The grain of the conservation area is linear, and axial, orientated north-south, along the key route of High Street/Castle Street. It also includes areas of open space to the west and north, acknowledging that the town has a visual and spatial connection with the surrounding landscape. Expansion of the town in the 20th century largely on the eastern side, as a response to the proximity of the A38 and routes to Bristol and Gloucester, is of a recognisably different form, based on a looser arrangement consisting of cul-de-sacs, and limited perimeter blocks, which contrast with the tight enclosure of the main part of the conservation area. Gateways to the south and north, are marked by a gradual tightening of the street, from a pattern of open spaces, boundary walls and individual houses set within gardens, to the enclosed and cohesive High Street and Castle Street. At these introductory points of the conservation area, views over open land form part of the movement sequence, and some of these field systems have been included within the boundary of the conservation area to demonstrate their fundamental link to the historic core of Thornbury. These gateway edges, with a thinning out of the density in the core, and with stone walls and areas of green space, in a more organic form, contrast with the continuity and coherence of the main streets, offering a ‘softer’ introduction to the settlement, where the built meets the natural.

**6. RELEVANT PLANNING POLICY, LEGISLATION AND GUIDANCE**

6.1 **Planning (Listed Building and Conservation Areas) Act 1990**

6.2 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) require that in determining development proposals, Local Planning Authorities should pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and preserving or enhancing the character and appearance of a conservation area.

 **National Planning Policy Framework**

6.3 The latest National Planning Policy Framework (the ‘NPPF’) came into force in July 2021, replacing earlier versions. The NPPF ‘*sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.*’ The following paragraphs are relevant to this statement.

6.4   **Paragraph 199.** *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

6.5   **Paragraph 200.**  *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional ‘*

6.6 **Paragraph 202***. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

6.7 **Paragraph 206**. *Local Planning Authorities should look for opportunities for new development within conservation areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

6.8 **Paragraph 208**. *Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

**Local Planning Policy**

6.9   Policies of the South Gloucestershire Local Plan (2017) should be given weight in accordance with the extent to which they are consistent with the NPPF, as per paragraph 219 of the NPPF.

6.10   With the above in mind, the following policies are considered applicable and of significant weight.

6.11   **Policy PSP17*:***

 *Development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance*.

***General Principles***

6.12 ***Listed Buildings****: Alterations, extensions or changes of use to listed buildings, or development within their setting, will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest, including their settings. Where development proposals affect listed buildings whose architectural or heritage significance has been degraded or eroded, the Council may seek the implementation of measures and/or management plans to secure the restoration of the heritage assets and/or their setting or contributions towards such works.*

6.13 ***Conservation Areas****: Development within or affecting the setting of a conservation area will be expected to:*

*• preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and*

*• pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness.*

6.14 ***Archaeology****: Scheduled monuments and other non-designated archaeological sites of equivalent importance should be preserved in situ.*

*In exceptional cases, where this is not justifiable or feasible, provision should be made for excavation and recording with an appropriate level of post-excavation assessment and analysis.*

*Non-designated archaeological heritage assets of regional and/or local importance should normally be preserved in situ but, where harm to the asset is justified, provision should be made for excavation and recording with an appropriate level of post-excavation assessment and analysis. Curation and publication of findings will be expected in all instances to appropriate standards.*

*Any impact on the setting of archaeological heritage assets (both designated and non-designated) will need to be assessed to determine how and to what degree these settings make a contribution to the significance of those heritage assets. Proposals will be expected to preserve and where appropriate, enhance the setting of archaeological heritage assets, and those elements which contribute to their significance.*

6.15 ***Historic Parks and Gardens and Battlefields****: Development proposals will be expected to:*

 *• protect and, where appropriate, enhance the design, character, appearance and settings of historic parks, gardens or battlefields; and*

*• safeguard those features which contribute to their significance, character or appearance.*

6.16 ***Understanding the Heritage Asset and the Impact of Development***

*Development proposals involving or affecting heritage assets should demonstrate:*

*• the significance of the heritage asset(s) affected;*

*• the impact of the proposal on the significance of the heritage asset(s) and their setting(s); and*

*• how the development will protect, enhance or better reveal the significance of the heritage asset(s) and their setting(s).*

*The level of detail should be proportionate to the significance of the heritage asset(s) affected and the nature of the works*.

6.17***Assessment of development which affects the conservation or enhancement of a heritage asset***

*The conservation of South Gloucestershire’s heritage assets is a priority for the Council and, as a consequence, where development would result in harm to the significance of a heritage asset or its setting, planning permission will only be granted when it can be clearly demonstrated that all of the following can be met:*

*• the proposal results in public benefits that outweigh the harm to the heritage asset, considering the balance between the significance of the asset affected, the degree of harm and the public benefits achieved;*

*• there is no other means of delivering similar public benefits through development of an alternative site;*

*• the harm to the heritage asset is minimised and mitigated through the form and design of the development and the provision of heritage enhancements; and*

*• the heritage asset will be properly recorded to professionally accepted standards.*

*Where the loss of the whole or part of a designated or non-designated heritage asset is acceptable under this policy, the Council will ensure, via conditions or legal undertaking that all reasonable steps have been taken to ensure that development will proceed after the loss has occurred. This is to ensure that needless harm to heritage assets does not occur.*

 **National Guidance**

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

6.18 This provides guidance on setting, and takes as its starting point the NPPF definition 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’.*

6.19 The document considers that setting does not just relate to visual considerations, but also *‘the way in which we experience an asset in its setting is also influenced by other 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.’*

6.20 Nor does consideration of setting need to be restricted to those assets where public access is provided. ‘*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.’*

6.21 The guidance asserts that ‘*Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own’.*

6.22 Setting also includes a whole range of attributes which may be considered intangible, cultural or intellectual as well as sensory, and the guidance advises that these should also be considered in defining the contribution to values and significance. These include:

*The asset’s physical surroundings*

* *Topography*
* *Aspect*
* *Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)*
* *Definition, scale and ‘grain’ of surrounding streetscape, landscape and spaces*
* *Formal design eg hierarchy, layout*
* *Orientation and aspect*
* *Historic materials and surfaces*
* *Green space, trees and vegetation*
* *Openness, enclosure and boundaries*
* *Functional relationships and communications*
* *History and degree of change over time*

*Experience of the asset*

* *Surrounding landscape or townscape character*
* *Views from, towards, through, across and including the asset*
* *Intentional intervisibility with other historic and natural features*
* *Visual dominance, prominence or role as focal point*
* *Noise, vibration and other nuisances*
* *Tranquillity, remoteness, ‘wildness’*
* *Busyness, bustle, movement and activity*
* *Scents and smells*
* *Diurnal changes*
* *Sense of enclosure, seclusion, intimacy or privacy*
* *Land use*
* *Accessibility, permeability and patterns of movement*
* *Degree of interpretation or promotion to the public*
* *Rarity of comparable survivals of setting*
* *Cultural associations*
* *Celebrated artistic representations*
* *Traditions*

6.23 In terms of the attributes of a proposal with potential for impacts on setting, the following are deemed to be relevant, although not all may be relevant to any particular development:

 *Location and siting of development*

* *Proximity to asset*
* *Position in relation to relevant topography and watercourses*
* *Position in relation to key views to, from and across*
* *Orientation*
* *Degree to which location will physically or visually isolate asset*

*Form and appearance of development*

* *Prominence, dominance, or conspicuousness*
* *Competition with or distraction from the asset*
* *Dimensions, scale and massing*
* *Proportions*
* *Visual permeability (extent to which it can be seen through), reflectivity*
* *Materials (texture, colour, reflectiveness, etc)*
* *Architectural and landscape style and/or design*
* *Introduction of movement or activity*
* *Diurnal or seasonal change*

*Wider effects of the development*

* *Change to built surroundings and spaces*
* *Change to skyline, silhouette*
* *Noise, odour, vibration, dust, etc*
* *Lighting effects and ‘light spill’*
* *Change to general character (eg urbanising or industrialising)*
* *Changes to public access, use or amenity*
* *Changes to land use, land cover, tree cover*
* *Changes to communications/accessibility/ permeability, including traffic, road junctions and car-parking, etc*
* *Changes to ownership arrangements (fragmentation/permitted development/etc)*
* *Economic viability*

*Permanence of the development*

* *Anticipated lifetime/temporariness*
* *Recurrence*
* *Reversibility*

**Conservation Principles, Policies and Guidance, English Heritage, 2008- Remains current advice for Historic England**

6.24 In relation to this Appeal, the relevant sections of this document are considered to be those relating to Understanding Heritage Values, Managing Change to Significant Places and Conservation Policies and Guidance.

6.25 The guidance outlines the importance of understanding values associated with heritage assets, and these include;

* Evidential Value; the potential of a place to yield evidence about past human activity
* Historical Value; derives from the ways in which past people, events and aspects of life can be connected through a place to the present, and relates to illustrative or associative elements
* Aesthetic Value; the ways in which people draw sensory and intellectual stimulation from a place
* Communal Value; relates to the collective experience or memory of a place, and its meaning for people and communities, and may be classified as commemorative or symbolic values, and/or social value, which is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence.

**Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12, 2019**

6.26 This describes those aspects items of interest which help define significance;

* *Archaeological interest*

*There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

* *Architectural and artistic interest*

*These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.*

* *Historic Interest*

*An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*

**7.0 HERITAGE CASE**

7.1 Development of the appeal sites will impact on the setting of highly graded assets, which individually and collectively manifest considerable significance. The assets yield evidence of the secular and religious past of Thornbury, and its evolution. The Castle, with its associated gardens, offers a high value Tudor house of the highest order, and which was intended to compete with the Royal Palaces, displaying high architectural and aesthetic interest. Its owner, the 3rd Duke of Buckinghamshire, provides historic interest as a member of Henry VIII’s Privy Council and a potential claimant for the throne. His execution, in part due to the elaborate house and parkland he was creating at Thornbury, provides an insight into the political intrigue which was part of Henry’s court at a time of great change in England. The Castle provides strong communal value and interest in Thornbury, and remains a source of pride, with many knowledgeable about its history and importance. It has high significance.

7.2 Similarly, the church of St Mary with continuity from Norman times through to the modern day, and several periods of building and alteration, also has substantial significance, providing evidence for the evolution of Thornbury from a small rural settlement to obtaining its own parish as a market town. It has architectural and aesthetic interest through the various building phases and the architectural approaches which form its overall composition as an attractive feature of the town. As a parish church it has intrinsic community value as a focal building, and this status as a landmark is also symbolised through its tower which is seen from many locations in and around Thornbury. It has high significance

7.3 The Shieling School, formerly the Thornbury Park private house, has high communal value due to its current use, and it is a good example of a period house dating from the 1830’s. Its carefully thought location provided for extensive views to the north and west to the river Severn, and the parkland associated with the house ground it in its rural location and context as part of its design ethos. It has Medium to High significance.

7.4 Thornbury conservation area is at the core of the town, and is generally characterised by the linear streets of High Street and Castle Street, and the market place where they converge. Created in 1252 through a Borough Charter. The conservation area has a number of different character areas ranging from the axial streets of Castle and High Streets to the more informal closes with high walls enclosing areas of land used as paddocks, orchards and market gardens. The area around the assemblage of highly graded buildings at the northern end of the conservation area forms one of these character areas, and is described in the Thornbury conservation area advice note:

*Whilst the visual importance of the Church Tower as a landmark is important, the historic Castle is the secret jewel to those exploring beyond the High Street. The enclosed twisting lanes and rubble stone walls of Castle Street give way to the pleasant informal open green spaces around the Church and Castle entrance. There are also important views and glimpses over the levels and Severn Estuary from this area. The area is characterised by the large mature specimen trees, the traditional church yard, and the special castle walls, set within the open fields of the former deerpark.* (South Gloucestershire Council, 2004).

The conservation area illustrates the evolution and expansion of Thornbury, from its pre-Charter period through to the 19th century, and this is reflected in the varied character areas which offer diverse townscapes. It is rich in architectural and aesthetic buildings and spaces, and provides a strong and distinctive sense of place, which emphasises the strong community value. The conservation area has Medium to High significance.

7.5 The proposal for almost 600 new dwellings has been through a number of iterations following consultations, and whilst it has not developed into a fully detailed scheme, an illustrative masterplan forms part of the application, alongside a series of principles and parameters. Whilst all details apart from access are still to be confirmed, and therefore a detailed commentary on the proposals cannot be provided, there are some general remarks on the approach which can be made.

7.6 The scheme takes the general form of open ended, informal perimeter blocks, comprising of a mixed format of typologies, ranging from short terraces to detached and semi-detached properties. The vision objectives as set out are outlined as the *‘creation of a quality neighbourhood’, ‘enabling healthy lifestyles’, delivering a connected place’* and *‘celebrating landscape’*. Whilst these are commendable aims, there is no mention in these high level goals of the creation of a distinctive place as a design driver. Local distinctiveness is mentioned within the Design and Access statement, but the areas mentioned as influencing the design are given as *‘the properties and settlement patterns on approach to Thornbury, the historic core, and areas of post-war settlement expansion and recent edge of town housing developments’.* This seems a broad sequence of characteristics, ranging from the historic core of tightly grained streets within the conservation area, to the series of cul-de-sac developments in the adjacent development at Park Farm, and the anonymous post-war housing to the east of the historic core. On the approach roads, precedents are provided within the Design and Access Statement of a farm at Newton Hill, and former farm at Mumleys Lane, as well as the loose knit residential development at Lower Morton, but these arrangements are difficult to identify within the illustrative masterplan, and the farm typology set within a large housing estate loses much of its credibility as a useful precedent. Whilst precedents such as this, and the potential influence of local vernacular may suggest a scheme could be become a locally distinctive place, the general arrangement, design approach and scale has very little connection to the important heritage of Thornbury, and resembles a modern housing estate as part of a suburban extension to the post-war expansion of the town. The various character areas suggested in the Design and Access Statement use a variety of precedent images, some of which relate directly to Thornbury, others to urban and suburban areas. The approach seems to be to parachute these concepts onto this rural site, with little reference to understanding and place specific housing typologies or detailing. With ubiquitous car parking occupying the front and sides of the houses, front gardens with diminutive boundary treatments, uPVC or aluminium windows and fibre cement slates, the Design and Access Statement promotes a succession of bland and anonymous pastiche designs, which appear reductive examples of the historic Thornbury precedents illustrated in the document. It is clear that the development is intended to be little more than a suburban extension, inspired not by the qualities inherent within the conservation area, but of the adjoining later developments and that of Park Farm. Whilst the details of the development remain in outline at this stage and are indicative, if the principles established in the Design and Access Statement were to be enacted at detailed design stage, the character, distinctiveness and richness of the Thornbury Conservation Area would not be reflected, but rather an anodyne suburban estate with little integrity.

7.7 The development of the appeal site for almost 600 houses, of which many will be 12.2m high, will substantially transform the agricultural use and character of the land, to that of a suburban housing estate. The principles and approach outlined in the Design and Access statement will inevitably lead to the increased suburbanisation of the area, and with the adjacent development at Park Farm currently under construction, this will be cumulative. In effect, the site and its surroundings adjacent to Thornbury will lose any semblance of their existing character and appearance, and the existing views across the site, including the presence of the tower of St Mary’s church which is seen from Oldbury Lane, and from within the appeal site. Whilst the proposal acknowledges the importance of the tower and seeks to provide a sight line, this is no substitute for the current widespread view both from the town and from the rural hinterland to the north and west, including the appeal site. The proposal would effectively divorce the church tower from its rural surroundings, downgrading its focus through multiple views, and reducing it to a single established sight line from within the development. Whilst the indicative masterplan suggests that a single priority vista to the prominent tower of St Mary’s Church will be retained, alongside two glimpsed views, these are from within the site rather than from Oldbury Lane, and confirm that the arrangement is based on Lynchian principles of framed views along urban corridors, rather than the rural context of the town. In both visual and cultural terms, the suburbanisation of the rural setting would to a great extent blur the boundary between town and country and result in the loss of a substantial part of the historic agrarian setting of the conservation area, the registered park and garden and the listed buildings, and this would undermine their special interest and lessen their significance as heritage assets. This is especially the case with Thornbury Castle and its series of high level designations, with a very clear association of the appeal site with the Newe Park, which formed an essential component of the Castle and its estate. Whilst the deer park was short lived, the landscape has a cultural and intellectual link to Thornbury Castle, which is critical to understanding the asset, the ambitions of the Duke of Buckinghamshire and its association with Henry VIII and national politics in the Tudor era.

7.8 Whilst the entrance sequence to the conservation area from the north needs to be seen as diluted and compromised through more modern developments along the Oldbury Lane/Butt Lane/Gloucester Road route into the historic core, the proposal would substantially extend this suburban character and appearance, further distorting the movement sequence. This is exacerbated by the cumulative effect of the current development at Park Farm, which alongside the proposal would present a substantial suburban character. In effect, the proposal leads to a much increased suburbanisation of the rural entrance experience to the conservation area, with the development leading to further loss of the fluency of the kinetic sequence which introduces the rural context of the heritage assets. The current arrangement of changing views across the site towards the church, castle, registered park and garden and conservation area, will be much denuded.

7.9 An earlier case relating to the development of land off Luton Road, Offley, Hitchen considered similar issues (PINS Ref: APP/X1925/W/17/3187286). In considering the proposal for the development of 70 dwellings the issue of setting of the conservation area and listed buildings was examined, with the Inspector concluding that;

*37. I have already found that the proposal would result in the loss of the open, undeveloped character of the appeal site and that, notwithstanding a that substantial part of the site would be retained as open space, including an area adjacent to the CA, the urbanising influence of the residential development would be experienced across the site as a whole. As such, the agricultural character of the land would be lost. The illustrative proposals include leaving gaps in the planting on the eastern and northern site boundaries to maintain views to, respectively, the listed buildings/CA and the countryside. Nevertheless, the open, direct views between the CA and the countryside would be almost entirely closed off. The proposal would, therefore, have a substantial adverse effect on this element of the setting of the CA.*

7.10 The impact is more than visual, in that it divorces the existing rural landscape from the heritage assets and their fundamental association, removing the opportunity to understand the relationship between them and the surrounding countryside. It is clear that the appeal site played a substantial role as part of the parkland setting of Thornbury Castle, as well as the Shieling School when constructed as a private house. It also forms part of the rural element of the parish of St Mary’s, and the Conservation Area as a rural market town set in an agrarian context. There is a cultural, functional and intellectual link between the heritage assets and the site, in addition to views of the assets across the site and from within it, and views from the assets towards and beyond the site. The proposal would adversely impact both on the visual and the cultural association of the site and the heritage assets.

7.11 Earlier consultations between the appellant and the Local Planning Authority resulted in the acknowledgment that the proposals would cause less than substantial harm, as noted in the response from Mr Nicholson, employed by South Gloucestershire Council as conservation officer. In his memo dated 31st January 2019, but updated on 24th March 2020 and September 2020, Mr Nicholson states that the harm is less than substantial and at the lower end of the spectrum. Place Services were also engaged by the LPA to undertake a view of the proposal and in a letter dated 21-12-2021 considered that the setting/significance of the heritage assets would not be adversely affected. However, the advice from Place Services contains no analysis, no description of setting, no assessment of the appeal site, no consideration of the wider context, no reference to suggest that the author had actually read and understood the suite of supporting information submitted including a heritage analysis and the Councils response, and no discussion on the non-visual aspects of setting. It is the bare minimum, and fails to take into account completely that both the appellant and South Gloucestershire Council acknowledge that there would be less than substantial harm to the setting of the assets. The conclusion from Place Services that there is no adverse impact is not supported by either the appellant or the Council, and should be seen as an aberration due to the failure to consider an adequate assessment regime.

7.12 The conclusions of the submitted Environmental Statement in relation to Archaeology and Built Heritage were that the potential effects of the completed proposals on Thornbury Castle, St Mary’s church and on other locally significant assets though change to their setting was neutral in all cases. The report does not include the potential impacts on the setting of the Thornbury Conservation Area, as this was *‘scoped out’* and not considered as it *‘would be unaffected by the proposals’.* For the reasons given above, I disagree with that. I also do not agree, for all the reasons given above, that the harm to Thornbury Castle, St Mary’s church and the Sheiling School can be concluded as negligible as is claimed in the Environmental Assessment.

7.13 Moreover, the Statement of Common Ground at 6.31 states that: *It is agreed that the proposal would cause less than substantial harm to the grade I listed Thornbury Castle and St Mary’s Church and therefore the Thornbury Conservation area.* Given this position, I do not understand how less than substantial harm can be regarded as having a neutral effect, as state in the Environmental Assessment.

7.14 Whilst the appellants acknowledge that the proposal will cause harm to heritage assets, this is considered to be less than substantial, and at the lower end of the spectrum, and this conclusion has also been reached by Mr Nicholson for the Council. Nevertheless, the wording in the NPPF on heritage harm does not include the potential for a sliding scale, merely that there is ‘substantial harm’ or ‘less than substantial harm’. If less than substantial harm is identified, then it is harm irrespective of attempts to define it as somehow reduced. This has been upheld in case law, including R Shimbles v City of Bradford Metropolitan District Council [2018] EWHC 195 (Admin), and more recently in Appeal APP/W4325/W/19/3235840, (Land at Thornton Manor, Thornton Hough, Wirral; Para’s 69-70 reference Shimbles) (Appendix 11). The Inspector in that case warned that less than substantial harm does not equate to a less than substantial objection. Whilst the Inspector on the South of Gloucester Road appeal, who refused permission on grounds of harm to the setting of designated heritage assets, said the exercise of placing harm on a spectrum can have some value, but he recognised that such an exercise can appear like trying to count how many angels can dance on the head of a pin (APP/P0119/W/17/3189592). The NPPF is also clear that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being given. The presumption is a statutory one, as stated in the Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 and S.72), and is not irrebuttable. Whilst it can be outweighed by the public benefits of the proposal (including returning the asset to its optimal use which is not a benefit in this particular case) these need to be clear and offer advantages which override the harm. Even if it is accepted that there is a relevance to a spectrum ranging from high to low in relation to less than substantial harm, the analysis undertaken in this particular case has not considered the heritage merits of the appeal site itself, which Historic England believes to be of considerable local importance, and its contribution to the setting of highly graded heritage assets. Nor have the non-visual aspects of setting been taken into account. Once these are added to the assessment of the proposals, the less than substantial harm needs to account for the substantial loss of prominent parts of Newe Park, the loss of the rural setting of the heritage assets, including the Thornbury Conservation Area which has been ‘scoped out’ by the appellants and not considered at all, and the suburbanisation of the landscape. It is considered that even stand alone visual impacts are much more substantial than described in the supporting reports provided by the appellants, and are medium to high on the spectrum. With the additional, and required, consideration of non-visual impacts, a medium level of less than substantial harm is reached.

7.15 It is considered that the proposal would cause less than substantial harm to the assets, and this includes both visual and non-visual elements. The appellant’s assessments which concluded that there would be negligible or neutral impacts have concentrated purely on the visual, rather than consider the cultural or intellectual requirements of setting, as described in the guidance on setting issued by Historic England. The tangible impacts relate to the loss of views of the tower of St Mary’s from agricultural land that is important to its setting within the appeal site, and Oldbury Lane and the change in views through the proposed housing development rather than over fields and hedgerows. Rather than concluding that these visual impacts are negligible or neutral, it is considered that they are more severe and substantial, leading to the fundamental dilution of the setting of the heritage assets. In addition, there appears to be no consideration of the intangible in relation to the development. There is a failure to acknowledge the role played by the appeal site in the development of Thornbury Castle in its role as a deerpark, a failure to acknowledge the role of the appeal site as part of an extensive rural parish and the presence of the parish church which is seen directly from within and across the site, a failure to acknowledge the outlook which played a part in the location of the Shieling School and its associated parklands, and a failure to acknowledge the role of the appeal site as part of the rural hinterland of Thornbury as a market town and the core of the Conservation Area.

7.16 Taking both the visual (tangible) and cultural/intellectual (intangible) impacts together, it is considered that the proposal would cause harm to the assets, which would be less than substantial. Both the Council and the appellant acknowledge that the proposal will cause less than substantial harm, and even if the principle of a spectrum metric of harm is accepted, then that can’t be classed as a neutral impact as claimed in the appellant’s heritage reports. If harm is identified, and this has been agreed in the Statement of Common Ground, the proposal simply can’t be claimed to be ‘neutral’ in its impacts. It is clearly not neutral as concluded in the appellant’s assessments, but harmful, and this must therefore carry significant weight. In my view, clearly there is less than substantial harm to designated assets of high importance, and if required to count how many angels do dance on the head of a pin and place that harm on a spectrum, I consider it be medium, and not low or even negligible. This harm should attract very great weight in my view, given that there are numerous assets affected of high importance and significance, and there would need to be a very clear and convincing justification indeed to warrant it.