

Land at Sodbury Road, Wickwar

Heritage Statement of Common Ground

edp6190_r012a

QA: RSk/ACr_CLa/MWI_031023

1 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) on Heritage Matters has been drafted in respect of an appeal [Ref: APP/P0119/W/23/3323836] against the non-determination of Outline Planning Application P22/01300/O by South Gloucestershire Council (SGC).
- 1.2 Putative Reason for Refusal (RfR) 1 of the Council's two putative reasons for refusing Outline Planning Application P22/01300/O (in its Statement of Case) states the following:

1) *The adverse impacts of the proposal with regard to:*

- *Less than substantial harm to South Farm – great weight*
- *Less than substantial harm to Frith Farm – great weight*
- *Less than substantial harm to Wickwar Conservation Area – great weight,*
- *Increase reliance on car borne transport – substantial weight,*
- *Landscape Harm – significant weight*
- *Conflict with Spatial Strategy –limited weight*
- *Loss of Grade 3 agricultural land – limited weight*
- *Recreational pressure on SSSI – limited weight*

significantly and demonstrably outweigh the benefits of the proposal, which are:

- *Provision of housing – significant weight,*
- *Affordable housing – significant weight,*
- *Provision of self-build plots – significant weight,*
- *Provision of new jobs – limited weight,*
- *Other benefits (potential for a shop, redirected Public Right of Way, highway improvements and connections) – limited weight*

and therefore, applying paragraph 11(d)(ii) of the NPPF, permission should be refused.”

1.3 It is agreed that there will be adverse impacts to the designated heritage asset of South Farm, namely:

- *“Less than substantial harm to the Grade II listed building South Farm at the lower end of the spectrum and this should attract - great weight”.*

1.4 It is not agreed that there is any harm to Grade II* Frith Farm.

1.5 Notwithstanding the Council's putative RfR, it is now agreed that there is no harm to the special architectural or historic interest of the Wickwar Conservation Area.

1.6 This SoCG relates solely to heritage matters.

2 MATTERS OF AGREEMENT

2.1 Insofar as heritage matters are concerned, it is common ground between the two main Parties to this Inquiry that:

- Grade II* listed buildings are defined by Historic England as being *“particularly important buildings of more than special interest”*; and
- Grade II listed buildings are defined as being of *“special interest”* by Historic England and Department for Digital, Culture, Media and Sport (DCMS).

2.2 The setting of a Listed Building (of any of grade) receives statutory protection. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* ('the 1990 Act') (Appendix A) states that:

“...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

2.3 The 'Barnwell Manor' case (2014) considered the s66(1) 'statutory duty' and established that decision-makers must give *“considerable importance and weight”* to any harm which is caused to the significance (special interest) of a listed building.

2.4 Section 66(1) of the 1990 Act sets out a 'statutory duty', whereby a decision-maker must pay special regard or (in the terms of the Barnwell Manor case), apply considerable importance and weight to the desirability of preserving a listed building and its setting, but it does not predicate an outcome to that process and instead it is a matter for the decision maker to apportion weight to the 'harm' and to the 'benefits' that would accrue in determining whether development proposals which do not 'preserve' still accord with the legislation.

- 2.5 Although expressed in relation to setting, the discussion of 'harm' is of relevance in the judgement in respect of *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin), which also makes this clear at paragraph 49 when it states that the presumption against harmful development is not an 'irrebuttable' one and can be outweighed by factors of sufficient weight to do so.
- 2.6 A conservation area is defined as being an area *"of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance"* under S69 (1)(a) of the 1990 Act.
- 2.7 Section 72 of the 1990 Act defines the General Duty as respects conservation areas in the exercise of planning functions, with (1) stating that: *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 2.8 In the 1990 Act, there is no statutory duty to enhance the character or appearance of a conservation area.
- 2.9 The statutory duty in s72(1) of the 1990 Act only covers development that is within a conservation area – the wider 'setting' of a conservation area is a matter which is solely addressed by planning policy.
- 2.10 The three assets listed above are 'designated' heritage assets in terms of the definition set out in Annex 2 of the National Planning Policy Framework (NPPF).
- 2.11 The significance of heritage assets is also defined in Annex 2 of the NPPF, whereby it is defined as *"The value of a heritage asset to this and future generations because of its heritage interest"* and that *"The interest may be archaeological, architectural, artistic or historic"*. Significance can also be derived from a heritage asset's setting.
- 2.12 An asset's significance is the totality of the contributions made by its physical form and fabric and its setting.
- 2.13 The implementation of the appeal proposals would not give rise to any physical impact on any of the heritage assets. The harm alleged by the Council in RfR 1 could arise only as a result of change within the settings of the three heritage assets.
- 2.14 Historic England defines 'setting' as the *"surroundings in which an asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve"* and the relevant guidance is set out in Historic England (2017) *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (GPA 3; **CD 4.12**).
- 2.15 Paragraph 194 of the NPPF (**CD 4.17**) states that: *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is*

proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

- 2.16 Whilst Historic England guidance (GPA3, 2017) tells us that all heritage assets possess a setting, this guidance also advises that in itself, setting is not a heritage asset and is of importance only insofar as it makes a contribution to an asset’s significance or the ability to appreciate that significance.
- 2.17 The Planning Practice Guidance (**CD 4.8**) confirms that ‘harm’ to a heritage asset will only result where significance is lost or damaged. Such harm can occur from development within the setting of a heritage asset.
- 2.18 The NPPF (paragraph 200) advises that “*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*”.
- 2.19 Step 1 of the Historic England guidance aims to identify those heritage assets and their settings that would be ‘affected’ by development and then Steps 2 and 3 determine whether, to what extent and in what way(s) the proposed development would then cause a loss of significance and therefore harm to those heritage assets.
- 2.20 The Design West Review Panel visited the appeal site and attended a meeting on 29 June 2022.
- 2.21 The Design West Review Panel issued a letter on 19 July 2022 detailing their comments and advice (**CD 3.3**).
- 2.22 SGC’s Conservation Officer Rob Nicholson provided comment on the original submission in a Memorandum dated 31 March 2022 (**CD 3.35**).
- 2.23 SGC’s Conservation Officer Rob Nicholson provided comment on the revised submission in a Memorandum dated 07 March 2023 (**CD 3.4**).
- 2.24 The ‘special interest’ of the Wickwar Conservation Area that it is desirable to preserve or enhance, is described in a Character Appraisal (SGC) (**CD 4.14**).
- 2.25 The nearest (southern) edge of the Wickwar Conservation area is located 335m to the north of the appeal site’s northern boundary.
- 2.26 It is agreed that there is no harm to the special architectural or historic interest of the Wickwar Conservation Area.
- 2.27 The appeal site is separated from the closest elements of the conservation area by buildings at South Farm (including large, modern agricultural sheds) houses and their associated gardens on the west side of the B4060 and by three agricultural fields bounded by hedgerows.

- 2.28 Frith Farmhouse, and Bakehouse at South East [1128768] is a large, late 17th century house located circa.440m south-west of the appeal site and described in the listing citation [CD 4.15] as possibly incorporating an older, medieval building.
- 2.29 Directly adjacent to the farmhouse's yard to the east is a mid-20th century, pitched-roofed agricultural building finished in timber panelling and concrete blocks. This building is c.31m from the listed building. Its location is shown in plan on the map accompanying the listing citation [CD 4.15].
- 2.30 A hedgerow lies to the east of the public footpath and paddocks associated with Frith Farmhouse c.185m from the farmhouse, dividing it from South Farm's land. A further hedgerow lies between this hedgerow and the western boundary of the appeal site, c.320m from the farmhouse. The second hedge delineates the western extent of the field, which the south-west boundary of the appeal site cuts across.
- 2.31 South Farmhouse [1321153] is an early-mid 18th century, L-shaped, two-storey house which is positioned 28m to the north of the appeal site. The listing citation is at CD 4.16.
- 2.32 It is agreed that there would be less than substantial harm to the significance of South Farmhouse at the lower end of the spectrum.

3 MATTERS NOT AGREED

- 3.1 The following matters are not agreed by the two main parties to this Inquiry:
1. It is not agreed that the implementation of the appeal proposals would result in less-than-substantial harm to the significance of the Grade II* listed building Frith Farmhouse.

Signed by



Liz Fitzgerald on behalf of South Gloucestershire Council

Date 03 October 2023



Robert Skinner on behalf of Bloor Homes South West

Date 03 October 2023