

# **HERITAGE STATEMENT**

**PROPOSED PLANNING APPLICATION FOR a DWELLING PLACE upon LAND at:**

**UPPER HOUSE**

**RICHARDS CASTLE**

**LOCAL PLANNING AUTHORITY HEREFORDSHIRE COUNCIL**

## **1.0 INTRODUCTION**

1.1 Land Research & Planning Associates Ltd. is a Planning Consultancy Company whose Directors each have had around thirty years experience in planning matters. One Director has an Honours Degree in Law and the Company has acted for clients who own or who are considering purchasing property that has heritage assets of varying types and for many planning applications involving the same.

1.2 Heritage assets and preservation/conservation of such are an important material consideration in planning law and in sections 128 to 134 of the NPPF.

1.3 Due to this extensive experience in planning matters this Company considers it is sufficiently qualified to report on heritage matters in respect of the planning application to which this statement refers.

## **2.0 THE PLANNING APPLICATION**

2.1 Land Research & Planning Associates Ltd. was instructed in May 2018 by Mrs Louise Choblet of Upper House, Richards Castle, Ludlow Herefordshire SY8 4ER to assist with a planning application to be submitted for the erection of a dwelling place on land belonging to Upper House. For the avoidance of doubt Stewart Mumford [Architectural Services] is the instructed Agent. A Grade II Listed Building called Rock Cottage lies to the north of the proposed Site which is outside of the curtilage of Rock Cottage

2.2 These proposals are shown on the following plans:

- **HOUSE ELEVATIONS AND FLOOR PLANS, BLOCK AND LOCATION PLANS — 12/2017/01A**
- **GARAGE DRAWINGS — 12/2017/01B**

### **Planning History of the site or adjacent to the site**

2.3 The proposal is to provide a development site for Mrs Choblet to either develop or place for sale as and when permission is granted. If placed for sale; then there is the opportunity from the funds generated from such a sale to be available to convert the recently approved Stone Barn for Conversion (Ref.:170062). This would be if our client so desires, or is attracted by such. This building is situated to the east and is marked in full in black.

2.4 Of important note is that the Local Planning Authority [LPA] granted planning permission in 2005 (Ref.: 051261/FUL) for a garage and store that is "in situ" of the

curtilage of Rock Cottage. Photographs of this substantive building are shown in recent photographs which are listed on the Appendix Sheet as submitted with the planning application.

2.5 A planning application [153508] was refused by the LPA on 09 March 2016. One of the two reasons cited in the Refusal Notice was that there was no evidence of a Heritage Report setting out any possible effects upon Rock Cottage. This Report covers this matter.

### **3.0 THE RELEVANT STATUTORY AND POLICY CONTEXT**

3.1 This section briefly sets out the range of national policy guidance relevant to the consideration of change in the historic built environment. The policies and statute relevant to this are set out below.

#### **THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

3.2 The relevant section of the above Act in this instance is Section 66 which requires decision makers to '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.'

#### **THE NATIONAL PLANNING POLICY FRAMEWORK (2012)**

3.3 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the government's approach to dealing with the historic environment. Section 12 of the NPPF deals specifically with this area of policy and Policies relevant in this particular case are as follows.

3.4 Sections 6, 7 and 12 of the NPPF relate to the delivery of homes and the provision of good design respectively. Section 12, as noted above relates specifically to the historic environment.

3.5 Paragraph 128 of section 12 states that applicants should 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.'

3.6 At paragraph 129, local authorities are asked to identify the particular significance of a site and use this assessment when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

3.7 Paragraph 131 states that in determining planning applications, local authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,

- The desirability of new development making a positive contribution to local character and distinctiveness.
- 3.8 Paragraph 132 sets out that '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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 3.9 As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of a Grade II listed building, park or garden should be exceptional.' Paragraph 133 goes on to say substantial harm or total loss of significance may be acceptable in very exceptional circumstances which are then set out in the policy.
- 3.10 Paragraph 134 deals with cases where a proposal causes less than substantial harm to the significance of a designated heritage asset such as a listed building or a conservation area. The decision maker is directed to the fact that any such harm should be weighed against the public benefits of the proposals. A definition of public benefits as explained by National Planning Policy Guidance is set out at paragraph 4.0 below.
- 3.11 Paragraph 137 sets out that 'Local Planning Authorities should look for opportunities for new development within Conservation Areas... 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 or better reveal the significance of the asset should be treated favourably.
- 3.12 The NPPF also seeks to promote high quality design that successfully ties in with local distinctiveness and the particular character of a site's context. Paragraph 56 of section 7 of the NPPF states that: 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
- 3.13 Paragraph 58 states that local planning policies and decisions should aim to ensure that developments will add to the overall quality of an area, optimise the potential of a site to accommodate development and are visually attractive as a result of good architecture and appropriate landscaping. It also states that policies and decisions should also ensure that development responds to local character and history, and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 3.14 Paragraph 60 sets out that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

#### **4.0 NATIONAL PLANNING POLICY GUIDANCE (2014)**

- 4.1 The National Planning Policy Guidance (**NPPG**) was published in 2014 as supplementary guidance to the NPPF. The guidance sets out as an overview to section 12 of the NPPF that 'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the Core Planning Principles that underpin the planning system.'
- 4.2 Various other elements of this national policy guidance relate to the decision making process and provide additional advice on the significance of heritage assets, their setting and how to assess the level of harm caused to a heritage asset. In terms of assessing the effect of development on heritage assets, the guidance notes at paragraph 17 that 'It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.'
- 4.3 Paragraph 19 of the NPPG, relating to how proposals can avoid or minimise harm to the significance of a heritage asset advises that 'A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way.'
- 4.4 The NPPG is also helpful in describing public benefits. As noted above, paragraph 134 of the NPPF, which is triggered when less than substantial harm is caused, sets out that the decision maker should balance public benefits to be derived from a scheme against the level of perceived harm (i.e. less than substantial). At paragraph 20, public benefits 'may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework.'
- 4.5 Paragraph 20 goes on to say that 'Public benefits may include heritage benefits', such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - reducing or removing risks to a heritage asset
  - securing the optimum viable use of a heritage asset in support of its long term conservation.

## **5.0 RELEVANT GUIDANCE**

- 5.1 The relevant guidance to heritage matters is Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (**GPA 2**) and *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3* (**GPA 3**).
- 5.2 GPA 2 deals with understanding the significance of places and how this can be applied to the decision making process. GPA 2 sets out at paragraph 5.2 that 'Sustainable development can involve seeking positive improvements in the

quality of the historic environment. There will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be.' It goes on to say that 'Similarly, the setting of all heritage assets will frequently have elements that detract from the significance of the asset or hamper its appreciation.'

- 5.3 GPA 2 also considers a number of factors which help to shape good design and how this relates to the historic environment. A number of factors are identified which will make new development successful in its context. These include understanding the history of a place, landscape design, the quality of materials and the general character and distinctiveness of the area.
- 5.4 GPA 3 provides advice on cases that affect the setting of heritage assets. The guidance helps to define setting, which is a broad concept, and one that is shaped by visual and other less tangible associations. Paragraphs 10-12 of GPA 3 provides advice on proportionate decision-taking.
- 5.5 Importantly Paragraph 11 notes that 'Protection of the setting of heritage assets need not prevent change; indeed change may be positive' and paragraph 12 notes that 'Amongst the Government's planning objectives for the historic environment is that conservation decisions are based on the nature, extent and level of a heritage asset's significance and are investigated to a proportionate degree.'
- 5.6 The "setting of the heritage assets" that forms the focus of this statement has been fully explored.
- 5.7 The Listing Details of Rock Cottage are set out below:

## **HISTORIC ENGLAND**

### ***List Entry Summary***

#### **ROCK COTTAGE**

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

List entry Number: 1296795

Location  
ROCK COTTAGE

The building may lie within the boundary of more than one authority.  
County:

District: County of Herefordshire

District Type: Unitary Authority

Parish: Richards Castle (Hereford)  
National Park: Not applicable to this List entry.

Grade: II

Date first listed: 11-Jun-1959  
Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

### **List entry Description**

#### **Summary of Building**

Legacy Record - This information may be included in the List Entry Details.

#### **Details**

RICHARD'S CASTLE CP ROCK SO 47 SE 1/129 Rock Cottage 11.6.59 - II

House. Early C17, restored late C19 and late C20. Timber-frame with painted brick infill on coursed rubble plinth and machine tile roof. Two framed bays aligned north/south with external gable-end stack to south. Street (north) front of two storeys, with jettied first floor and tie-beam. A 2-light casement on each floor inserted in position of projecting windows, the sills of which survive on scroll brackets. The chamfered jetty bressummer is on scroll brackets. Gable end has C19 barge-boards. Entrance in west wall. Framing: four square panels high, the north gable-end truss has three struts to the collar, V-struts in the apex and treenched purloins. (RCHM, 3, p 174, no 8).

Listing NGR: SO4881270040

### **6.0 PLANNING/HERITAGE REASONS WHY THE APPLICATION SHOULD BE APPROVED**

6.1 The design and scale aspects for the proposed new dwelling have been very carefully assessed by the instructed architect who has done everything possible in the design to limit any possible impact upon the heritage asset. The scale is considered to be proportionate to the size of the asset and in keeping with it. This includes the positioning of the associated garage.

6.2 Importantly it should be noted that Rock Cottage is situated immediately adjacent highways known as Wheatcommon Lane and Woodhouse Lane which are busy rural roads and there are no visible signs of any adverse impacts from the traffic.

6.3 This conversion will provide a highly important social benefit in that it will provide a further home for the rural area and will accord to all three bullet points of paragraph 20 of the NPPF.

6.4 It is respectfully submitted that the decision maker should take a proportionate approach and note that the "test is": "the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.'

6.6 It is submitted that the degree of harm is very limited if at all. Indeed it is submitted that the proposal will enhance and provide an additional important dwelling place for the

rural area which the Government is encouraging. It is submitted that as "less than substantial harm" arises by the proposal then paragraph 134 of the NPPF should apply in that the public benefits outweigh any possible perceived harm. It is submitted that the proposal will complement the existing area rather than harm it. It will bring about a natural scene akin to that of the existing settlement profile which constitutes many dwelling places within the immediate locality and preserve its setting and appreciation.

6.7 GPA 2 sets out at paragraph 5.2 that 'Sustainable development can involve seeking positive improvements in the quality of the historic environment. There will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be.' Importantly Paragraph 20 of the NPPF confirms that 'Public benefits may include heritage benefits', such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset and
- securing the optimum viable use of a heritage asset in support of its long term conservation

6.8 It is submitted that this proposal fulfils all of these criteria. This proposal will sustain and enhance the significance of the dominant Listed Building and importantly will secure the optimum viable use of a building within the curtilage of the main Farmhouse.

6.9 Importantly Paragraph 11 of GPA 3 notes that 'Protection of the setting of heritage assets need not prevent change; indeed change may be positive' and paragraph 12 notes that 'Amongst the Government's planning objectives for the historic environment is that conservation decisions are based on the nature, extent and level of a heritage asset's significance and are investigated to a proportionate degree'.

## **7.0 OTHER MATTERS**

7.1 It is understood that Herefordshire Council are unable to provide the requisite 5 years Housing Land Supply [HLS] and having demonstrated that there will be little adverse impact on the heritage asset then paragraph 14 of the NPPF should be applied in that there is a presumption in favour of sustainable development.

7.2 In addition we rely upon the Braintree Case (dated 15 November 2017) [APP A] which confirms that the word "isolated" in paragraph 55 of the NPPF should reflect its ordinary meaning. This area is built up and this proposal will not be a dwelling place in isolation as it will be surrounded by many dwellings.

7.3 The proposal provides a "Carbon Negative" dwelling

## **8.0 SUMMARY AND CONCLUSION**

8.1 It is respectfully submitted that taking all matters into account set out above that planning permission ought to be granted.

**LAND RESEARCH & PLANNING ASSOCIATES LTD**

**11 JUNE 2018**