

PLANNING INQUIRY

CONSTRUCTION OF A SOLAR FARM AND BATTERY STATIONS TOGETHER WITH
ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE

LPA Reference: 20/01242/FULM

Heritage Rebuttal Proof of Evidence

on behalf of Newark and Sherwood District Council

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DECLARATION

I give evidence to this Inquiry on behalf of Newark and Sherwood District Council for the appeal reference APP/B3030/W/21/3279533. I am familiar with the Application, which is the subject of this appeal, and have visited the site and its locality. I confirm that this Proof of Evidence is true and has been prepared, and is given, in accordance with the prevailing professional guidance. I further confirm that the opinions expressed in my evidence are my true and professional views.

INTRODUCTION

- 1.1.1 These comments have been prepared by Adam Partington MSc BA Hons on behalf of Newark and Sherwood District Council (“the Council”) in respect of planning appeal Ref. APP/B3030/W/21/3279533, for an application made by the appellant for full planning permission for the construction of a solar farm and battery stations, together with all associated works, equipment and necessary infrastructure, on agricultural land at Halloughton, Southwell, Nottinghamshire, NG25 0QP (Planning Reference 20/01242/FULM), henceforth known as ‘the Site’.
- 1.1.2 This statement provides comments, by way of written rebuttal to the Appellant’s Proof of Evidence (‘the proof’) (C7C) by Laura Garcia (LG) and submitted as part of this appeal in November 2021, with which it should be read in conjunction.
- 1.1.3 This statement does not introduce new arguments to those set out within my Proof of Evidence (November 2021). However, for reasons of clarity, the Rebuttal does reproduce in greater detail, evidence already referred to in my Proof of Evidence and a further source of information since consulted.
- 1.1.4 This rebuttal concerns a single key issue associated with the nature, extent and tenure of the Halloughton Prebend over its extended lifespan and the contribution it makes to the significance and setting of the designated heritage assets of the Halloughton Conservation Area, Grade II* Manor House Farm, Grade II Pigeoncote, Granary and Stable Block at Manor Farm, the Grade II Barn at Manor House Farm, Grade II Barn at Bridle Road Farm, and Grade II Church of St. James.

THE HALLOUGHTON PREBEND

- 1.1.5 The nature, extent, longevity and legacy of the Halloughton Prebend is not explored to any great depth or degree of certainty in the Appellant’s proof, despite freely available archival records that assist in understanding its early and late genesis.
- 1.1.6 The nature of the Halloughton prebend is key to understanding the historical connections between buildings and land in Halloughton (including the Site), over its extended lifetime, and it continues to influence the character of the village and parish today. Although discussed occasionally within the Appellant’s proof, the information set out by LG provides an incomplete understanding of a critical element of the conservation area’s historic and architectural interest and the experience of designated heritage assets within their settings.
- 1.1.7 As such, by way of rebuttal to the proof, this document evaluates the nature of the benefice of the Halloughton Prebend, its tenure over time, and the contribution it makes to the significance and setting of heritage assets with the potential to be impacted upon by the proposed development.

The Nature of the Benefice of the Halloughton Prebend

- 1.1.8 A prebend is a form of salary or benefice given to a clergyman or, in rare instances, a lay person. Prebends were primarily afforded to canons, as in the case in Halloughton where it

was given to canons of the Collegiate Church of the Blessed Virgin (Southwell Minister). The manner by which prebendaries derived their beneficial income varied and typically included tithes alongside income from land and property.

- 1.1.9 Halloughton was one of 16 prebends afforded by the Diocese of Southwell and was, according to the Victoria County History, *'with the exception of Normanton (q.v.) the only prebend created within the limits of the manor of Southwell'*¹. As per Paragraph 3.1.9 of the Heritage Impact Assessment – Appendix 3 of my Proof (C8C), the prebend of Halloughton was *'established c.1162 when the land previously held by Archbishop Roger de Pont l'Eveque was granted to Roger de Cappella, with the **land in the village endowed with it (my emphasis)*** (Copy of Gift in NCC Archives DD/SP/69/1/PAGE 9 – see Appendix A of this document).
- 1.1.10 It was confirmed by Henry II in a charter and writ between 1163 and 1172, and later by Pope Alexander III. The prebend survived two brief suspensions in the reigns of Henry VIII and Edward VI, until shortly after the final dissolution of the Chapter in 1840².
- 1.1.11 The fact that land in the parish formed part of the prebend is critical to understanding the nature and extent of the benefice. In Paragraph 7.16 of the proof LG accepts that, in reference to the Church of St. James, *'It is probable that the southern part of the Appeal Site (located within Halloughton parish), as well as the land within Halloughton parish more widely, was historically part of the endowment of the medieval prebendary of Halloughton, with income from this land most likely funding the construction and maintenance of the church through the administration of the prebendary canon.'*
- 1.1.12 In Paragraph 8.17 of the Proof, LG draws the same conclusions in respect of the Grade II* Manor stating that *'a historic association between the southern part of the Appeal Site and Halloughton Manor Farm House is likely to have existed in the medieval period, with the house and land in the parish probably being in the common ownership of the prebendal canon'*.
- 1.1.13 The nature of the Halloughton Prebend, in as much as it included extensive rural land within the parish, including southern parts of the Site, appears therefore a matter of common ground.
- 1.1.14 Notwithstanding, beyond the Church of St James and the prebendal house at Manor Farm House, LG does not extend the prebend to other property within the parish, specifically that forming part of the village and its conservation area. Review of documentary evidence available, as set out in Paragraphs 3.1.9, 3.1.10, 3.1.18 - 3.1.23, 3.1.29, 3.1.30 and 3.1.40 of the HIA (Appendix 3 of my proof – C8C) and below, shows that the prebend of Halloughton almost certainly extended to the vast majority of the built-up village itself, comprising farms, smallholdings, houses and paddocks, that formed part of a working agricultural village estate.
- 1.1.15 As set out in Para 3.1.11 of the HIA (Appendix 3 of my proof – C8C), the dominance of a single owner within a parish during the Middle Ages is not unusual, and the prebendary of Halloughton was no exception. As well as the parish's prebendal house, Manor Farm House was also a working farm at the head of the small rural estate, likely for an extended period of

¹ <https://www.british-history.ac.uk/vch/notts/vol2/pp152-161>

² <https://southwellchurches.nottingham.ac.uk/halloughton/hhistory.php>

its lifetime in a similar way as a medieval manor might be. An agricultural function is certain by the late 18th century when a complex of farm buildings were constructed to the immediate west of the house by John Prescott, Esq. In Paras 8.2 and 8.12 of the proof LG incorrectly states that the house transitioned from ‘prebendal house’ to later ‘farm house’. The prebend was sustained until 1840, c.50 years after the current farm buildings were constructed on the Site. Any extensions or adaptations made during the late 18th century, during the Agricultural Revolution, were certainly improvements made for the benefit of working the prebendal estate, which was then leased, as shown by documentary records in Appendix A and the extract (Philips Shilton, 1840) below. It is right and logical to assume that the late 18th century farm buildings replaced earlier agricultural buildings, and that Manor Farm House had long functioned as a farm. In support of this, the Agreement made for the purchase of the estate (see Appendix A, Document 10) discusses ‘*tithes of lamb and wool*’.

In the book ‘The History of Southwell, in the County of Nottingham, Its Hamlets and Vicinage, Including a Description of the Collegiate Church’ (Philips Shilton, 1840)³ the entry for Halloughton (Page 214) reads:

‘Halloughton or Hawton’

In the beginning of the reign of Mary I. (1553) the manor and tithes of Halloughton were held on lease by John Forest, gentleman. In the time of Thoroton, (1677) Sir Charles Ousley or Wolesley, was in possession of the same. In the year 1787, the owner was John Prescott, Esq. a gentleman from Yorkshire, who, during his residence there, made many considerable improvements on the estate; and also modernized the prebendal house, situated near the churchyard, large and gloomy in the extreme.’

- 1.1.16 As confirmed by documentary evidence above and in Appendix A, the leaseholder in 1785 was Richard Sutton and, as set out in Paragraphs 3.1.20 – 3.1.22 and 4.3.30 of the HIA (Appendix 3 of my Proof), the family’s ownership of the leasehold eventually passed to his grandson, Sir Richard Sutton. The extent of Sir Richard Sutton’s landholding is documented on the Tithe Map of 1848 and comprises c.90% of the land and buildings in the parish. Bearing in mind the available evidence, logically, and in the absence of archival information to suggest otherwise, the extent of the holding almost certainly corresponds to the extent of the prebendal estate purchased leasehold by the Sutton family in 1785. The inclusion of the Church of St. James as part of Sir Richard Sutton’s ownership on the Tithe Map is strongly indicative that the prebendal estate was leased intact.
- 1.1.17 Importantly, on the Tithe Map the Sutton’s ownership extends to the Site within the Parish of Halloughton, the vast majority of buildings and land in the village, and specifically the Grade II* Manor Farm House, the Grade II Barn at Manor Farm House, Grade II Pigeoncote, Granary and Stable Block at Manor Farm, Grade II Bridle Road Farm and Grade II the Church of St. James.
- 1.1.18 In conclusion, the available documentary evidence, the character of standing buildings and land in the parish, and their ancient historical connections show that the Halloughton prebend

³ Available online at Google Books:

https://www.google.co.uk/books/edition/_/jqpfAAAAcAAJ?hl=en&gbpv=0&kptab=overview

comprised a working agricultural estate that encompassed the majority of buildings in the village and lands within the parish. The prebend operated in a similar way to a medieval manor and, in support of this, documentary transactions in Appendix A refer to the ‘manor and mansion house of Halloughton’.

Recipients and Tenure of the Halloughton Prebend

- 1.1.19 In Paragraph 8.17 of the proof, LG states that the Site and prebendal house had passed into secular ownership, citing the 1848 Tithe Map as evidence. As discussed above, the apportionment certainly shows Sir Richard Sutton family as owner, but accounting for the documentary record in Appendix A and above (Philips Shilton, 1840), the dissolution of prebends in 1840, and the inclusion of the Church of St James in his ownership, the prebendal estate appears intact and was leased by the Church.
- 1.1.20 Recipients of the Halloughton Prebend from the King’s Clerk, Mr Roger de Capella, in c1162 through to Robert Lowe from 1834, are set out within a List of Prebendaries freely available online⁴. Where documentary evidence exists, it is shown that property associated with the prebend was leased on multiple occasions during its late history, prior to Sir Richard Sutton taking ownership. According to my wider research alongside the procedures normal to managing large estates, the practice of leasing prebendal property was, like any other property, not uncommon.
- 1.1.21 Archival records referred to in my Proof of Evidence (Paras 3.1.18 and 4.3.30 of the HIA – Appendix 3) (C8C) show that a lease was **renewed (my emphasis)** between the Reverend William Cayley MA (known prebend of Halloughton) and John Prescott of Halifax, Yorkshire, Esquire in 1778. In addition, the extract from ‘The History of Southwell, in the County of Nottingham, Its Hamlets and Vicinage, Including a Description of the Collegiate Church’ (Philips Shilton, 1840)⁵ above demonstrates that since at least the 16th century at the latest, the prebendal estate was continuously leased by the prebendary.
- 1.1.22 It is not unusual for a canon to be an ‘absentee prebendary’, notably as they could be afforded two or more prebends. Instead, the property of a prebend could be leveraged in whole or in part, like any other property, including by leasehold arrangement, generating an income for the canon.
- 1.1.23 As stated above, the prebend ceased around 1840 after the death of the final prebendary, Robert Lowe, when the Chapter was dissolved. At this point the estate defaulted to the Dean and Chapter of the Diocese of Southwell. Notwithstanding, at the time of the Halloughton Tithe Map in 1848 the prebendal estate was held leasehold by the Sutton family intact, with the dominance of a single landowner at the helm of the parish and its village sustained.

⁴ <https://southwellchurches.nottingham.ac.uk/halloughton/hincumb.php> and https://en.wikipedia.org/wiki/Prebends_of_Southwell#The_Prebendaries_of_Halloughton

⁵ Available online at Google Books:
https://www.google.co.uk/books/edition/_/jqpfAAAAcAAJ?hl=en&gbpv=0&kptab=overview

- 1.1.24 Again, the continued management of Halloughton as an agricultural village estate is reflected in the number of tenant farmers resident in the village and farming land in the Parish, including the Site, recorded on the Tithe Map of 1848.
- 1.1.25 In Paragraphs 8.17, 9.14, 10.15, 11.14, and 12.32 of the proof, LG repeatedly states that, despite all land and assets being in common ownership of Sir Richard Sutton, the lack of common **tenancy** between those who farmed the Site and those who lived in now designated heritage assets in the village, is grounds for the complete deterioration of historical associations that exist between them in 1848.
- 1.1.26 In respect of the church's longstanding relationship with the Site as part of the Halloughton prebend, LG asserts in Paragraph 7.15 that 'this historic association has **long since been severed**' (**my emphasis**) as the Site was in 'secular **ownership and occupation**' (**my emphasis**).
- 1.1.27 The assertion that historical connections were long since severed in 1848 by LG is not supported by the historical evidence, which instead demonstrates that the management of a single rural estate continued through a number of tenant farmers. The Tithe Map shows that in 1848 the prebendal estate remained owned (leased) by a single individual and that it was still managed on their behalf by a group of individual tenant farmers who resided in the village. An accurate interpretation of the record is therefore that the estate was owned by the church, leased to Richard Sutton, and still managed in a way that strongly reflects its early feudal origins.
- 1.1.28 Detailed records of who owned the prebendary estate from the mid-19th century onwards were not inspected, but a secondary source⁶ suggests that '*The parish itself with its farms and properties (save for a small amount of freehold) was owned by the Church Commissioners until 1952 when it was sold to the sitting tenants*'.
- 1.1.29 It appears that the prebendal estate was fragmented to some degree in 1952, enduring for over 800 years. Remarkably, multiple land registry searches as well as ad hoc communications with local residents demonstrate that Halloughton, including significant proportions of the village and parish, remains under the ownership and management of a single dominant landowner. Accounting for the low levels of change within the landscape and village since 1952, there is therefore a very remarkable, strong and extant legacy of the prebendal estate, with historical associations very much intact and still clearly expressed in the village's domestic and agricultural building stock. Notably, the continued ownership includes the Site, the Grade II* Halloughton Manor Farm House, the Grade II Barn at Manor Farm House, and the Grade II Pigeoncote, Granary and Stable Block at Manor Farm.

Significance of Heritage Assets and Setting

- 1.1.30 The lack of any clear and through appreciation of the prebend of Halloughton has a number of significant ramifications for assessing the impact of the proposed development upon the setting of designated heritage assets, including the Halloughton Conservation Area, Grade II* Manor House Farm, Grade II Pigeoncote, Granary and Stable Block at Manor Farm, the Grade

⁶ <https://southwellchurches.nottingham.ac.uk/halloughton/hintro.php>

II Barn at Manor House Farm, Grade II Barn at Bridle Road Farm, and Grade II Church of St. James.

- 1.1.31 In the Appellant's Proof of Evidence, the historical interest and near ubiquitous and enduring influence of the prebendal house and estate is either lacking, severely down-played or severed within the statements of significance and setting analysis prepared for Manor House Farm (Paras 8.2, 8.5 Bullet 5, 8.17, 8.19, 8.24), Pigeoncote, Granary and Stable Block at Manor Farm (Para 9.14, 9.16), the Barn at Manor House Farm (Para 10.12, 10.15, 10.17), Barn at Bridle Road Farm (Paras 11.9 Bullet 3, 11.10, 11.14, 11.16), and Church of St. James (Para 7.16, 7.20).
- 1.1.32 For example, the Grade II* Manor Farm House, although noted by LG as being the prebendal house in Paragraph 8.2 of the Proof, is simply described as *'the residence of the canon or priest, who served the church'*. Although, the proof draws associations between the house and its rural surroundings, including the Site, the fact that the building with its fine tower, one of only two in Nottinghamshire, is the seat of power and principal building of the rural prebendal estate is overlooked.
- 1.1.33 In Para 8.17 LG states that *'Ultimately, any previous associations between the Appeal Site and Halloughton Manor Farm House in terms of landownership have been severed'*. This conclusion cannot be supported in light of the information presented above and in my proof, and nor can the same conclusions be drawn for the conservation area and Grade II listed buildings within it for analogous reasons.
- 1.1.34 Notably, the historical and architectural interest of the village's traditional 18th and early 19th century building stock (as set out in Paragraphs 4.3.2, 4.3.51, 4.3.162 of my HIA – Appendix 3 of my proof) are strongly indicative of the prolonged influence of a single landowner (the prebendary). However, in evaluating the character of Halloughton Conservation Area and its setting, the Appellant's statement of significance (Paras 12.28 – 12.32) and setting analysis overlooks the role and operation of the prebendal house and estate in the village for over 800 years.
- 1.1.35 Specifically in respect to the Site's contribution to the area's setting, LG states that it is *'likely to have had a historic functional relationship with the settlement; principally the southern area of the site, which was in the same parish and so would have formed part of the parochial land management regime (field system)'*. The loosely defined and broad relationship is not supported by either my own or LG's evidence that demonstrates a near certain and longstanding historical association between the Site and the village that was fundamental to the development of its agricultural economy upon which it has been wholly reliant for over a millennium.
- 1.1.36 Whilst it is noted that the modern extent and structure of ownership within the parish need not be altered by the proposed development, the contribution of the site, as an extensive component of the rural parish and conservation area's (alongside heritage assets within it) agricultural setting, merits consideration in evaluating the impact of the proposed development.

Conclusions

- 1.1.37 The proof fails to demonstrate an understanding of the nature of the Halloughton prebend and the operations of the prebendal estate, as a rural village farming estate administered by a single dominant landowner, over an extended period of time.
- 1.1.38 Although evolved over an extended period of time, with changes to the mechanisms of administration and ownership, those connections struck at a fundamental point of the village's and parish's evolution in the 13th century are remarkably sustained and remain strongly apparent in Halloughton's character and history.
- 1.1.39 The tenure of land and property in the parish by a single dominant landowner persists to the modern day with a significant proportion of the village's traditional building stock and tracts of surrounding land owned by the owner of Manor House Farm.
- 1.1.40 As a result, the Appellant's proof overlooks a fundamental and unifying element of the significance of designated heritage assets and their settings, leading to an incomplete and inaccurate understanding of the impact brought about by the proposed development.

APPENDIX A

No	CATALOGUE ENTRY
1	<p>COPY OF A GIFT</p> <p>Archive Ref: DD/SP/69/1/PAGE 9</p> <p>Content Description</p> <p>(1) Roger [de Pont L'Eveque], archbishop of York (2) Brother Martin de Capella (1) to (2) all land in Halton [Halloughton] which William Dapifer had of Archbishop Thurstan, as a perpetual prebend of church of Suthwell. With: Bishop of Durham, Richard, Bishop of Lincoln, Arnulph, Bishop of Lisures (?). [White Book page 27]</p> <p>Date: No date [c 1160]</p>
2	<p>LEASE AND RELEASE FOR £1</p> <p>Archive Ref: DD/M/103/162</p> <p>Content Description</p> <p>Samuel Tufnell of Langleys, Essex, and Edward Northey of Ebersham, Surrey, to William Tufnell Jolliff (formerly Tufnell) of Nun Monckton, Yorkshire (youngest son of Samuel Tufnell), esquires: manor and mansion house of Halloughton alias Houghton and all appurtenances: pursuant to trusts of will of Sir William Jolliff of London.</p> <p>Date: 22 – 23 March 1751</p>
3	<p>LEASE FOR 3 LIVES AT £10 7s 6d</p> <p>Archive Ref: DD/M/103/163</p> <p>Content Description</p> <p>Reverend William Cayley MA, Prebendary of Halloughton, alias Houghton, to William Tufnell Jolliffe (formerly Tufnell): manor and mansion house of Halloughton alias Houghton and all appurtenances: William Tufnell Jolliffe to pay £10 annually to incumbent of Halloughton. Covenant for proper use of the churchyard, comprised in the Lease.</p> <p>Date: 15 May 1760</p>

4	<p>LETTER OF ATTORNEY</p> <p>Archive Ref: DD/M/103/164</p> <p>Content Description</p> <p>William Tufnell Jolliffe (formerly Tufnell) to John Stenton of Southwell, gentleman, and John Ince of Halloughton, yeoman: to take seizin of manor and mansion house of Halloughton alias Houghton and all appurtenances</p> <p>Date: 15 May 1760</p>
5	<p>MORTGAGE FOR LEASE AND RELEASE FOR £5000</p> <p>Archive Ref: DD/M/103/170</p> <p>Content Description</p> <p>John Prescott of Halifax, Yorkshire, merchant, to William Baldwin of the Middle Temple, London, esquire: manor and mansion house of Halloughton alias Houghton and all appurtenances.</p> <p>Date: 8 - 9 Apr 1776</p>
6	<p>FURTHER MORTGAGE FOR £1500</p> <p>Archive Ref: DD/M/103/172</p> <p>Content Description</p> <p>John Prescott of Halifax, Yorkshire, merchant, to William Baldwin of the Middle Temple, London, esquire: manor and mansion house of Halloughton alias Houghton and all appurtenances.</p> <p>Date: 1 Oct 1777</p>
7	<p>RENEWAL OF LEASE (AS DD/M/103/163)</p> <p>Archive Ref: DD/M/103/173</p> <p>Content Description</p> <p>Reverend William Cayley MA, Prebendary of Halloughton, alias Houghton, to John Prescott of Halifax, Yorkshire, esquire.</p> <p>Date: 17 Feb 1778</p>

8	<p>MORTGAGE BY LEASE AND RELEASE FOR £6500</p> <p>Archive Ref: DD/M/103/174</p> <p>John Prescot of Halifax, Yorkshire, merchant, to William Baldwin of the Middle Temple, London, esquire: manor and mansion house of Halloughton alias Houghton and all appurtenances.</p> <p>Date: 30 Sep - 1 Oct 1778</p>
9	<p>RELEASE FOR £7500</p> <p>Archive Ref: DD/M/103/175</p> <p>John Prescot of Halifax, Yorkshire, merchant, to Frederick Lord North; Sir Elijah Impey; George James Williams and John Kenrick of Upper Harley Street, Marylebone parish: manor and mansion house of Halloughton alias Houghton and all appurtenances.</p> <p>Date: 6 Apr 1786</p>
10	<p>AGREEMENT</p> <p>Archive Ref: DD/M/103/265</p> <p>John Prescot and Sir Richard Sutton: Richard Sutton to purchase from John Prescot for £14000, manor and mansion house in Halloughton alias Houghton and all appurtenances including tithes of lamb and wool and £200 due for wood. John Prescot to remain as tenant for 2 years.</p> <p>Date: 24 Oct 1785</p>
11	<p>DECLARATION OF TRUST</p> <p>Archive Ref: DD/M/103/237</p> <p>Content Description</p> <p>Frederick, Earl of Guilford; Sir Elijah Impey; George James Williams and John Kenrick to Sir Richard Sutton: manor and mansion house in Halloughton alias Houghton and all appurtenances: to the use of Richard Sutton.</p> <p>Date: 6 Apr 1786</p>
12	<p>AGREEMENT</p> <p>Archive Ref: DD/M/103/239</p> <p>John Prescot of Halloughton to Sir Richard Sutton: John Prescot to convey to Richard Sutton, tithes of wool and lamb in Halloughton.</p> <p>Date: 14 Apr 1786</p>

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