

# **FINAL**

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

**LAND NORTH OF HALLOUGHTON, SOUTHWELL**

**PROOF OF EVIDENCE ON HERITAGE**

**ON BEHALF OF JBM SOLAR PROJECTS 6 LTD**

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990**

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**1. AUTHOR'S BACKGROUND**

- 1.1 My name is Laura Cassandra Garcia. I am an Associate Heritage Consultant at Pegasus Planning Group, a member of the Chartered Institute for Archaeologists (CIfA) at Member level and a member of the CIfA Validation Committee.
- 1.2 I have practised in the heritage sector since 2002, working as a heritage consultant since 2004. I have been a member of the Chartered Institute for Archaeologists (MCIfA) since 2004. I have a Bachelor's Degree with Honours in Ancient History and Archaeology and I have over 17 years of experience working within the heritage consultancy sector.
- 1.3 I have presented cultural heritage evidence at a number of renewable energy public inquiries and at hearings. I have worked on a wide-range of development projects throughout the UK, including residential, power generation, commercial, industrial, and leisure and recreation schemes. I have gained significant experience in the renewable energy sector over the past eleven years, preparing the heritage elements of Environmental Impact Assessments, providing feasibility and optioneering advice, and in the management of mitigation works during the construction phase of wind farms and other types of renewable energy schemes.
- 1.4 I, and the other heritage consultants within the Heritage Team at Pegasus Group, undertake our work in accordance with the Chartered Institute for Archaeologists Code of Conduct.
- 1.5 The evidence which I have prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

## **2. INTRODUCTION**

- 2.1 This Heritage Proof of Evidence has been prepared following the refusal to grant planning permission for a solar farm scheme on land north of Halloughton, Southwell, Nottinghamshire. This evidence considers matters relating to heritage. Matters relating to the planning balance are considered in the proof of Mr Paul Burrell.
- 2.2 Planning Application No. 20/01242/FULM was submitted to Newark and Sherwood District Council (NSDC) and validated on 10<sup>th</sup> July 2020. The submission sought Full Planning Permission for the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.
- 2.3 The planning application was accompanied by a Heritage Desk-Based Assessment (DBA) produced by Pegasus Group (July 2020) (Core Document A12). This concluded that the proposed development has the potential to cause a very small degree of harm to the significance of the Halloughton Conservation Area through change to its setting (at the lowest end of the less than substantial harm spectrum), but no harm to the significance of any other designated heritage asset in the vicinity.
- 2.4 The Heritage DBA was informed by a geophysical survey undertaken by Magnitude Surveys (July 2020) (CD A10) with it being concluded that the site has low potential for significant archaeological deposits. This assessment was subsequently corroborated by an archaeological evaluation carried out by Pre-Construct Archaeology Ltd (December 2020) (CD A19) which recovered no significant archaeological remains from the site and recommended no further archaeological works.

### Consultation

- 2.5 In a response dated 24<sup>th</sup> September 2020, Mr Oliver Scott (Senior Conservation Officer for NSDC) (CD B1-A) objected to the proposed scheme. The Conservation Consultee response recognised "*The proposal site is not part of any formal designated landscape*" and noted the presence of existing tree and hedge buffers between the site and nearby heritage assets. Nonetheless, it was asserted that the proposal would "*be harmful to the setting and experience of Halloughton CA, as well as to the setting of listed buildings within the CA, notably the Church of St James and the Manor House.*" Later within the response, it was clarified that

the perceived level of harm to these assets would be less than substantial at the higher end of the scale.

- 2.6 Furthermore, the Conservation Consultee response stated that *“Some harm will potentially be caused to the setting of heritage assets within the Brackenhurst complex, as well as South Hill House.”*
- 2.7 The proposal was also identified as causing harm to the significance of non-designated Stubbins Farm, with this harm arising from *“some impact on [its] rural setting”*.
- 2.8 An Archaeology Consultee response was received from Mr Matthew Adams (Historic Environment Officer at Lincolnshire County Council), dated 5<sup>th</sup> August 2020 (CD B8-A), who recommended pre-determination trial trench evaluation works.
- 2.9 A revised scheme was submitted to NSDC on 18<sup>th</sup> December 2020. These amendments were as follows:
- The pulling back of development in the south-west part of the site;
  - The reinstatement of a historic public right of way across the far south-eastern side of the site;
  - The realignment of the public right of way Southwell Bridleway Number 74; and
  - The minor realignment of the access track to ensure the preservation of the mature Poplar at the entrance to Halloughton.
- 2.10 A further revised layout was submitted to NSDC in February 2021, the main amendments being the pulling back of solar panel development from the south-easternmost corner of the site (nearest the Conservation Area) and provision for a new native hedgerow at this boundary.
- 2.11 Despite these revisions, the Conservation Officer maintained their objection to the scheme.
- 2.12 The revised scheme submitted on 18<sup>th</sup> December 2020 was also accompanied by an Archaeological Evaluation report prepared by Pre-Construct Archaeology Ltd

(December 2020) (CD A19) following trial trench evaluation works within the site. No significant archaeological remains were recovered from the site and based on these findings, the archaeology sub-contractor recommended no further archaeological works.

- 2.13 A further Archaeology Consultee response, dated 31<sup>st</sup> December 2020 (CD B8-C), was received from Mr Matthew Adams who made the following recommendation:

*"If permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with the rest of this site. This will include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation."*

- 2.14 Historic England were consulted throughout the application stage. A consultation response was received from Historic England on 16<sup>th</sup> July 2020 (CD B7-A) which stated:

*"On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant."*

*"It is not necessary for us to be consulted on this application again unless there are material changes to the proposal."*

- 2.15 Historic England were reconsulted on the proposals following the layout change of 18<sup>th</sup> December and responded on the 21<sup>st</sup> December 2020 (CD B7-B) with the same response.

- 2.16 The Consultee responses were summarised by the Planning Officer in their report for the Committee of 2<sup>nd</sup> March 2021 (CD A43-A). This report also summarised objections from local heritage groups, including the Thoroton Society, the Southwell Heritage Trust, and the Southwell Community Archaeology Group.

Reason for Refusal

- 2.17 The application was refused, with the accompanying Decision Notice dated 4<sup>th</sup> March 2021 (CD 45). There was one reason for refusal, with part of this reason relating to heritage:

*"In the opinion of the District Council the proposed development, by virtue of its sheer scale, siting and close proximity to Halloughton Conservation Area and designated heritage assets therein would have a long-term detrimental impact on the landscape character and visual amenity of the area. The proposal would result in a moderate adverse landscape impact on land cover and a major adverse scale of effects on the local landscape character (Mid Nottinghamshire Farmlands Policy Zones 37, 38 and 39) for the forty-year lifetime of the scheme. There would also be long-term visual impacts on well used public rights of way (PRoW Southwell 74 and PRoW Southwell 43) which would last at least until Year 10 of the development and likely longer. The proposal would also fail to conserve and enhance landscape character and visual amenity and therefore would be harmful to the character, appearance and visual perception of the area. The proposed development would also result in less than substantial harm on the setting and experience of Halloughton Conservation Area, as well as to the setting of listed buildings within the Conservation Area, notably the Church of St James (Grade II) and the Manor House (Grade II\*) in addition to resulting in less than substantial harm to the setting of designated heritage assets within the Brackenhurst complex (Grade II) and South Hill House (Grade II). This level of harm would result in loss of significance to these designated heritage assets.*

*Although the proposal would undoubtedly bring meaningful environmental and economic benefits to the District, in the context of paragraph 196 of the NPPF and in the overall planning balance, these are not considered sufficient to outweigh the harm identified on the setting of the abovementioned designated heritage assets or the landscape character and visual amenity of the area by the sheer scale and siting of the proposal. The proposal would therefore be contrary to the objective of preservation required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in conflict with the development plan with particular reference to policies CP9, 10, 13, 14 of the Amended Core Strategy (2019), policies DM4, 5, 9 and 12 of the Allocations and Development Management DPD (2013) in*

*addition to the provisions of the Southwell Neighbourhood Plan (2016), Landscape Character Assessment SPD (2013) and the NPPF (2019) when read as a whole.” (our emphasis)*

2.18 Archaeology was not cited as a reason for refusal.

#### Wheatcroft Amendment

2.19 Following the refusal of the scheme and the decision to proceed with an appeal, an amended scheme was submitted to NSDC at the same time as lodging the appeal on 22<sup>nd</sup> July 2021. NSDC consulted on this amended scheme as shown on plans P18-2917\_12 Rev M Site layout (CD A47) and Planting Proposal and P18-2917\_26 Indicative landscape Site Section (Year 5 & 15) (CD A48).

2.20 At the Case Management Conference held with the Inspector on 22<sup>nd</sup> October 2021, NSDC confirmed they had no objection to the inquiry proceeding on the basis of the revised layout plans submitted (P18-2917\_12 Rev M Site layout and Planting Proposal and P18-2917\_26 Indicative landscape Site Section (Year 5 & 15), however the Inspector stated he would reserve judgement on this matter until the opening of the Inquiry to allow third parties to make comment.

2.21 The amended scheme consists of four amendments which are set out in detail in the evidence of Mr. Cook (CD C7-B). Of relevance to consideration of heritage, amendment 1 consists of the removal of panels and associated infrastructure from Field 7 of the original scheme. This removes panels from the western-most field of the southern portion of the scheme. Amendment 2 proposes a new tree belt, strengthening existing hedgerow along the southern boundary of fields 8 and 9 of the original scheme.

2.22 It is noted that the scheme would be considered acceptable in heritage terms for either of the two proposals.

#### Statement of Case

2.23 Within the NSDC Statement of Case, (CD C3) it was unclear which heritage assets were considered by NSDC as forming the basis of the heritage case for this inquiry. Within the Statement of Case, at paragraph 4.4, NSDC identify their main issues, one referring to the heritage impact of the proposed development but only identify harm to: *“Halloughton Conservation area and the setting of assets such*

*as the Church of St James (Grade II), the Manor House (Grade II\*), the Brackenhurst complex (Grade II) and South Hill House (Grade II)“.*

2.24 However, in paragraph 4.20 of the Statement of Case, this list is expanded to include

- Barn at Halloughton Manor House – Grade II;
- Pigeoncote, Granary and Stable Block at Manor Farm – Grade II;
- Barn at Bridle Road Farm – Grade II.

2.25 Given this lack of clarity, at the Case Management Conference of 22<sup>nd</sup> October 2021, the Appellant requested clarification of exactly which heritage assets NSDC considered as potentially being impacted and requested that NSDC articulate their concerns with regards to these additional assets.

2.26 NSDC provided clarification in an email of 25<sup>th</sup> October 2021 (CD C10). This response set out the following list of assets:

- • Halloughton Conservation Area;
- • Halloughton Manor Farmhouse (Grade II\*, List ID: 1178664);
- • Church of St James (Grade II, List ID: 1045555);
- • Barn at Halloughton Manor Farm (Grade II, List ID: 1045556); and
- • Barn at Bridle Road Farm (Grade II, List ID: 1178708)

2.27 NSDC stated it was their case that the above assets would experience less than substantial harm, at the higher end of the spectrum resulting from the proposed development.

2.28 NSDC set out that the following list of assets would experience less than substantial harm, at the lower end of the spectrum:

- Pigeoncote, Granary and Stable Block at Manor Farm (Grade II, List ID: 1370180)
- Brackenhurst Hall and Attached Coach House, Orangery and Garden Wall (Grade II, List ID 1369927)

- Gateway and Railings at Brakenhurst (*sic*) Hall (Grade II, List ID: 1289246)
- Lodge to Brakenhurst (*sic*) Hall (Grade II, List ID: 1213102)
- Garden Walls and Potting Sheds 100 Metres North East of Brakenhurst (*sic*) Hall (Grade II, List ID: 1046108).

2.29 In light of this, the assets listed above will be those considered within the Heritage Proof of Evidence. However it is noted that the clarification email from NSDC was not accompanied by any narrative text setting out the significance of these additional assets or how the proposed scheme would cause the level of harm alleged. No assessment of the harm to these additional assets, or indeed some of the original assets (such as South Hill House and the Brackenhurst Hall complex) is contained in NSDC's Statement of Case or the earlier Decision Notice.

2.30 Subsequent to issue of the clarification email of 25<sup>th</sup> October, during the agreement of the Statement of Common Ground, NSDC again changed their position with regards to the level of harm for the Barn at Halloughton Manor Farm House from less than substantial at the upper end of the scale to less than substantial harm at the lower end of the scale. This marks a continuation of the inconsistent approach by NSDC to the assessment of harm to the significance of the heritage assets under consideration.

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### **3. KEY ISSUES**

3.1 The key issues are considered to be the following:

- Does the Appeal Site contribute to the heritage significance of the Halloughton Conservation Area through setting, or any designated heritage assets located within the designation area, specifically the Grade II Listed Church of St James, the Grade II\* Listed Manor Farm House, the Grade II Listed Pigeon Cote, Granary and Stable Block, the Grade II Listed Barn at Halloughton Manor Farm and the Grade II listed Barn at Bridle Road Farm?
- Does the Appeal Site contribute to the heritage significance of the Grade II Listed buildings and structures that comprise Brackenhurst Hall through setting?
- Does the Appeal Site contribute to the heritage significance of Grade II Listed South Hill House through setting?
- Will the significance of any of these heritage assets be harmed by the proposed development?

### **4. LEGISLATION AND PLANNING POLICY**

4.1 The legislation and planning policies are considered relevant to this proposal is given in Appendix 1.

### **5. METHODOLOGY**

5.1 A full methodology is given in Appendix 2.

## **6. ARCHAEOLOGY**

- 6.1 Archaeology is an agreed matter within the Statement of Common Ground (CD C4), with the position being that the Historic Environment Officer offered no objection to the scheme. However, it is noted that a number of third-party comments have been made with regards to the below-ground archaeology within the proposed development site.
- 6.2 As part of the supporting documents and assessments undertaken for the proposed scheme, archaeological fieldwork was undertaken prior to the determination of the scheme. This fieldwork consisted of a geophysical survey in 2019 (CD A10) followed by a trial trench evaluation carried out in December 2020 (CD A19). The geophysical survey had identified a number of linear anomalies and evidence of ridge and furrow, indicating the agricultural use of the site.
- 6.3 The trial trench evaluation was carried out by a CIfA Registered Organisation and consisted of 16no. trenches, 50m x 2m positioned to investigate the features identified during the geophysical survey and to test 'blank' areas of the site where nothing was recorded within the geophysical survey. The trial trench evaluation was undertaken in accordance with a Written Scheme of Investigation, the scope and methodology of which was submitted to and approved by the Lincolnshire Historic Environment Officer on 22<sup>nd</sup> September 2020.
- 6.4 The evaluation discovered fifteen furrows, a gully terminus and a pit. No dating evidence was recovered from the furrows which were excavated, however it was the interpretation of the Archaeological Contractors that these furrows indicated a post-medieval layout and demonstrated the agricultural use of the site. The pit was modern in date. The evaluation identified one sherd of Late Iron Age to Early Roman pottery, however this was located within the topsoil and could therefore be a result of the manuring of the site. The Archaeological Contractors concluded there was no convincing evidence for Late Iron Age to early Roman activity within the site.
- 6.5 The results of the evaluation were submitted to the Historic Environment Officer who responded with consultation comments on 31<sup>st</sup> December 2020 (CD B8-C). Within this, the Historic Environment Officer stated that the results were broadly consistent with the geophysical survey and that they were content to recommend that further mitigation works be undertaken as a condition of consent.

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- 6.6 Matters relating to below ground archaeology were not the basis of a Reason for Refusal.
- 6.7 Considering the above, it is clear that sufficient information has been provided on the archaeological resource of the site.

## **7. CHURCH OF ST JAMES**

- 7.1 The church of St James is a Grade II Listed building that was added to the National List on 11<sup>th</sup> August 1961 (NHLE 1045555 Plate 1).



*Plate 1 St James Church, looking north-west from Main Street*

- 7.2 The building is a two-cell parish church comprising nave and chancel, with a north vestry and small porch projecting from the south elevation of the nave. There is a bell turret on the west end. The church is of coursed rubble construction with some ashlar details and a slate roof.
- 7.3 The building dates from the medieval period, with the earliest standing fabric (the east wall and a doorway) being dated to the 13<sup>th</sup> century. It was substantially rebuilt to the design of the British architect Ewan Christian between 1879 and 1882.
- 7.4 Internally there is a 14<sup>th</sup>-century chancel screen, 17<sup>th</sup>-century altar table and chest, and 19<sup>th</sup>-century font, with most other fixtures and fittings dating from the 19<sup>th</sup>-century rebuilding campaign.

- 7.5 The church is situated within its churchyard (defined by a stone boundary wall, mature trees, and hedges) on the north side of the main street and on the eastern edge of Halloughton. It is from the churchyard, and to a lesser degree the road to the south, that the external fabric of the church is best viewed and appreciated.
- 7.6 The church is set back from the road and accessed by a straight footpath. Historic mapping indicates that the curtilage of the church has changed little since the 19<sup>th</sup> century except for some additional planting.
- 7.7 The former prebendal house (present-day Manor Farm House) is located to the south, on the opposite side of the road, and is closely connected to the church in terms of age and historic functional use (Plate 2).



*Plate 2 Looking south from the churchyard, from where the grade II\* Halloughton Manor Farm House is co-visible with St James Church*

- 7.8 From the churchyard to the north of the church, there are views to an arable field, with views to the wider landscape largely obscured by vegetation and farm buildings (Plate 3) including the large modern barns at Manor Farm.



*Plate 3 Panoramic view from south-west to north-east, taken from the northern edge of the church yard – note likely no visibility of the proposed scheme to the north due to vegetation screening*

- 7.9 The orchard to the west of the churchyard is also visible from the churchyard, as is an area to the north-east which has been partly planted with trees (Plate 4). Land further to the north-east is very largely screened by further vegetation.



*Plate 4 Panoramic view from north-east through to south-west, from the northern edge of the churchyard containing the elements of the setting of this asset which make the greatest contribution to its significance – the orchard, Halloughton Manor Farm House, the enclosing church and graveyard and the settlement of Halloughton extending to the southwest,*

### **Statement of significance**

- 7.10 The Grade II Listing of St James' Church highlights that it is designated heritage asset of less than the highest significance as defined by the NPPF, with this significance being consolidated by its inclusion within the boundary of the Halloughton Conservation Area.

- 7.11 The heritage significance of the church is principally embodied in its physical fabric. The historic interest of the building is derived from its general form and appearance, being a good example of a late Victorian parish church, as well as the standing 13<sup>th</sup>-century fabric and internal fixtures and fittings which variably date from the 14<sup>th</sup> to 19<sup>th</sup> centuries and illustrate the historic development and adaptation of the building. The association of the late 19<sup>th</sup>-century fabric with the architect Ewan Christian further contributes to this historic interest. As a still-functioning place of worship, the building is also of communal value.
- 7.12 The architectural and artistic interest of the building is embodied in its vernacular masonry construction, high-quality architectural mouldings, and carved decoration (including the wooden chancel screen and a reset sculpted corbel on the north side of the chancel).
- 7.13 As the site of a medieval prebendal church (of which only a small portion survives as standing fabric), the building possesses archaeological interest, with there being potential for buried remains that yield information about the previous plan, form, and use of the building.
- 7.14 The setting of the church also contributes to the heritage significance of the asset, although to a lesser extent than its historic fabric. Those elements of setting which contribute to its significance comprise:
- The churchyard, which represents the historic curtilage of the church, illustrates the ecclesiastical function of the building, and provides the best vantage point for viewing its external fabric;
  - Grade II\* Halloughton Manor Farm House to the south, which is historically associated being the former dwelling of the priest who served the church and retains near-contemporary fabric;
  - Main Street, to the south, which forms the main approach to and thoroughfare past the church (currently and historically);
  - The historic core of Halloughton further to the south-west, including the dwellings and farmhouses that the church has historically served; and

- The immediate adjacent agricultural land, orchard and land to the north-east which have clear intervisibility with the church and illustrate its historic context as a rural parish church.

**Any contribution of the Appeal Site to significance**

- 7.15 The Appeal Site boundary is located c. 90m north-east of the site at its nearest point; however, the proposed area of arrays is over 250m to the north-west.
- 7.16 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. However, this historic association has long since been severed. The Halloughton Tithe Map indicates that the southern part of the site was certainly in secular ownership and occupation by the mid-19<sup>th</sup> century. Ultimately, this potential historic association does not better reveal the special historic and architectural interest of the church.
- 7.17 Intervisibility between the Appeal Site and the church is very largely screened by intervening woodland and hedgerows. It is noted that the woodland belt to the northwest of the churchyard which is being retained and maintained is c. 50m in thickness. There are heavily filtered glimpses of the site from the church yard in winter, beyond intervening areas and vegetation.
- 7.18 The main approach to the church is via the footpath to the south which connects the south nave doorway to Main Street. When entering and leaving the church via this doorway and footpath, the site is not visible. Similarly, the church and site are not co-visible from the churchyard or the road.
- 7.19 The church is a squat building with no tower or spire, therefore it is not a prominent landmark within the wider locality. As such, it is not visible from within the site, nor are the church and site co-visible in long-range views towards Halloughton from the wider landscape.
- 7.20 Overall, the site cannot be experienced in conjunction with the church and it is not considered to contribute to the heritage significance of the Listed building through setting.

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### **The impact of the proposed development**

- 7.21 The proposed solar panels are set back beyond the areas identified above as contributing to the heritage significance of the church.
- 7.22 In winter, there will be, at most, heavily filtered glimpses of panels in the easternmost area of the site from the northern edge of the churchyard (not the church), but the heavily filtered nature of these views will mean that the change is scarcely perceptible. Existing vegetation around the southern boundary of the southern portion of the site is being retained and maintained and additional vegetation including planting of native tree species is proposed along the southern boundary which will further screen any filtered views. From the church, the intervening vegetation within the churchyard is anticipated to screen such views from adjacent to the building.
- 7.23 The proposed development is not anticipated to be readily co-visible with the church from other locations in the vicinity.
- 7.24 The relationship of the church with the settlement it serves and the churchyard and road from where it is best appreciated will not be changed.
- 7.25 The proposed development is not anticipated to cause any harm to the heritage significance of the church through changes in setting.

### **Conservation Consultee Comments and Response to Statement of Common Ground**

- 7.26 With regards to the Church of St James, the Conservation Consultee accepts that its significance is primarily derived from its special architectural qualities and historic fabric (p.6 CD B1-A), and that the tree and hedge screening would reduce impacts:

*"Impact on individual heritage assets within the Halloughton CA is reduced by the presence of the extensive hedge and tree screening." (p.10, CD B1-A)*

- 7.27 No intervisibility between the asset and the development is explicitly identified, indeed, the Conservation Consultee comments state that the Church '*does not include a landmark tower or spire, (but) is nonetheless a prominent feature of the lane*'. NSDC have not stated that the Church is a prominent feature from within

the surrounding landscape and on approaches into the village, but rather the prominence is from the lane directly south of the asset, within the core of the Conservation Area, and this is the experience of a visitor to this Church. The asset is experienced in the relatively intimate surroundings of the enclosed Halloughton village lane.

7.28 However, harm is identified through change to the rural setting around the village, with it stated that it will affect the experience of Main Street and the eastern entrance to the Conservation Area.

7.29 Due to the placement of the panels and proposed screening, details of which are presented in the evidence of Mr. Cook, the panels will not be visible in views from Main Street or the eastern entrance to the Conservation Area and, in any case, these are not views in which the church is appreciated. It is stated in the Conservation Consultee comments of 24<sup>th</sup> September 2020 that the solar arrays are within 100m of the Church. This is incorrect. As stated above, the nearest panels will be over 150m away from the church, located beyond the 50m wide woodland belt located northwest of the church. As such, I consider that no harm would be caused to the heritage significance of the Church through setting.

7.30 Given the considerable importance and weight that should be given to any harm to the heritage significance of Listed Buildings through change in setting, careful consideration should be given to whether land that is to be developed contributes to the heritage significance of assets. Here, there is no clear intervisibility or co-visibility between the asset and the site, nor are they experienced together in quick succession in any dynamic views. Case law<sup>1</sup> is clear that for if:

*"a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape".*

7.31 This does not rule out non-visual relationships, such as economic, social and historical considerations, but it does indicate that a visual relationship must be

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<sup>1</sup> *Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018 (CD H1)*

something more than remote (such is as being suggested here) for an impact to significance to occur.

7.32 Within the NSDC Statement of Case (CD C3) at paragraph 4.21, it is stated that NSDC will demonstrate that *'the setting of listed buildings within the CA would also be adversely affected, and that the harm is similarly substantive due to the importance of their rural landscape setting, resulting in a dominating landscape feature.'* As stated above, the nearest solar panel to the Church of St. James would be located over 150m north west of the asset. It is acknowledged by the Conservation Officer and demonstrated by the evidence put forward within this proof that this asset is not an asset which can be experienced within a wider landscape context. It is not an asset which signals its presence for long distances and from many approaches; it is experienced at close quarters. The elements of the setting which contribute to the significance of this asset have been set out above and the land of the proposed site is not one of those elements.

7.33 Whilst I maintain there would be no harm to the heritage significance of the asset, Mr Scott's assertion, which is replicated within the Statement of Case, that harm would be at the higher end of the less than substantial harm scale is clearly unsustainable. Considering that substantial harm is of the level that would have such a serious impact on the significance of the assets that its significance was either vitiated altogether or very much reduced<sup>2</sup>, it logically follows that less than substantial harm at the higher end of the range is approaching that level of harm. The assessment of this level of harm is not tenable when Mr Scott acknowledges that the heritage significance of the asset is primarily embodied in its physical form, and also that the key elements of the church's setting such as the churchyard will be unaffected.

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<sup>2</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council (CD H2)

## **8. HALLOUGHTON MANOR FARM HOUSE**

- 8.1 Halloughton Manor Farm House is a Grade II\* Listed building that was added to the National List on 7<sup>th</sup> August 1952 (Plate 5, NHLE 1178664).



*Plate 5 Manor Farm House taken from Main Street, looking east*

- 8.2 The building originated as the prebendal house for Halloughton i.e. the residence of the canon, or priest, who served the church. The earliest standing fabric has been dated to the 13<sup>th</sup> century, with successive alterations and additions over the course of the late medieval, post-medieval, and modern periods. The house subsequently functioned as a farmhouse but is now in private domestic use apparently unconnected to agricultural production.
- 8.3 At the core of the building is a three-storey tower constructed of coursed rubble with ashlar dressings. This has been dated to the 13<sup>th</sup> century and has been interpreted as the remains of a medieval tower house. The later wings, which are attached to the north and west sides of the tower, are of brick construction and partly painted.
- 8.4 The historic curtilage of Halloughton Manor Farm House comprises the front garden (a small grassed area defined by a low brick wall), the rear garden, and

the former farm buildings immediately to the west and south, which comprise a Grade II Listed Barn and Grade II Listed Pigeoncote, Granary and Stable Block, arranged around a courtyard that has since been converted to a tennis court. The southern and eastern boundaries of the curtilage are defined by a ha-ha. Historic mapping indicates that there has been no major change to the layout of the complex since the mid-19<sup>th</sup> century.

- 8.5 Halloughton Manor Farm House stands on the south side of Main Street on the eastern edge of Halloughton village. There is a pond to the east of the house and open land to the south, while an orchard and the church of St James' are located to the north, on the opposite side of the road.
- 8.6 The Listed building is best publicly viewed from the road, from which its north-west elevation can be appreciated, with the south-east (rear) elevation being best appreciated from its private, rear garden.
- 8.7 Primary views out from the asset appear to be directed to the south-east, across the rear garden and open land to the south, where the location of the asset (and the eastern end of the village) on the side of the valley rather than the bottom of the valley facilitates longer distance views to the south-east over falling then rising ground. At some point in the later 20<sup>th</sup> century, a lake was created by damming the stream to the south-east of the farm house, giving an attractive view in this direction.



*Plate 6 Looking south-east from adjacent to the farm buildings of Halloughton Manor Farm, showing the views south-east over falling then rising ground.*

- 8.8 There are also views from Halloughton Manor Farm House to the north-west, across the lane towards the orchard, and to some areas of land beyond to the north-west from the higher elements. The tower element of the Listed building is anticipated to have intervisibility with the arable field beyond the church and orchard. There are also anticipated to be glimpsed and distant views to the area beyond this – there are glimpsed views of the tower from the edge of field 9 (Plate 7). This view is taken from outside the side boundary – behind the viewer is a strong belt of existing vegetation where further mitigation planting is proposed. When within the site, behind this vegetation band, the glimpsed views of the Manor House are removed.



*Plate 7 Glimpsed and distant view from the edge of the site (at southeast corner of field 9 outside the site boundary where string mitigation planting is proposed north-west of the modern farm buildings of Manor Farm) to Halloughton Manor Farm House*

- 8.9 A further glimpse is possible from the edge of the next field of the site to the east, Field 10 although this is only a glimpse through a gap in the vegetation, and recent planting will narrow this gap further, almost closing it (Plates 8 and 9). It is also noted that where this picture was taken, no panels are proposed in this area.



*Plate 8 Glimpse of Halloughton Manor Farm House from Field 10*



*Plate 9 Recent planting in Field 10, further narrowing the gap – note the large silo of Manor Farm in the foreground of the picture*

- 8.10 No intervisibility with Halloughton Manor Farm House could be seen from the easternmost field of the site, field 11. Any visibility of the site from the asset would be glimpsed and heavily filtered at most (Plate 10).



*Plate 10 Looking south towards Halloughton Manor Farm House from Field 11 – no visibility of the asset from here.*

**Statement of significance**

- 8.11 As a Grade II\* Listed building, Halloughton Manor Farm House is considered to be a designated heritage asset of the highest significance as defined by the NPPF. This significance is consolidated by the inclusion of the asset within the boundary of the Halloughton Conservation Area.
- 8.12 The significance of the building is principally embodied in its physical fabric. In general form, appearance, and phasing, the building is of historic interest, being a rare surviving example of a medieval tower house that has been successively altered and extended. These changes reflect its successive adaptation and use, initially as a prebendal house and later as a farm house. Surviving elements of the internal layout further contribute to this historic interest by illustrating the past circulation and use of the building.

- 8.13 The architectural and artistic interest of the building is derived from its vernacular built form of masonry and brick, and its high-quality architectural details and mouldings, which include ogee, cusped, and tracery windows.
- 8.14 As a building of medieval origins, Halloughton Manor Farm House also possesses archaeological interest since there is potential for hidden or buried remains that could yield information about the past use and form of the building.
- 8.15 The setting of Halloughton Manor Farm House also contributes to the heritage significance of the asset, although to a lesser extent than its historic fabric. Those elements of setting which contribute to its significance comprise:
- Its domestic curtilage, namely the front and rear gardens, which illustrate the historic function of the building as a residence;
  - The former farm buildings to the south and west (the grade II listed barn and the grade II listed Pigeoncote, Granary and Stable Block) which illustrate the later adaptation of the dwelling into a farmhouse and together possess group value;
  - The church of St James to the north, whose foundations are near-contemporary with the house and was historically associated, as explained previously;
  - Main Street to the north which constitutes the main approach to the building (currently and historically) and from which its north-west elevation can be best viewed and appreciated; and
  - Those elements of the immediate rural landscape, namely the open land to the south, lake to the south-east, the orchard to the north, and the pond to the east, which can be directly experienced in conjunction with the Listed building and illustrate its historic rural surrounds and give an attractive prospect to the south-east.

**Any contribution of the Appeal Site to significance**

- 8.16 Halloughton Manor Farm House is located c. 100m south-west of the Appeal Site boundary at its nearest point (the access track from Main Street); however, the nearest solar panels are located over 300m north-west of the asset.

- 8.17 As per the previous assessment of the church of St James, 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 the land of the parish probably being in the common ownership of the prebendal canon. The 1848 Tithe Map records that the southern part of the site and the house had passed into the secular ownership of Sir Richard Sutton; however, they were not functionally associated at that time since the house had been tenanted to William Pogson whereas the site was tenanted and farmed by a number of other individuals, not including William Pogson. Ultimately, any previous associations between the Appeal Site and Halloughton Manor Farm House in terms of landownership have been severed, and the site does not contribute to the appreciation or experience of the Listed building as a former prebendal house.
- 8.18 There is only glimpsed and filtered intervisibility between selected areas of one field within the site, namely the southwestern corner of field 10, with other visibility just south of the site boundary at the southeastern corner of field 9. Within the boundary of Field 9, there would be no visibility of the scheme due to screening vegetation. The visibility from field 10 will be further reduced as planting already established matures. Although the house possesses a three-storey tower, this is of no great height, being dwarfed by the nearby mature trees. Intervening trees, woodland, and hedgerows very largely screen any intervisibility between the site and the asset. The tower itself possesses only a single, narrow, two-light mullion window in the upper floor of its north-west elevation (facing the site), therefore views in the direction of the site were not part of the design intent.
- 8.19 Overall, the site makes no contribution to the heritage significance of Grade II\* Listed Halloughton Manor Farm House through setting.

### **The impact of the proposed development**

- 8.20 None of the areas identified above as contributing to the heritage significance of the asset will be affected by the proposed development. Primary views south and south-east from the asset will be unaffected.
- 8.21 Any visibility of the proposed development from the northern façade of the asset will be distant and very heavily filtered, at most and purely incidental to the understanding of the asset. The asset will retain views to agricultural land beyond the road and orchard from this façade, retaining a rural context.

8.22 No harm to the heritage significance of the asset through changes in setting are anticipated.

Conservation Consultee Comments

8.23 It is stated in the response of Mr. Scott and in the NSDC Statement of Case that the harm to this asset would be less than substantial, at the higher end of the scale. As stated previously, this would be anticipated to be harm which is almost at a level of totally removing the ability to understand the significance of the asset. The fabric of the asset, from which the primary significance of the asset is clearly derived, will not experience any change from the development. In addition, any additional interest added to significance through the ancillary listed buildings within the grouping of the Barn and Pigeoncote, Granary and Stable Block will also not experience any change from the proposals. Therefore, the assertion of harm at the higher end of less than substantial cannot be supported with objective evidence.

8.24 Harm is alleged to the Manor House in the consultation response and reason for Refusal and Statement of Case with the impact again anticipated by Mr Scott through the change to the experience of the rural setting. As discussed above, I do not agree with this identification of harm when there is no substantive intervisibility or co-visibility, and no experience of the development and the Manor Farm House in quick succession in any dynamic views. Change will occur in the wider landscape, but the experience of the asset in the context will not change in a way that affects its heritage significance.

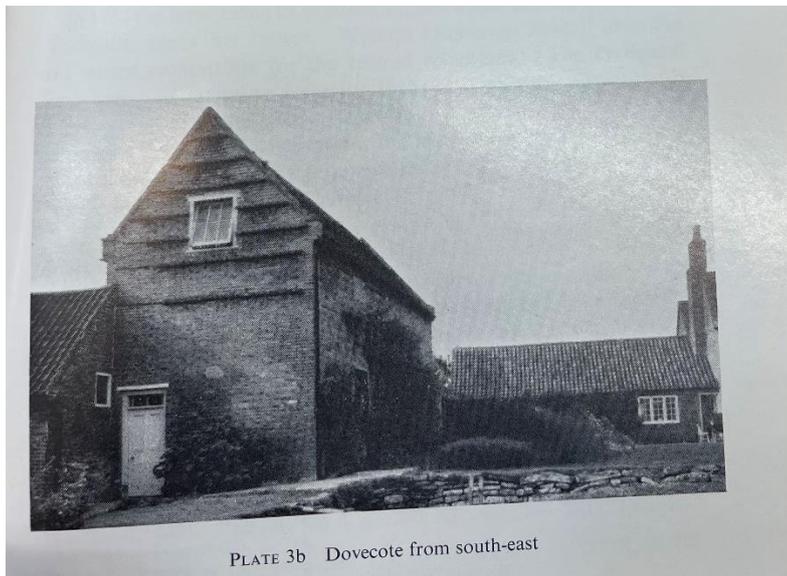
8.25 It is therefore my conclusion that there would be no harm to the significance of this asset arising from the proposed development.

## 9. PIGEONCOTE, GRANARY AND STABLE BLOCK AT MANOR FARM

- 9.1 This Grade II Listed Building (NHLE Ref: 1370180) was added to the National List on 13<sup>th</sup> March 1986 (Plate 11, 12)



*Plate 11 View looking south of grade II listed Pigeoncote, Granary and Stable Block at Halloughton Manor Farm from Main Street, marked with the red arrow – not clearly visible from the road*



*Plate 12 Image of listed pigeoncote taken from the south east, within the curtilage of the farm complex, reproduced from the Transactions of the Thoroton Society of Nottingham Vol LXIX 1965 "Manor Farm, Halloughton" by N. Summers.*

- 9.2 This building was constructed in the 18<sup>th</sup> century as part of an extension to the farm complex. It is constructed of red brick with pantile roof and it has 2 storeys. There is surviving evidence of flight perches with blocked pigeon entrances.
- 9.3 The pigeoncote is located within the farm complex at Halloughton Manor Farm. It was constructed as part of a number of changes made to the main farm house and surroundings in the 18<sup>th</sup> century which saw the new farm buildings constructed and the enclosing of the farm complex with the ha-ha to the southeast which stretched from the tower house to link with the pigeoncote, enclosing the lawn against grazing cattle and creating a courtyard, which is still in place today.
- 9.4 The building was multi-purposed. The pigeoncote was housed on one half of the upper storey with a hayloft or granary occupying the other half. The division between the hayloft and pigeoncote is formed of a mud and stud partition, an older building technique which was adapted for this building, with elements of the stud wall being used for a practical purposes i.e the batten pegs used as perches and the lath trays used as nesting boxes<sup>3</sup>. The ground floor was occupied by stables.
- 9.5 The building cannot be readily appreciated from publicly accessible areas. The view from Main Street, as illustrated by Plate X is of the upper storey of the asset and the retained doorway at first floor level is visible but none of the characteristic brick perches or pigeon entrances can be seen from this vantage point.
- 9.6 The pigeoncote is located at the core of the farm complex and as such, is well-screened from views towards it. It is not visible from any other publicly accessible vantage point and there are no views of it when moving along Main Street due to the other buildings in the farm complex, including the large modern barn to the west.
- 9.7 It is not considered that views from this asset make any contribution to its significance, as will be set out in further detail below.

### **Statement of Significance**

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<sup>3</sup> P73. Summers, N. 1965 "Manor Farm, Halloughton" (In) Barley, M & Smith R.(Eds) *Transactions of the Thorton Society of Nottingham* Vol LXIX

- 9.8 As a Grade II Listed Building, Pigeoncote, Granary and Stable Block at Manor Farm is considered to be a designated asset of less than the highest significance as defined by NPPF with this significance consolidated through the inclusion within the Halloughton CA boundary.
- 9.9 The significance of this building is primarily demonstrated by its physical fabric and the architectural and historic interest that this provides. The historic interest of the asset is derived from the survival of historic fabric, but also the association with Halloughton Manor Farm House, as part of one of the earlier expansion phases of this site, and one that created the attractive courtyard setting of the Farm House. This also provides historic interest by illustrating the evolution of Halloughton Manor from prebendal house to farm house.
- 9.10 The asset provides evidence of the agricultural activity of the area and the use of the mud and stud walls provides an interesting continuation of an ancient building technique, specifically adapted for this building and its purpose. The building holds architectural interest in its fabric and in the decorative details which held no functional purpose, such as the dogtooth eaves and the raised, brick coped kneelers, but which provide evidence of the higher status and wealth of the occupiers of the farmhouse.
- 9.11 The setting of the pigeoncote, granary and stable block of Manor Farm is formed by its immediate surroundings, that is the other buildings within the Manor Farm complex. This setting contributes to the significance of the asset although to a lesser extent than its historic fabric. The elements of the setting which contribute to its significance comprise:
- Grade II\* Halloughton Manor Farm House – the principal building of the complex located to the north;
  - Grade II Barn at Halloughton Manor Farm House – a later addition to the complex located to the northwest;
  - The grassed courtyard to the immediate north of the pigeoncote, south of Halloughton Manor Farm House formed by the ha-ha.
- 9.12 This asset is a functional building, designed and with a layout which serves its purpose. It is a service building constructed to be subservient and ancillary farm building, one of a number within a wider complex. Whilst it has some decorative elements, there are no easily available views of the asset and it was never

intended to be the focus of the farm complex. There were also never intended views from this asset. The only window opening is in the right gable, looking away from the proposed site and it is likely this is a modern addition to the building. The ability to understand and experience this asset is not assisted by views from this asset.

#### **Any contribution of the Appeal Site to significance**

- 9.13 This building is located over 320m southeast of the nearest solar arrays within the site, with Field 10 being the field in closest proximity. Whilst the asset formerly had an agricultural function in terms of providing a food source and a storage for the hay crop it is considered that this building is no longer used for agricultural purposes and therefore the appeal site makes no contribution to the understanding of this asset. The understanding and appreciation of this asset is best and only appreciated from the immediate environs where the elements characteristic of its function, such as the brick perches are visible. The proposed site does not form part of the surroundings in which this asset is experienced.
- 9.14 It is also the case that the 1848 Halloughton Tithe map and Apportionment shows that although by this time Halloughton Manor Farm House and the land in the southern portion of the proposed scheme were in the ownership of Sir Richard Sutton, Halloughton Manor Farm was tenanted by William Pogson, whereas the proposed site was tenanted by a number of different tenant farmers. Therefore, there is no historic connection between the site and this asset.
- 9.15 There is no visibility of the site from this asset as there are no openings in the left gable which would allow a view. In addition, it has been established that views from this asset do not form part of its setting – they do not contribute to the ability to understand and experience the asset.
- 9.16 The site therefore makes no contribution to the significance of this asset.

#### **Impact upon significance**

- 9.17 None of the elements which are identified above as contributing to the significance of this asset will be changed by the proposed scheme.
- 9.18 Therefore, no harm to the heritage significance of the asset is anticipated.

#### **Conservation Consultee Comments and Response to Statement of Case**

- 9.19 This asset is one which is included in this Proof as a result of the clarification email from NSDC dated 25<sup>th</sup> October 2021 (CD C10), however no narrative text was provided by NSDC to set out the significance of this asset or where the harm to significance as alleged by NSDC would arise from. Within the email response, harm is alleged to this asset – less than substantial at the lower end of the scale. It is noted that within this email, NSDC states that with regards to this asset: *“Due to its more intimate setting, it is considered that the proposed development will bring about a less than substantial degree of harm, at the lower end of the spectrum”* (CD C10). Details of what the *“intimate setting”* of the asset might be are not referenced in the email, however we are agreed in the position that the setting of this asset is ‘intimate’ in that it is in close quarters to the asset.
- 9.20 Within the NSDC email response of 25<sup>th</sup> October 2021, they state: *“Further, it is evident from the Committee Report and comments made by the Conservation Officer when read as a whole that the impact of the development on all Listed Buildings within Halloughton was considered in reaching the conclusion that the proposal would result in less than substantial harm to Halloughton Conservation Area (CA) and all listed buildings therein (noting the assets are listed individually within both documents). NSDC also notes that the Appellant’s Heritage Impact Assessment similarly groups the listed buildings within the CA for assessment. The structure of the Conservations Officer’s assessment is clearly drawn directly from the principal evidence-base and assessment provided by the Appellant at the point of application and this translates into the reason for refusal.”*
- 9.21 Whilst it is accepted that the Heritage Assessment of July 2020 grouped assets as set out above, the Heritage Assessment concluded that there would be no harm on the individual listed buildings within the Conservation Area. Therefore, as the Conservation Officer in his response identified harm to these assets, it is considered to be the responsibility of the Conservation Officer to set this out clearly in his response. This did not happen, nor did this take place within the NSDC Statement of Case.
- 9.22 No further assistance with where the harm would arise from in regard to the significance of the asset is given in the initial Conservation Comments of 24<sup>th</sup> September 2020 (CD B1-A). Whilst this asset is presumed to be included (though not explicitly set out) in the statement *“Overall, we find the proposal to be harmful to the setting and experience of Halloughton CA, as well as to the setting of listed buildings within the CA, notably the Church of St. James and the Manor House.”*

<sup>4</sup>, there is no further mention of this asset in the entire consultation response except within a list at the first page of the consultation response, which is interestingly titled "*Heritage assets affected*", despite the assessment of the scheme not taking place until further down the response.

9.23 NSDC's Statement of Case is similarly silent on setting out where the harm to the significance of this asset would arise from specifically, instead grouping the asset with all of the other listed buildings within the Conservation Area. It is noted that unlike the later clarification email from NSDC, there is no attempt within the SoC to differentiate the harm to this asset in terms of level of less than substantial harm. Indeed, at paragraph 4.24 of NSDC's SoC, when considering the amended scheme, the document states:

*"...NSDC will explain that whilst the removal of a whole field of panels close to the village would proportionately reduce the level of harm arising from the development, NSDC still considers the overall degree of harm to the setting of Halloughton Conservation Area and the listed be therein (notably the Church of St James (Grade II) and the Manor House (Grade II\*)) would remain at the upper end of the 'less than substantial harm' scale."* (CD C3)

9.24 This is a direct contradiction with the clarification email which therefore represents a change in the position as set out within the Statement of Case for this asset.

9.25 It is clear that NSDC has not taken this asset into account in previous assessments – as is demonstrated by the lack of assessment of the significance and contribution of the setting of this asset. It is assumed however, that the level of harm alleged by NSDC, whatever it may be, arises from the change to the "*rural landscape setting*" arising from the scheme would adversely affect the setting of listed buildings within the Conservation Area.

9.26 Taken on its face, the assertion set out within the clarification email is that NSDC state that it is their assessment that the listed pigeoncote, granary and stable block will experience less than substantial harm, at the lower end of the scale from the proposed scheme. It is difficult to see where any harm to the significance of this asset could arise from. There is no connection between the asset and the site and it is clear that the significance of this asset is primarily derived from its

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<sup>4</sup> P11 Conservation Officer comments 24<sup>th</sup> September 2020 CD B1-A

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physical form, with the only elements of the setting contributing being the other elements of Halloughton Manor Farm and the interaction between these assets. It is demonstrated that the “*rural landscape setting*” does not contribute to this asset and therefore change within would cause no harm.

- 9.27 Therefore I do not agree with the assertion of Mr. Scott and NSDC that there would be less than substantial harm at the lower end of the scale to this asset when it is clear there is no co-visibility or intervisibility with the scheme, no physical change to the fabric of the asset which from the primary significance of the asset and no reduction in the ability to understand this asset or its interaction with the wider Halloughton Manor Farm House Complex.

## **10. BARN AT HALLOUGHTON MANOR FARM**

- 10.1 The Barn at Halloughton Manor Farm (NHLE: 1045556) is a grade II listed building added to the National List on 11<sup>th</sup> August 1961 (Plate 13).



*Plate 13 View looking south from Main Street towards grade II listed Barn at Halloughton Manor Farm*

- 10.2 The barn was constructed in the 19<sup>th</sup> century, part of the later phases of the expansion of the farm complex. Like the other functional buildings within the complex, the structure is of red brick with a pantile roof, with some decorative elements such as the dogtooth and raised brick eaves. Affixed to the north-facing elevation of the barn is a board which is inscribed: "*Halloughton. All Bragants will be apprehended by order of The Justices of the Peace. J. Nicholson, Chief Constable*".
- 10.3 The barn is located abutting and parallel with the line of Main Street, further forward than all the other buildings within the Halloughton Manor Farm complex. The barn is of a fairly large scale and built to store produce and or equipment.
- 10.4 The surroundings of this asset have changed considerably in recent years with the removal of farm buildings to the southeast and the replacement with a tennis court which now infills the entire courtyard area to the southeast of the building.

In addition, a large, modern barn building has been constructed to the south of this barn, set back slightly from the road but of a similar scale. Given the siting of the tennis court blocking access to one of the doors to the barn, it is likely not in agricultural use at present.

- 10.5 As a barn, there are no windows at the ground or upper storeys from which to gain views from this asset. There are slit-openings at the lower and upper levels of the barn, with some of these blocked, but these are for ventilation, not to gain long-distance views. There are a pair of large, timber double doors which extend to the eaves on both sides of the buildings which were inserted to allow the haywains to be driven inside for unloading directly. The view from this asset would look directly at a surviving area of orchard on the opposite side of Main Street and a modern dwelling constructed within the former orchard plot.
- 10.6 The views towards this asset are experienced when travelling along Main Street, though given the sinuous nature of the road, there are no long-distance views towards the asset, it reveals itself at close quarters.

#### **Statement of Significance**

- 10.7 As a Grade II Listed Building, Barn at Manor Farm is considered to be a designated asset of less than the highest significance as defined by NPPF with this significance consolidated through the inclusion within the Halloughton CA boundary.
- 10.8 The significance of this building is principally embodied within its physical fabric and the historic and architectural interest this displays. The barn displays historic interest as a surviving 19<sup>th</sup> century element within a farm complex which has a history spanning many centuries. The survival of the historic fabric itself expresses historic and architectural interest and the barn provides evidence of the continuing evolution and resolution of this complex as now a complete farmstead, albeit with a higher status farmhouse. The architectural interest is displayed through the large scale of the asset and the decorative architectural features which help to reflect the higher status and wealth of the owners and tenants of Halloughton Manor Farm. The barn is also a good demonstration of the vernacular built form of red brick and pantile roof. The barn also provides evidence of the agricultural economy of this time and within this settlement.
- 10.9 Whilst an attractive building along the streetscene and contributing an aesthetic interest to the grouping, this is a functional building designed to serve the

agricultural functions of the farm house and not a decorative building designed to be viewed or have views from.

10.10 The setting of this barn contributes to its significance however this contribution is much less than that made by the historic fabric of the asset. The elements of the setting which contribute to the significance comprise:

- Grade II\* listed Halloughton Manor Farm House located north of this asset, the principal building within this complex;
- Grade II listed pigeoncote, stable block and granary located to the east; and
- The route of Main Street which is directly aligned with this asset – the sign affixed to the exterior of the building is an indication that this was a known building on this route, as does the letter box (inserted during the reign of Queen Victoria).

10.11 The land immediately to the southeast of the asset does not contribute to the significance as this is now a tennis court and has no association with the barn.

10.12 Whilst it may have been that historically, the wider agricultural surroundings formed part of the setting in that the produce would be stored in the barn, this is a connection which no longer exists and it is no longer the case that this asset is used to house the produce of surrounding agricultural fields. Therefore it is the case that the surrounding agricultural land does not form a part of the setting which contributes to the significance of the asset.

10.13 As stated, it is not considered that views from the asset make any contribution to its significance as it was never the intention that there would be any views from this asset. It is a functional, agricultural building. Long-range views do not contribute to the significance of the asset. Views which may contain the asset looking beyond do not make any contribution to the significance of this asset. It is understood only in terms of its association with Halloughton Manor Farm House, as part of this complex and evolution of farm buildings.

#### **Any contribution of the Appeal Site to significance**

10.14 The proposed development arrays are located over 300m to the northwest of this asset, with the nearest field being field 10.

10.15 It is also the case that the 1848 Halloughton Tithe map and Apportionment shows that although by this time Halloughton Manor Farm House and the land in the

southern portion of the proposed scheme were in the ownership of Sir Richard Sutton, Halloughton Manor Farm was tenanted by William Pogson, whereas the proposed site was tenanted by a number of different tenant farmers. Therefore there is no historic connection between the site and this asset.

10.16 It is considered that there would be no views available which contain both the barn and the proposed development in the same view. Even if there were, this would not impact upon the significance of the asset as it is stated intervisible or co-visible views do not help to form an understanding or appreciation of the architectural or historic interest of the asset.

10.17 The site makes no contribution to the significance of this grade II listed asset.

### **Impact upon significance**

10.18 None of the aspects identified above as contributing to the significance of the asset will be affected by the proposed development. The ability to understand the historic relationship between the barn and the other historic buildings within the farm complex and the understanding of the hierarchy of buildings within the complex will be similarly unaffected by the proposed scheme.

10.19 The primary significance of this asset is derived from its historic fabric, which would not experience any change from the proposed scheme. There will not be any views of the proposed scheme from the asset, nor will there be any interruption of views between the historic assets within the farm complex, which contributes to the ability to understand the asset in its historic surroundings.

10.20 No harm to the significance of this asset is anticipated as a result of the proposed scheme.

### **Conservation Consultee Comments and Response to Statement of Case**

10.21 This asset has been included as a result of the same consultation process as set out at paragraphs 9.19 to 9.21 above for the Pigeoncote, Granary and Stable Block with the consultation comments relating to this asset being the same as those set out at 9.22 to 9.25 above.

10.22 The clarification email from NSDC dated 25<sup>th</sup> October 2021 set out that this asset would experience less than substantial harm at the upper end of the scale. However, within the Statement of Common Ground (CD C4), NSDC have once

again changed their position with regards to this asset. Within the Matters the Remain in Dispute section, within the section setting out the differences between the levels of harm alleged by both parties, NSDC have changed their assessment of this asset and moved it from less than substantial harm at the upper end of the scale to less than substantial harm at the lower end of the scale. This inconsistency of the assessment of heritage assets has been a common feature throughout this Appeal, with the level of harm changing on more than one occasion since the Statement of Case.

10.23 The level of harm alleged by NSDC is now therefore less than substantial at the lower end of the scale. The fabric of the asset, from which the primary significance of the asset is clearly derived, will not experience any change from the development. The primary setting of this asset and the fundamental aspects which help to understand this asset, that is the spatial and visual relationship between the principal building of the farm complex, Halloughton Manor Farm House and the other ancillary building of the Pigeoncote, Stable Block and Granary would not experience any change from the proposed development. Therefore, the assertion of this level of harm at the lower end of the scale of less than substantial is not tenable.

10.24 It is therefore my conclusion that there would be no harm to the significance of this asset arising from the proposed development.

## **11. BARN AT BRIDLE ROAD FARM**

- 11.1 This grade II listed building was added to the National List on 13<sup>th</sup> March 1986 (NHLE: 1178708, Plate 14).



*Plate 14 View southwest from Main Street looking at grade II listed Barn at Bridle Road Farm*



*Plate 15 View looking northeast along Main Street showing grade II listed Barn at Bridle Road farm aligned with Main Street*



*Plate 16 View directly across Main Street looking north towards proposed scheme (which is not visible from here) from directly in front of the grade II listed Barn at Bridle Road Farm*



*Plate 17 View northeast from the public footpath running south and west to the south of Bridle Road Farm. The ridge of the grade II Barn is visible from this view, but dwarfed by the modern barn in closer proximity to a user of the footpath*

- 11.2 The barn was constructed in the 18<sup>th</sup> century and displays the vernacular built for of red brick with pantile roof. Again, this barn shows some decorative detail as with the farm buildings at Halloughton with dogtooth and raised brick eaves. The barn is two-storeys with a projecting porch with a catslide roof on the elevation fronting onto Main Street. There are 13 blocked cross-ventilators at ground floor level with 12 cross-shaped ventilators at first floor level. There are no windows or larger openings at first floor level on the north-facing elevation which looks onto Main Street.
- 11.3 The 1848 Halloughton Tithe map shows the barn within its farm complex with the main farmhouse located to the south east. The barn forms a small courtyard with the farmhouse range forming the arm running north to south on the eastern side, the grade II listed barn forming the northern arm, running west to east and other farm buildings forming the western side of the courtyard. The area encloses a small, grassed area and an area of hardstanding.
- 11.4 Views towards the asset can be obtained from Main Street looking east and west, though due to the meandering nature of the lane, there are only views of the barn

when in close proximity, and there are no long-range views towards the asset. There are also glimpsed views of the roof and ridge of the barn when moving along the public bridleway which runs to the south of the asset and then runs west to higher ground (plate 17). It is noted that these views of the rear of the barn are located within the Conservation Area boundary. Once a user moves out of the Conservation Area boundary along the footpath, the views of the asset and indeed of the Conservation Area disappear.

- 11.5 There are views of the asset within the farmyard context available from the footpath running directly adjacent to the farmhouse and from the farmyard to the south, looking northwards. These views place this asset firmly within the context a farmyard and clearly establish the role and function of this asset.
- 11.6 There are no views from the asset. There are openings and doorways but these have a functional purpose. There are no window openings where it would be possible to gain any views from this asset.

#### **Statement of Significance**

- 11.7 As a Grade II Listed Building, Barn at Bridle Road Farm is considered to be a designated asset of less than the highest significance as defined by NPPF with this significance consolidated through the inclusion within the Halloughton CA boundary.
- 11.8 The significance of this asset is principally embodied in its physical fabric and form which demonstrates the function of this asset and embodies the architectural and historic interest. The architectural interest of the asset is reflected in the survival of historic fabric and in the vernacular built form reflected in other farm buildings within the settlement. The architectural interest is also displayed through the decorative elements of the barn and the asset has historic interest in the form and layout of the barn within the farmyard complex, around a courtyard, a form common within this area and also seen at Halloughton Manor Farm House. The historic interest is provided by the survival of this 18<sup>th</sup> century barn within a farmyard complex, with the farm still used for agricultural purposes to the present day and in the information this asset provides for the agricultural economy of this settlement during the post-medieval period.
- 11.9 The setting of Barn at Bridle Road Farm contributes to the significance of this asset, but the contribution is much less than that made by the historic fabric of

the asset. The elements of the setting which contribute to the significance of the asset comprise:

- The remaining farm buildings within Bridle Road Farm, in particular the principal farm house located south.
- The farm courtyard located to the south; and
- The immediate agricultural land to the south of the asset which is still worked by this asset.

11.10 The views of this barn from within the farmyard to the south of the asset make a small contribution to the understanding of the function of this asset and the subservient relationship with the principal farmhouse building. The views of this barn whilst moving along Main Street make a small contribution as they provide an indication that this is farm complex of some history. The views of the barn from the public footpath to the south and southwest of the site make no contribution to the significance of the asset as only the ridge of the roof is visible and the views are also dominated by a modern barn structure which is closer to the footpath. This view offers no understanding or appreciation of the asset or its architectural and historic interest.

11.11 From this footpath, it is unlikely that there would be any co-visibility of the asset and the proposed scheme within the same view. Even if this were the case, a distant glimpse of the site in the years before mitigation vegetation screened such a view would not in any way diminish the understanding of the assets function and heritage significance as it has been shown these views do not contribute to the significance of the asset.

11.12 There are no views from the asset. This is illustrated by Plates 14 and 16 above which show the direct view from the asset and the lack of openings from which a view could be gained. Therefore views from the asset make no contribution to significance.

#### **Any contribution of the Appeal Site to significance**

11.13 The nearest arrays within the site are located over 340m to the north of this asset.

11.14 Given the area which is currently part of the agricultural holdings of this asset, that is the fields to the south, it is likely that this has always been the land related

to this asset. It is the case that the 1848 Halloughton Tithe map and Apportionment shows that although by this time the house and barn at Bridle Road Farm and the land in the southern portion of the proposed scheme were in the ownership of Sir Richard Sutton, the house and barn at Bridle Road Farm were tenanted and farmed by Henry Brett, whereas the proposed site was tenanted by a number of different tenant farmers, and not Henry Brett. Therefore there is no historic connection between the site and this asset.

11.15 There is nowhere within the proposed site where a full view of this asset, beyond glimpses of ridges is possible from and this view, even if present has no relationship with the asset, nor does it contribute towards the understanding of the asset.

11.16 Overall, the site makes no contribution to the significance of this asset.

#### **Impact upon significance**

11.17 None of the areas identified above as contributing to the significance of the asset will be affected by the proposed development. It has been stated there is no visibility of the site from this asset, nor is there any historic connection between the two areas. Any co-visibility of the asset and scheme from the footpath to the south would not cause any harm to the significance of the asset as this view does not contribute to the significance of this asset.

#### **Conservation Consultee Comments and Response to Statement of Case**

11.18 This asset has been included as a result of the same consultation process as set out at paragraphs 9.19 to 9.21 above for the Pigeoncote, Granary and Stable Block with the consultation comments relating to this asset being the same as those set out at 9.22 to 9.25 above.

11.19 It is stated in the response of Mr. Scott and in the NSDC Statement of Case that the harm to this asset would be less than substantial, at the higher end of the scale. As stated previously, this would be anticipated to be harm which is approaching a level of totally removing the ability to understand the significance of the asset. The fabric of the asset, from which the primary significance of the asset is clearly derived, will not experience any change from the development. The setting of this asset and the fundamental aspects which help to understand this asset, that is the spatial and visual relationship between the principal building of the farm complex and the courtyard space directly to the south, would not

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experience any change from the proposed development. Therefore, the assertion of this level of harm at the higher end of the scale of less than substantial is not tenable.

11.20 It is therefore my conclusion that there would be no harm to the significance of this asset arising from the proposed development.

## **12. HALLOUGHTON CONSERVATION AREA**

- 12.1 The Reason for Refusal cites “*less than substantial harm on the setting and experience of Halloughton Conservation Area*”.
- 12.2 The Halloughton Conservation Area was designated in 1972 and covers an area of approximately 18ha (Plate 18). The designation area is primarily focussed on the sunken, linear form of the historic core of the village, with a small number of fields located immediately adjacent to the historic core.
- 12.3 There is currently no adopted Conservation Area Appraisal or Management Plan, therefore the following assessment is based on an independent survey of the asset, including relevant desk-based research.
- 12.4 There is a Designation Document which dates to 1971 (CD G6), but it should be noted that this was produced prior to current guidance on Conservation Area designation.
- 12.5 A map showing the boundaries of the Conservation Area was published by Newark and Sherwood District Council in 2012.



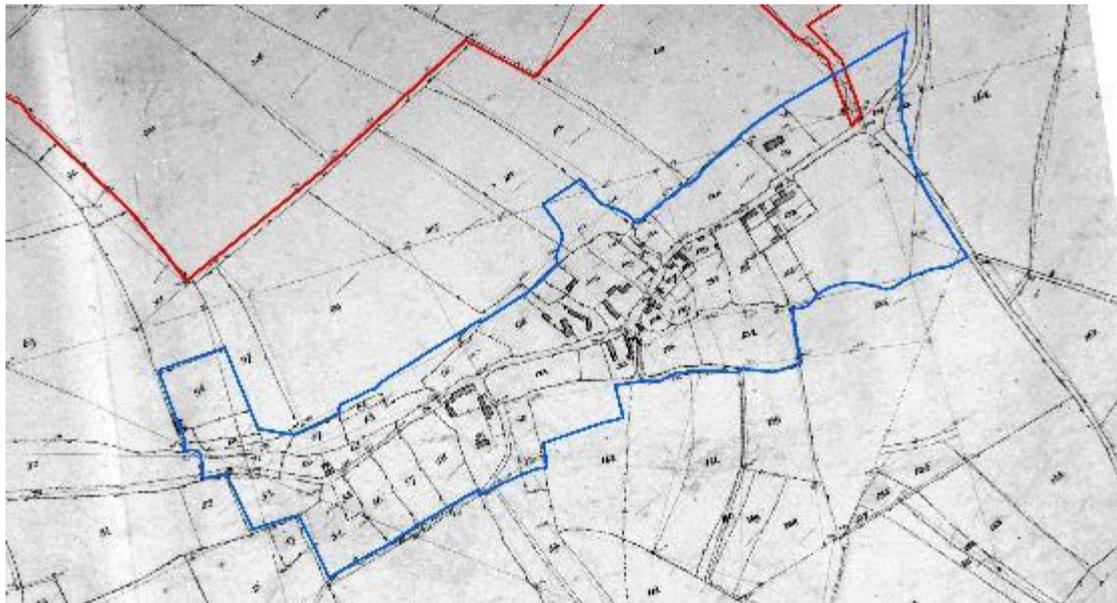
Plate 18: Map of the Halloughton Conservation Area (shaded yellow).

### **Historic development**

- 12.6 Halloughton appears to have been associated with the estate of Southwell (later an archiepiscopal manor) since the early medieval period. It was first documented in 956 when Southwell and its associated lands were granted by royal charter to Oscytel, archbishop of York. Subsequently, Halloughton developed as a prebend of Southwell Minster and was governed by a canon of the minster church. As such, the medieval settlement would have been centred on the church and prebendal house (present-day Manor Farm House) located on the eastern side of the village. The prebendary survived the Dissolution and continued to exist until the 19<sup>th</sup> century.<sup>5</sup>
- 12.7 The original endowment of the Halloughton prebendary was small, therefore the settlement remained poor for much of its history. This is reflected in the fabric of the church, which appears to have remained relatively unaltered from its construction in the 13<sup>th</sup> century to the time of its major rebuilding in the later 19<sup>th</sup> century, the small size of the village, and the lack of any charitable foundations, such as an almshouse, hospital, or school. The economy of the settlement has historically been based on agriculture, as evidenced by the farmhouses and agricultural buildings within the village core.
- 12.8 Sanderson's map of 1835 and the Halloughton Tithe Map of 1848 (Plate 19) reveal that the general layout of the settlement has changed little since the mid-19<sup>th</sup> century, except for some infill development and the construction of large barns to facilitate modern agricultural practice, in particular at Manor Farm.

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<sup>5</sup> Southwell & Nottinghamshire Church History Project, *Halloughton St James*, <https://southwellchurches.nottingham.ac.uk/halloughton/hhistory.php>.



*Plate 19: Extract of the 1848 Halloughton Tithing Map, overlain with the modern boundary of the Halloughton Conservation Area (outlined in blue) and Appeal Site (outlined in red).*

### **Character and appearance**

12.9 The special character and appearance of the Halloughton Conservation Area is principally derived from its historic built form, which consists of designated heritage assets and other historic sites contained within it, as well as from their historical, visual and spatial inter-relationship(s). The special character is also demonstrated through the line of the stream running through the settlement, the course of which the linear layout of the settlement adheres to, as well as the importance of the open spaces of the settlement – the grass verges, high hedges which tightly enclose the views and the trees – for example the surviving orchard plots. The designated heritage assets comprise:

- Halloughton Manor Farm House Grade II\* (NHLE ref. 1178664);
- Church of St James Grade II (NHLE ref. 1045555);
- Barn at Halloughton Manor Farm Grade II (NHLE ref. 1045556);
- Pigeoncote, Granary and Stable Block at Manor Farm Grade II (NHLE ref. 1370180); and
- Barn at Bridle Road Farm Grade II (NHLE ref. 1178708).

- 12.10 As well as possessing intrinsic heritage significance, these Listed buildings directly contribute to the special architectural and historic interest of the Conservation Area.
- 12.11 The Listed and non-Listed historic buildings within the Conservation Area exhibit a range of vernacular techniques, materials, and traditions dating from the medieval period onwards. The earliest and higher status buildings (the church and the former prebendal house) are constructed of masonry, while later buildings tend to be constructed of red brick (sometimes painted) with clay pantile roofs. This architectural vernacular contributes to the architectural interest of the Conservation Area.
- 12.12 The historic fabric of these buildings demonstrates the historic evolution of the village more broadly, its episodes of expansion, transition and re-building. This contributes historic interest to the significance of these individual heritage assets and of the Conservation Area overall.
- 12.13 The linear, serpentine layout of the village makes a contribution to the historic interest by illustrating the medieval origins of the settlement and by providing the intimate and enclosed feeling of the village, where there are views channelled down the Main Street, with elements of the street scape being revealed when moving west and east along the lane. Even the name of the settlement of Halloughton is a reflection of its slightly sunken location, with the name first recorded in 958 and meaning a farm in the nook or corner of land
- 12.14 Other elements that contribute to the historic and architectural interest and overall rural character and appearance of the asset include traditional boundary walling of stone and brick and hedgerows which define historic curtilages and boundary divisions and contribute to a sense of enclosure; mature trees and vegetation; grass verges; and open green spaces such as the churchyard and the grassed area to the front of Halloughton Manor Farm House.
- 12.15 A number of archaeological sites have been recorded within the Conservation Area by Nottinghamshire HER, and/or are visible on historic aerial photographs, satellite imagery and LiDAR. These comprise extant ridge and furrow earthworks, possible hollow-ways and building platforms. These archaeological remains are likely to represent earlier medieval activity within Halloughton and may indicate settlement shrinkage. Whilst these remains are unlikely to be of the highest

significance, they are still considered to contribute to the historic and archaeological interest of the Halloughton Conservation Area.

### **Setting and key views**

- 12.16 Halloughton is a small settlement situated within a gently undulating rural landscape. Cartographic sources indicate that the general agricultural character of this landscape has changed little since the 19<sup>th</sup> century, although many of the historic field systems have been amalgamated and former field boundaries removed.
- 12.17 Whilst the wider landscape is predominantly characterised by large open fields with some tree belts, it is the experience of the village in the context of the landscape that needs to be considered. The village itself is situated slightly nestled within a shallow stream valley, with the north-eastern end of the village situated on the south-east facing slope, the central more situated in the valley bottom, and south-western end also in the valley bottom but with a slightly more open aspect to the north-west. Reflecting this, the road closely follows the line of the stream at the south-western end and diverging to the north of its line at the north-eastern side of the village. This gives the Halloughton Manor Farm House more extensive views of rising and falling ground to the south-east, whereas buildings in the valley bottom to the south-west have views more constrained by topography than facilitated by it. The general character and experience of the Conservation Area when moving through is one of enclosure, with limited views outwards to the north and south whilst one is travelling through the main street, which is one of the key characteristics of the asset.
- 12.18 The Conservation Area boundary includes some field parcels on the immediate outskirts of the village, with wider agricultural surrounds beyond the designation area.
- 12.19 The wider landscape only contributes to the significance of the Halloughton Conservation Area where it better reveals the special historic and architectural interest of the Conservation Area i.e. it can be readily experienced in conjunction with the historic core and illustrates the historic rural context of the village.
- 12.20 The most important views are those within the Conservation Area, especially sequential views along main street and tableaux that enable the architectural and historic interest of the built core to be appreciated. Between the buildings, there

are glimpses out to the immediate surrounding agricultural landscape. At the north-eastern end of the village, these are more extensive, with views from the central parts of the village more enclosed by rising topography and vegetation (Plates 20, 21).



*Plate 20 Looking north from the central area of the village, with views constrained by rising ground*



*Plate 21 Looking north-west from the central area of the village, with views constrained by rising ground*

12.21 At the south-westernmost end of the village, views north become slightly more expansive, with the rising land of the adjacent large arable fields visible, and a small amount of land beyond this too, although such views are anticipated to be foreshortened by planting that has recently been established beyond the adjacent arable field (Plates 22,23).



*Plate 22 Looking north-west from the western area of the Conservation Area, adjacent to The Paddocks*



*Plate 23 Looking north from the west of the Paddocks, in the western part of the Conservation Area*

12.22 From just to the west of the Conservation Area boundary, views are to the adjacent arable fields, with views beyond limited by vegetation and topography (Plate 24). Views south are to arable land, but more constrained by topography. The view when moving east towards the village from the western approach are more expansive, then channelled into the enclosed lane through Halloughton where the views out are limited.



*Plate 24 Panoramic views from west through north to east, from just to the west of the Halloughton Conservation Area boundary*

12.23 On the approach to the Conservation Area at its eastern end, agricultural land is not co-visible with the village due to planting adjacent to the road and high hedges. The dense vegetation upon the eastern entrance to the village precludes any views of the settlement from the main Nottingham Road – there is no appreciation of the buildings or the core of Halloughton until you are along Main Street and adjacent to the church.

12.24 There is a loop of footpath which makes a circuit to the north of the village. Due to the low-lying nature of the village, the buildings are not visible from this route north of the village, and are also not visible from the stretch running north-west adjacent to Halloughton Wood (Plate 25). In addition, the fields located to the north of the southern parcel of the site are planted with a tall crop. At the time of one site visit, this crop was over 2m in height and no views could be had towards the proposed site or to Halloughton.

12.25 There may be views of the arrays within the southwestern field of the scheme, field 7, when moving south along the footpath adjacent to Halloughton Wood, however these views do not contain the Halloughton Conservation Area. It is noted that the amended scheme has the arrays removed from field 7.



*Plate 25 Looking east from the public footpath adjacent to Halloughton Wood – no visibility of the historic core of Halloughton Conservation Area or of any of the listed buildings within*

- 12.26 From the land to the south of the footpath to the north of the site, there are seasonal filtered views, mainly confined to the upper elements of the buildings from the higher ground.
- 12.27 There are limited opportunities for cross-valley views from land to the south of the settlement. From the public footpath that runs south from the central area, behind Bridle Road Farm, and then runs westwards, there are some views to agricultural land adjacent to the village, mainly of the southern fields. Views north across the valley do become more extensive as the land rises to the west, however coincidental with this revealing of views of agricultural land to the north of Halloughton is the recession in views of the buildings of Halloughton and any sense or understanding that there is a settlement located just to the north. For the glimpsed views available at the lower heights closer to the settlement the planting already established on the hedgerow edge of the site would mean that these views are likely to be limited to the fields adjacent to the village in the near future.



*Plate 26 Looking north from the south-running public footpath, south of the Listed Barn at Bridle Road Farm – proposed scheme site is not visible*



*Plate 27 Panoramic view from west through north to east, from the public footpath to the south of Halloughton*

### **Statement of significance**

12.28 The heritage significance of the Halloughton Conservation Area is principally derived from the character and appearance of the area (as described above). These elements of character and appearance can be summarised as follows:

- The historic buildings, which include five Listed assets (architectural, historic, and archaeological interest);
- Vernacular building materials, techniques, and traditions (architectural and historic interest);
- The linear, serpentine layout of the village which illustrates its medieval origins (historic interest);
- The eastern approach into the village and the western approach, moving from open land to enclosed village;
- Sunken, secluded nature of the settlement, located in a nook or fold of the hills (historic interest);
- Historic boundary walling and plot divisions (architectural and historic interest);
- Hedgerows, trees, and grass verges which exemplify the rural character of the asset (historic interest);
- Important, designed open spaces, including the churchyard and the grassed area to the front of Halloughton Manor Farm House (historic interest); and
- Archaeological remains which illustrate the historic development of the village.

12.29 Setting is also considered to contribute towards the Conservation Area's significance, though clearly this contribution is much less than the contribution made by the heritage assets and historic features within the conservation area boundary. The immediate surrounds of the Conservation Area are largely rural and agricultural in nature; historic map regression indicates that this has been the case from at least the early modern period and likely for some time prior.

12.30 Those elements of setting that contribute to the heritage significance of the Conservation comprise:

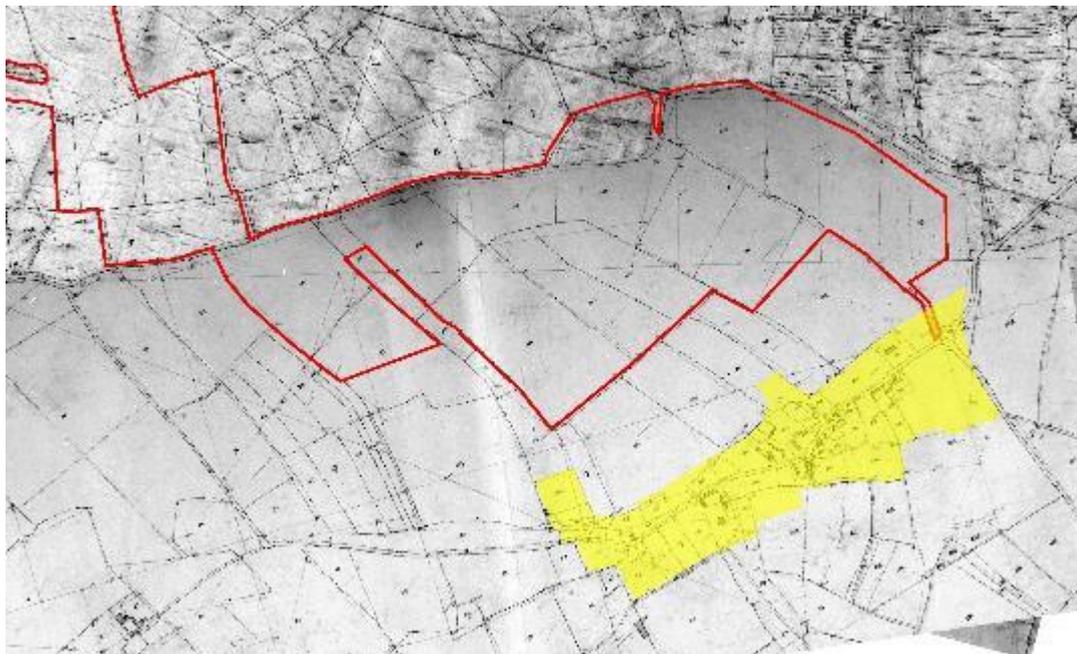
- The fields immediately to the south, particularly those south of the eastern end of the village, where the falling then rising topography facilitates views.
- The fields to the south of the village, across which there are clear views back to the historic core from the public footpath.
- The three fields immediately north of the village which can be experienced in conjunction with the church in views out from the churchyard and can also be glimpsed in sequential views from the wider historic core.
- To a lesser degree, glimpsed and distant views to the wider agricultural landscape beyond, in particular views southwards which are more expansive than views north which are truncated by vegetation and topography.

**Any contribution of the Appeal Site to significance**



*Plate 28: Map showing the Halloughton Conservation Area (shaded yellow) in relation to the southern part of the site (outlined in red).*

- 12.31 Agricultural land in proximity to the Conservation Area 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).
- 12.32 The Halloughton Tithe Map and Apportionment of 1848 (Plate 29) record that the southern area of the site was entirely under the ownership of Sir Richard Sutton, who held a large proportion of the parish land. Sutton's holding included most of the parcels of land within the Conservation Area. The occupiers of the site (tenant farmers) were identified as a Thomas Johnson and George Moor whose farmhouses, outbuildings and yards were located centrally within the Conservation Area; the buildings themselves appear to have been converted to residential units and are not considered heritage assets.



*Plate 29: Extract of the 1848 Halloughton Tithe Map, and 1841 Southwell Tithe Map showing the southern part of the site (outlined in red) in relation to Halloughton village (Conservation Area highlighted in yellow).*

- 12.33 As discussed above, the site is visible from limited publicly accessible areas of the Conservation Area, with glimpses of it being beyond agricultural land adjacent to the settlement between buildings from the road through the settlement and from the public footpath to the south – though it is noted any potential view of the site is from when the public footpath is outside the Conservation Area boundary and the view is not one with co-visibility between Conservation Area and site. These views are largely screened by existing vegetation and anticipated to be entirely

screened on the maturation of the existing planting. It is possible that there may be glimpsed views of panels from the northern boundary plots of the dwellings on the northern side of Main Street, however these views would be screened by existing and proposed vegetation around the southern site boundary as this matures.

12.34 Views of the buildings in the Conservation Area from the site are largely confined to the upper elements of the structures with few views to windows or ground level. This is the case when moving across the fields within the southern development area from where views include a number of modern buildings such as the modern farm buildings at Manor Farm. These are not characteristic views. Glimpses of rooflines, whilst they may illustrate the presence of settlement, do not provide any information on the history, layout or significance of that settlement and in this case, nor do they provide any understanding of the special interest of the Conservation Area.

12.35 From areas outside of the site boundary, there are some, limited areas where there is co-visibility of the site and the Conservation Area. These comprise:

- views from west of the Conservation Area looking east and northeast, in conjunction with 'Peartrees' which is not identified as a heritage asset, although these would be screened by the maturation of existing planting – it is noted that this is due to the panels located in field 7. The amended scheme would remove these panels, thus removing this co-visibility;
- from the public footpath to the east of Halloughton Wood, the site is co-visible with distant views of the Conservation Area. This is due to the panels in field 7. The amended scheme would remove panels from this field and thus remove this co-visibility; and
- when walking a long footpath loop north of the village, set back beyond intervening agricultural land.

12.36 The site has limited intervisibility and co-visibility with the asset, and this will be further reduced by planting that is already established and proposed planting which will reach maturation during the lifecycle of this project. It is also noted that those areas where there is co-visibility or visibility of the asset, these views are glimpsed, fragmented and heavily filtered by existing vegetation. These are

not areas where the special character of the Conservation Area can be readily understood or experienced.

12.37 These views listed above present a small glimpse of the asset in wider rural surroundings which helps to understand the historic agricultural relationship between settlement and surroundings, but does not provide any key understanding of what forms the special character of Halloughton.

12.38 Overall, the site is considered to make a very small contribution to the heritage significance of the Conservation Area through setting.

### **The impact of the proposed development**

12.39 The southern-most tip of the proposed development site extends into the eastern-most extent of the Halloughton Conservation Area. The only element of the proposed development which is located within the Conservation Area boundary is the access road into the proposed site, utilising a former access track and using an existing access. The proposed access track would be constructed of crushed aggregate which represents a change to the surface, but given the existing screening and lack of contribution the current surface of this area makes to the special character and interest of the Conservation Area, this would not result in a change to the character or interest of the Conservation Area. This area of the Conservation Area comprises plantation woodland that would be preserved under the proposals. It is acknowledged that the extension of the access track into the boundary of the Conservation Area engages Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, however the proposed development would not cause harm to the character and appearance of the Conservation Area. Therefore, although S72 is engaged, it is not offended by the proposed scheme.

12.40 The solar panels have been sited to avoid prominence in views from the settlement and, where available, in views from areas beyond the Conservation Area where there may be co-visibility of the scheme and the asset.

12.41 Further mitigation has been proposed with the introduction of a 15m wide belt of native planting along the south-eastern edge of the arrays. This would supplement and reinforce a belt of planting already present in this location would screen much intervisibility irrespective of the development. It is noted that the screening and vegetation mitigation that is proposed is in keeping with the

existing vegetation within the landscape and is appropriate within this landscape. It will not form a visual intrusion in and of itself.

- 12.42 Filtered, seasonal glimpses of small parts of the solar array may be visible from a small number of locations within the Conservation Area. These views would be beyond intervening arable land, and this buffer of arable land provides and maintains the understanding of rural context to the settlement. These filtered, seasonal glimpses of the site would eventually dissipate as the planting matures and the view would simply be one of arable land.
- 12.43 There will also be some limited co-visibility of elements of the Conservation Area and the site from the footpath east of Halloughton Wood, looking east and northeast. These would primarily be views of field 7. The amended scheme seeks to remove panels from this field which would significantly reduce if not remove altogether these views.
- 12.44 Importantly, the arrays are not anticipated to be visible during the approach to the Conservation Area from the east from the junction with Nottingham Road.
- 12.45 There may be glimpses of the proposed scheme when entering the settlement from the west though this is not a primary route into the settlement. The road from the east into the village is marked as a dead end and therefore, the main experience of entering this village is from the east. It is also noted that the views from the west would primarily be of the panels in field 7 which the amended scheme seeks to remove.
- 12.46 Therefore, it is established that there are very few locations where there would be a) visibility of the proposed scheme from within the Conservation Area and b) co-visibility of the Conservation Area and the proposed scheme and importantly, all of these few locations are glimpsed, filtered views through established and proposed vegetation.
- 12.47 The proposed development would result in a very small change to some views to the wider rural surroundings of the Conservation Area when approaching from the west and to the glimpsed views of the scheme from the northern property boundaries within the Halloughton Conservation Area. This scheme would result in a very minor amount of harm, less than substantial at the lowermost end of the scale. The change arises from the introduction of modern solar arrays with their darker palette and uniform linear layout into an area which is currently

agricultural fields which are largely open. It is this change in the character of that view, in particular when entering the settlement from the west where there is relatively little modern development within the view and where a sense of the historic character of the settlement can still be appreciated – that is the enclosed, linear form of the settlement. It is noted that rural agricultural regimes will continue through the grazing of sheep within the development area and that as mitigation vegetation matures, blending the scheme into the landscape, the impact of the development will recede. It is the case that the main location where this very minor amount of harm would arise is upon the western approach to the settlement, and the panels in field 7. The amended scheme would remove these panels from the scheme and reduce the level of harm such that it would be de minimis.

12.48 It is once again stated that areas where the proposed scheme would be visible from are not areas where the special character of the Conservation Area can be readily appreciated or understood.

12.49 Upon consideration of where the Conservation Area derives its primary significance from and its special character and considering the much lesser contribution made by the setting to the significance of the asset, the proposed development would be anticipated to result in a very minor degree harm to the heritage significance of the Halloughton Conservation Area. This would be less than substantial harm at the lowermost end of the spectrum.

12.50 It is important to note that the proposed scheme seeks permission for a time-limited period of 40 years, whereupon the scheme would be dismantled and all elements, save the substation would be removed from the site. It is the case that any harm arising from this scheme would therefore be temporary and totally reversible. Upon decommissioning the baseline situation would return to how it was the day before construction commenced, albeit with added hedgerow and tree planting creating ecological benefits for the area.

**Conservation Consultee Comments and Response to Statement of Common Ground**

12.51 As discussed above, the Conservation Officer Mr Scott considers that the heritage significance of the Conservation Area would be harmed in a way that would be '*significantly adverse*'.

12.52 An extract from the Conservation Area Designation Document (CD G6) has been quoted by the Conservation Consultee to support the assertion that the village is intrinsically linked to the surrounding landscape. This stated that:

*"In fact it could be said that the visual quality of Halloughton is attributable more to its landscape, than to buildings."*

12.53 However, a close reading of the text within the Conservation Area Designation document reveals that the quotation above was solely in relation to the landscape within the Conservation Area itself, and has no reference to the land outside the Conservation Area boundary. The quote comes at the end of a paragraph in section 3 of the text setting out the village form and after a description of the features within the village which contribute to special character, i.e grass verges, high hedges, fine trees. The "visual quality" references the visual quality of the village itself, Not the surrounding landscape. Indeed, the next paragraph of the document goes on to state:

*"Because the village lies in a valley and is purely linear in form, totally enclosed and inward looking within the settlement..." (p.2 CD G6) emphasis my own)*

12.54 The Designation document is clear in setting out the rationale behind the placement of the boundary of the Conservation Area stating:

*"The accompanying plan defines the extent of Halloughton which is considered to possess the necessary character which it is considered desirable to protect" (p.1 CD G6)*

12.55 The Conservation Area boundary, which has not altered since its designation, was deemed to be the area which possessed the character desirable to protect and the document is clear throughout about the special qualities of the settlement. Nowhere does the document mention the surrounding landscape except to state that the entrances to the village contribute to the special interest, with the western entrance demonstrating a change from open landscape to sheltered, tree dominated village being most dramatic. It is recognised this document was produced prior to legislation and recent guidance on Conservation Areas, however this remains the only Council produced description of the Conservation Area and the designated boundary has remained static since it was first allocated in 1971.

- 12.56 With regards to how harm is identified by Mr Scott, he states that the proposal will be prominent in the landscape. However, it is the way in which the proposals are experienced within and in conjunction with the Conservation Area that must be considered, and my analysis above shows that the experience of the proposals in conjunction with those areas from which the asset derives its special interest would be minimal.
- 12.57 Furthermore, Mr Scott states that the proposals would swamp the village, when the arrays would in fact be set back, beyond the agricultural land adjacent to the village with which it has the overwhelming majority of its intervisibility with the rural landscape. The amended scheme goes further in reducing the area of arrays with the panels in field 7 proposed for removal.
- 12.58 Mr Scott also states that the visibility will be particularly noticeable at the east and west entrances and from Bridleways south and east. This is not borne out by the evidence from site visits. The proposals will not be visible in conjunction with approaching the village from the east, and only have glimpsed co-visibility with the village just beyond its western end, beyond unaffected arable land, and with views anticipated to be greatly screened by existing and proposed planting. Again, these views on approach from the west will be removed entirely if the amended scheme is taken forward with the removal of panels from field 7.
- 12.59 The Statement of Case restates the position of Mr. Scott, further repeating statements such as “*the scale of industrialisation of the landscape will diminish the experiential qualities of Halloughton CA and the historic building therein*” (para 4.21 CD C3). It has been demonstrated above that the “experience” of the Halloughton Conservation Area is best realised from within the Conservation Area itself. There are no views from, towards, or including the proposed scheme which provide the ability to experience the qualities of the Halloughton Conservation Area, which are considered to be the linear layout providing evidence of its medieval origins, the enclosed nature of the settlement and the survival of historic fabric within the boundary.
- 12.60 The allegation of harm within the Statement of Case arises from the change to the rural landscape setting from the “*alien and dominating feature*’ of the proposed scheme which NSDC allege is “*fundamental to the ability to appreciate the significance of the Halloughton CA and the listed buildings therein*”.

12.61 With regards to proposed amendments to the scheme, in particular the removal of panels from field 7, the Statement of Case sets out in paragraph 4.24:

*"Having regard to the amendments advanced throughout this appeal, NSDC will explain that whilst the removal of a whole field of panels close to the village would proportionately reduce the level of harm arising from the development, NSDC still considers the overall degree of harm to the setting of Halloughton Conservation Area and the listed buildings therein (notably the Church of St James (Grade II) and the Manor House (Grade II\*)) would remain at the upper end of the 'less than substantial harm' scale." (CD C3)*

12.62 Given that in the comments of Mr. Scott, the conclusions reached with regards to the scale of harm were exactly the same as the scale set out within the Statement of Case, this statement quoted above has clearly not been taken into account. The level of harm has not been proportionally reduced in any way. In addition, nowhere in the Statement of Case is any consideration made to the time-limited nature of the proposed scheme and the reversibility of the proposals.

12.63 To maintain that a higher level of less than substantial harm would occur to the Conservation Area is clearly not a credible position, considering no harm would occur to the area itself from where the overwhelming majority of the significance of the asset is derived, or the agricultural land with which it has the greatest intervisibility.

12.64 It is my opinion that the proposed scheme would result in less than substantial harm, at the lowermost end of the scale, to the significance of the Halloughton Conservation Area through changes to elements of its setting which make a minor contribution to its significance. This harm is temporary and would be removed entirely following the decommissioning of the scheme, which would be secured by a condition of consent.

**Photographs**



*Plate 30 View west along Main Street immediately entering the eastern end of the village from Nottingham Road – no visibility of any buildings or the proposed scheme*



*Plate 31 Typical view within the core of the Conservation Area looking west along Main Street, taken adjacent to entrance to 'Brandywine'*



*Plate 32 View north from Main Street, opposite Brook Green over an area of open space with the Conservation Area. Note the sunken Main Street and the rising ground to the north.*



*Plate 33 View looking east towards western entrance to Conservation Area. The proposed scheme is not visible in this view, nor any listed assets within the Conservation Area*



*Plate 34 Looking south-east from the northern boundary of Field 7 of the proposed scheme*



*Plate 35 Looking south-east from Field 8 – ridgelines are visible but the only buildings fully visible are the modern farm buildings of Manor Farm*



*Plate 36 Looking south-east along the hedgerow dividing Field 8 and 9 in the southern area of the site*



*Plate 37 Looking south-east from Field 9 of the southern development area*



*Plate 38 Looking south-east along the field boundary between Field 9 and 10 ridgelines of buildings are visible*

### **13. BRACKENHURST HALL AND ASSOCIATED HERITAGE ASSETS**

- 13.1 Brackenhurst Hall and its associated heritage assets are considered as a whole for the purposes of this assessment (and are treated as such in the Reason for Refusal).



*Plate 39: Brackenhurst Hall's east-facing elevation.*



*Plate 40 Grade II Garden Walls and Potting Shed 100m east of Brackenhurst Hall*



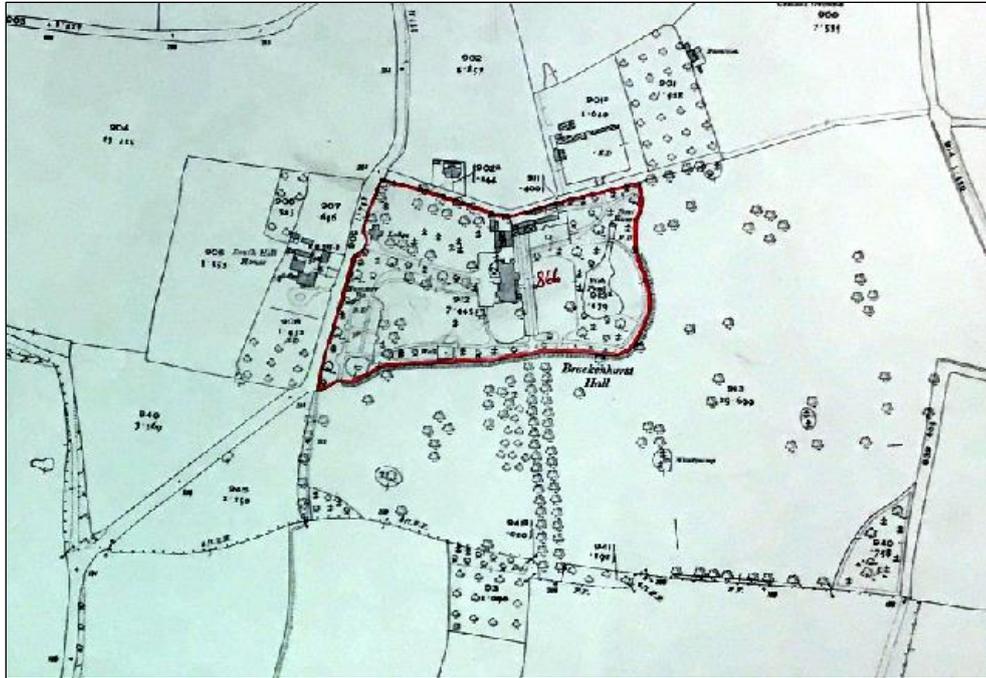
*Plate 41 Grade II listed Lodge to Brackenhurst Hall*



*Plate 42 Grade II listed Gateway and Railings at Brackenhurst Hall*

- 13.2 Within the Brackenhurst complex there are four Grade II Listed buildings, comprising:
- Brackenhurst Hall and Attached Coach House, Orangery and Garden Wall (NHLE ref. 1369927 added to the National List on 7<sup>th</sup> August 1952 and amended on 20<sup>th</sup> May 1992);
  - Gateway and Railings at Brackenhurst Hall (NHLE ref. 1289246 added to the National List on 20<sup>th</sup> May 1992);
  - Lodge to Brackenhurst Hall (NHLE ref. 1213102 added to the National List on 20<sup>th</sup> May 1992); and
  - Garden Walls and Potting Sheds 100 Metres North East of Brackenhurst Hall (NHLE ref. 1046108 added to the National List on 20<sup>th</sup> May 1992).
- 13.3 Brackenhurst Hall was originally constructed during the earlier 19<sup>th</sup> century as a residence for Rev. Thomas Coats Cane. Reverend Cane is recorded as having still owned the property on the 1841 Southwell Tithe Map. The hall was extensively remodelled during the late-19<sup>th</sup> century before it was purchased by Nottinghamshire County Council Education Committee, opened as a farm, and transferred to the management of Nottingham Trent University.
- 13.4 Several of the hall's interior features, including an oak gallery, a dogleg staircase and panelling which pre-date the house itself were originally part of an earlier 17<sup>th</sup>-century structure and have evidently been re-used.
- 13.5 Brackenhurst Hall is also identified as the birthplace of Viscount Allenby in 1861, the commander of the British Expeditionary Force during the Sinai and Palestine Campaign of 1917-18.
- 13.6 The other listed assets within this complex were constructed in the late 19<sup>th</sup> century for W. N. Hicking. The intervention of Hicking and his purchase of the estate coincided within the elevation of Brackenhurst into Brackenhurst Hall, with these assets expanding the estate and adding an air of wealth and higher status into the estate.
- 13.7 The development of Brackenhurst Hall is depicted on historic Ordnance Survey mapping, which shows the construction of the lodge, both sets of walls, the gates

and the potting shed. These works are also recorded on architectural and landscaping drawings (Error! Reference source not found.).



*Plate 43: Brackenhurst Hall as depicted on the Revised Edition Ordnance Survey Map of 1919.*

- 13.8 The structures are now part of the Nottingham Trent University Campus. Modern buildings have been constructed within the grounds of the hall, interspersed with the historic buildings and the campus has expanded significantly with large blocks of new student housing constructed to the northeast of the hall and walled garden. The historic layout of the buildings is still legible, however the relationship between these buildings has been somewhat diminished by the construction of large-scale college buildings in the space between the historic assets.



*Plate 44 Looking east to the grade II listed Lodge and the part of the grade II listed gate piers at the entrance to the college grounds at Brackenhurst*

- 13.1 The lodge and gateway are located off Nottingham Road and form the principal historic entrance into the estate. This entrance is now only in occasional use mainly for maintenance vehicles. The main access is now along Hicking Lane and Brackenhurst Lane. The walled garden, containing the listed elements of the potting shed and wall are now surrounded by modern development on three sides, though the interior of the walled garden still intact and used as a teaching space within the agricultural college.
- 13.2 Historically, both the east and west facing facades of Brackenhurst Hall would have had views outwards. However, modern construction within the college complex has seen a large, two-storey teaching block constructed directly west of the hall, impeding views to and from this façade. In addition, the use of the immediate surrounding terrace and hardstanding around the hall for extensive car parking also diminishes the views towards this façade. The east facing façade still overlooks a grassed terraced area and formal designated landscape and it is from this terrace and to the east that the best views of this asset are available from.

### **Statement of Significance**

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- 13.3 As a grouping of grade II listed buildings, the assets within the Brackenhurst complex are considered to be designated assets of less than the highest significance as defined by NPPF.
- 13.4 The significance of all of the grade II assets within the Brackenhurst complex is principally embodied within the physical fabric and the architectural and historic interest this displays. The significance of Brackenhurst Hall derives primarily from its architectural and historic interests; the hall represents the earliest known survival within the complex, the other heritage assets having been constructed during the later 19<sup>th</sup> century as part of W. N. Hicking's re-modelling. The built fabric of the asset provides architectural interest in the decorative and ornate details of the building along with the survival of earlier elements within the hall itself. The later, 19<sup>th</sup> century elements have architectural interest in their layout providing evidence of the establishment of a 19<sup>th</sup> century estate, along with the inherent interest in the surviving fabric and the design of the subordinate buildings within the estate. The assets have historic interest in the information they provide for the evolution of the estate as well as the association of the hall with Viscount Allenby, Rev. Thomas Coats Cane and W N Hicking.
- 13.5 The setting of this group of assets is also considered to contribute to their significance, although to a lesser extent than their historic fabric.
- 13.6 The heritage assets within the Brackenhurst complex form key aspects of one another's setting. The lodge, gateways, railings, walls and potting sheds all form part of the setting of Brackenhurst Hall by virtue of their subservient status to the principal building of the grouping and in their interrelationship which provides evidence of the layout and how the estate functioned. This element of the setting has been eroded in modern years since the construction of a number of modern buildings as part of the University Campus. Whilst these buildings are of some quality, their location in the space between historic buildings has diminished the understanding of how the estate worked. The gradual disuse of the gateway and entrance near the lodge also diminishes the amount this contributes to significance as this is no longer the principal entry into the estate.
- 13.7 The other elements of the setting of all of the assets which contribute to significance comprise:

- The remnant elements of designed landscape – including the grassed terrace to the east of the building, the rose garden and parterre feature to the northeast of Brackenhurst Hall;
- The tree clumps, isolated specimen trees and vegetation within the estate which retain the parkland character of the asset; and
- The remaining trees forming a designed avenue running south from the estate in the two fields directly south of the grassed terraced area – forming the boundary of the historic parkland.

13.8 The views that contribute to the significance of these assets are all within the estate boundaries. The views that illustrate the architectural interest of the asset are all within the estate boundary, for example the view of the walled garden and potting shed is best observed within the walled garden itself. Views out from the assets are to the east from Brackenhurst Hall across the grassed terrace and to the landscape beyond. The views from the other, subservient assets within the estate do not contribute to their significance. These were service buildings designed to serve a role within the wider estate. Whilst holding aesthetic interest and having architectural interest in themselves, they were not designed to be the focus of the estate.

**Any contribution of the Appeal Site to significance**

13.9 The nearest designated assets comprising Brackenhurst Hall are located over 300m north-east of the Appeal Site. The site never appears to have formed part of the same landholding of the Hall, nor was it ever part of the designed grounds or parkland.

13.10 With regards to intervisibility, the Hall and associated buildings are not visible from the site. Only distant glimpses of the tower of Brackenhurst Hall can be seen from the eastern area of the site and along the footpath running north of the southern site parcel. This feature is visible from numerous points within the wider landscape and although this indicates the location of Brackenhurst Hall, it gives no indication of the estate or helps to understand and appreciate the heritage significance of the asset. There is no visibility of the site from the assets within the complex.



*Plate 45 Looking east to Brackenhurst from within the site – only upper level of the tower of the hall is visible*



*Plate 46: View southwest from the grade II listed gateway and railings at historic entrance towards the proposed site*



*Plate 47 View north along Nottingham Road towards historic entrance to Brackenhurst Hall complex. No views of any buildings within the estate or the proposed scheme. Grade II South Hill House visible*

### **Impact of the proposed development**

- 13.11 None of the areas identified above as contributing to the significance of the asset will be affected by the proposed development. The views from within the complex will not experience any change and the proposed scheme will not be visible travelling along Nottingham Road towards the historic entrance to the site.
- 13.12 There would be no co-visibility of the asset and the proposed scheme when travelling along Nottingham Road,
- 13.13 No harm to the heritage significance of the grouping of assets within the Brackenhurst Hall complex is anticipated.

### **Consultee Comments and Response to Statement of Case**

- 13.14 The consultee comments of 24<sup>th</sup> September 2020 acknowledge that there is no anticipated visibility of the scheme from the Hall, but suggests that the proposed scheme would impact upon the experience of travelling along the Nottingham Road to and from Brackenhurst. p The NSDC Statement of Case states at paragraph 4.22:

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*"with regards to heritage assets within the Brackenhurst complex...NSDC will explain the nature, level and extent of their significance and the contribution made by their landscape setting, concluding that the development would cause a less than substantial degree of harm, at the lower end of the scale" (CD C3)*

13.15 Having visited the site and moved north and south along Nottingham Road on foot and carefully looked at what can be seen from this route, I do not consider that the views from Nottingham Road would be changed in any way that affects the heritage significance of assets at Brackenhurst. No arrays are anticipated to be visible and, at most, mitigation planting may be perceptible but it is unlikely this would be perceived as different to the existing vegetation.

13.16 It is therefore my conclusion that there would be no harm to the significance of this grouping of assets arising from the proposed development.

## **14. SOUTH HILL HOUSE**

- 14.1 South Hill House is a Grade II Listed building located c. 265m north-east of the Appeal Site at its nearest point (Plate 48, NHLE ref. 1213124) and added to the National List on 20<sup>th</sup> May 1992. It was constructed in c.1800 as a farmhouse but has since been converted to student accommodation for Nottingham Trent University.



*Plate 48 Looking north to South Hill House*

- 14.1 The building is two storeys, red brick with stone dressing and a hipped slate roof. When constructed, it would have been a farmhouse of higher status.
- 14.2 The principal façade of the building faces south, overlooking an area of orchard. The grounds of this asset are clearly visible and formed by a grassed orchard area to the south, surrounded by a high hedgerow with land to the north which is currently occupied by materials storage and site cabins. The formal grounds of this asset are surrounded by agricultural land with line route of Nottingham Road forming the eastern boundary of the site.

- 14.3 There are views of the principal façade of this asset available when moving northward along Nottingham Road, however these are only visible for a short distance along the route.

### **Statement of Significance**

- 14.4 As a Grade II Listed building, South Hill House constitutes a designated heritage asset of less than the highest significance as defined by the NPPF.
- 14.5 The significance of South Hill House derives primarily from its built fabric, which retains historic and architectural interest as a good example of a late Georgian house of brick construction with restrained but high-quality ashlar and carved stone detailing, including a pedimented central doorway. South Hill House is readily appreciable as an historic farmhouse externally and it retains a number of interior features of additional interest, considered to make a key contribution to its significance.
- 14.6 Setting is also considered to contribute to the heritage significance of the Listed building, although to a lesser extent than its historic fabric. The elements of the setting of this asset which contribute to significance comprise:
- The immediate grounds and curtilage of the house which appear to be broadly similar to those depicted on the Southwell Tithe Map of 1841; and
  - a former agricultural outbuilding to the immediate northwest of South Hill House, currently used for university purposes.
- 14.7 The garden and outbuilding help to demonstrate the evolution of the building from farmhouse to dwelling. To the north of the house, a 20<sup>th</sup>-century building that appears to have replaced a number of former outbuildings does not contribute to the significance of this asset., though it does help to provide an understanding of the amalgamation of the asset into the university campus at Brackenhurst Hall.

### **Any contribution of the Appeal Site to significance**

- 14.8 The Appeal Site is located c. 265m south-west of South Hill House at its closest point. It never appears to have formed part of the same landholding, nor to share any other historical associations with South Hill House.

- 14.9 Inter-visibility between site and the asset is screened by the tree plantation that encircles the south-eastern and eastern boundaries of the southern part of the site, as well as the trees within the asset's gardens. The asset's façade faces southwards and not directly towards the site. No visibility of the asset from the site or surrounding footpaths could be observed.
- 14.10 The site is not co-visible with the asset within views moving northwards along Nottingham Road.



*Plate 49 Looking south-west from Nottingham Road past South Hill House towards the site (site not visible)*

- 14.11 The site is not considered to contribute to the heritage significance of the asset through setting.

**Impact upon significance**

- 14.12 None of the elements identified above as contributing to the heritage significance of the asset will be affected by the proposed development.
- 14.13 The proposals are not anticipated to be visible from the asset, or co visible with it in any key views. The view of the principal façade that is available moving north

along Nottingham Road will not be affected, changed or interrupted by the proposed scheme.

14.14 No harm to the heritage significance of the asset is anticipated arising from the proposed scheme.

#### **Consultee Comments and Response to Statement of Case**

14.15 The Conservation consultation comments of 24<sup>th</sup> September state that South Hill House is “*most prominently exposed to the solar farm proposals*” and are concerned with impacts on the experience of travelling along the Nottingham Road. Within the Statement of Case, the consideration of South Hill House is taken together with the Brackenhurst complex. The NSDC Statement of Case states at paragraph 4.22:

*“with regards to heritage assets within the Brackenhurst complex...NSDC will explain the nature, level and extent of their significance and the contribution made by their landscape setting, concluding that the development would cause a less than substantial degree of harm, at the lower end of the scale” (CD C3)*

14.16 The site visit has shown that the views from Nottingham Road would not be changed in any way that affects the heritage significance of South Hill House. No arrays are anticipated to be visible and, at most, mitigation planting may be perceptible but it is unlikely this would be perceived as different to the existing vegetation.

14.17 It is therefore my conclusion that there would be no harm to the significance of this grouping of assets arising from the proposed development.

## **15. DISCUSSION**

- 15.1 The assessment given in Section 12 concluded that the proposed development would result in small amount of harm, less than substantial at the lower end of the scale to the significance of the Halloughton Conservation Area through changes in the setting which contribute to significance. No harm is identified to any other heritage asset identified by any other parties.
- 15.2 The very small amount of harm identified to the Conservation Area arises from change within its setting and is not due to development within the Conservation Area itself.
- 15.3 As such, and giving great weight to the conservation of heritage assets, this very small amount of harm should be weighed against the public benefits of the proposed scheme, in line with paragraph 196 of the NPPF. This weighing exercise is carried out by Mr Paul Burrell in his Statement.
- 15.4 With regards to Core Strategy Policy 14 on the Historic Environment, this does not prohibit harm to the significance of Conservation Areas, but rather requires clear and convincing justification for such harm. This is given in the consideration of the harm against public benefits completed by Mr Burrell in his Statement.
- 15.5 With regards to Policy 9 of the Allocations and Development Management DPD (2013) this does not prohibit harm to Conservation Areas through changes in setting, but rather requires sensitive design and a consideration of impacts against policy. The proposed development is not considered to be in conflict with this policy.
- 15.6 The consideration of the time-limited effects of a solar scheme is a factor which has been included in the draft National Policy Statement for Renewable Energy Infrastructure EN-3 (CD D4-B), published for consultation by BEIS on 6<sup>th</sup> September 2021 and which, for the first time includes a section on solar schemes. It is understood that this scheme is not being considered as an NSIP, however the energy output of this scheme and scale are of a scale which approaches the NSIP threshold. It is also noted that this is a draft document, the contents of which are subject to change, however, it is considered that the guidance set out in this document should be afforded appropriate weight (considered further in the evidence or Mr. Burrell).

15.7 Within the 2021 Draft NPS EN-3, Solar Voltaic Generation is considered from section 2.47 onwards. The draft NPS states:

*"2.49.13 The time-limited nature of solar farms, where a time-limit is sought by an applicant as a condition of consent, is likely to be an important consideration for the Secretary of State when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets. Such judgements should include consideration of the period of time sought by the applicants for the generating station to operate. The extent to which the site will return to its original state may also be a relevant consideration."<sup>6</sup> (emphasis my own)*

15.8 Importantly, this reference to the consideration of the time-limited nature of solar farms is repeated within paragraph 2.53.8 in a section specifically discussing impacts from solar photovoltaic generation to cultural heritage. It states:

*"The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets"<sup>7</sup>*

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<sup>6</sup> BEIS, 2021, Draft National Policy Statement EN-3 p84-85

<sup>7</sup> ibid 2.53.8

## **16. CONCLUSIONS**

- 16.1 In conclusion, a thorough evaluation of the heritage assets cited in the Reason for Refusal has only identified a very small amount of harm to one asset, less than substantial at the lowermost end of the spectrum; the Halloughton Conservation Area, with no harm identified to the Church of St James, the Manor Farm House, Pigeoncote, Barn at Bridle Road Farm. South Hill House or assets within the complex at Brackenhurst Hall.
- 16.2 Limited harm was identified to the Halloughton Conservation Area, but this was considered to be very small, at the lowermost end of the less than substantial harm spectrum due to the limited intervisibility and co visibility of the modern elements of the scheme with the asset which would introduce an area of modern development into a view which is currently characterised as arable, agricultural land. These views would only be experienced in glimpsed views beyond intervening agricultural land, and with intervisibility likely to be almost entirely extinguished following the maturation of existing and proposed vegetation. The harm would therefore diminish as the vegetation matures, screening the scheme and merging it into the landscape. It is considered that this very small amount of harm does not adversely affect the reasons why this area was designated as a Conservation Area.
- 16.3 This level of harm would be removed entirely following the decommissioning of the scheme after the 40-year time limit, as secured via condition. The development would be removed, restoring the site to its baseline condition, with the exception of the sub-station and the mitigation planting which in itself is not harmful and would bring ecological benefits.
- 16.4 This very small amount of harm is not contrary to policy, but rather should be weighed against the public benefits of the proposed scheme. This exercise is undertaken by Mr Burrell in his Statement.
- 16.5 It is suggested that throughout this application and the Appeal process, NSDC have utilised a calibration of the levels within the spectrum of less than substantial harm which has resulted, in my opinion, in an overestimation of the levels of harm arising from this scheme. NSDC have assigned and continue to maintain, in most instances, a position of harm at the higher end of the LTS scale to a number of assets. In doing this, NSDC is saying the harm to these assets is such that it

approaches the vitiation of, or almost total removal of the significance of the asset in question. The position is not credible, particularly as the physical fabric of these assets would not experience any harm from the scheme.

- 16.6 It is accepted in this Proof that the proposed development may result in a small amount, less than substantial at the lower most end of the spectrum for the Halloughton Conservation Area which would be removed following the decommissioning of the scheme after 40 years. However, for NSDC to argue that the level of harm for the Conservation Area and all listed buildings within, save two, would be at the virtual opposite end of this spectrum, at a level where the significance of these assets was almost approaching removal, is clearly an overstatement.

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## **APPENDIX 1: LEGISLATION AND PLANNING POLICY**

### **National Planning Legislation, Policy and Guidance**

#### **Legislation**

16.1 Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.

16.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*"In considering whether to grant planning permission [or permission in principle] 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".*

16.3 In the 2014 Court of Appeal judgement in relation to the **Barnwell Manor** case<sup>8</sup>, Sullivan LJ held that:

*"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*

16.4 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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<sup>8</sup> *East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137*, Core Document H3, page 10, paragraph 24

16.5 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

National Planning Policy Framework (July 2021)

16.6 The National Planning Policy Framework (NPPF) was updated in July 2021 and replaces the former NPPF (February 2019).

16.7 **Paragraph 194** 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. In this case, no issue has been raised with regards to the level of the information provided. There is sufficient information on which a decision can be reached.

16.8 **Paragraph 195** states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account 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.

16.9 **Paragraph 197** states that, in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

16.10 **Paragraphs 199 and 200** state 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its

significance. 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. This paragraph also discusses how substantial harm to different assets should be considered. Substantial harm is not alleged in this case.

- 16.11 **Paragraph 201** deals with circumstances where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset. Substantial harm is not alleged in this case.
- 16.12 **Paragraph 202** deals with circumstances where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, confirming that this harm should be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 16.13 **Paragraph 203** deals with circumstances where a development proposal would affect the significance of a non-designated heritage asset, requiring a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.14 With regard to decision making, **Paragraph 38** confirms that local planning authorities should approach it in a positive and creative way, looking for solutions rather than problems and seeking to approve applications for sustainable development where possible.

#### National Planning Guidance

- 16.15 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 16.16 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 16.17 The PPG has a section on the subject of '*Conserving and enhancing the historic environment*' which at paragraph 007 (ID: 18a-007-20190723 revision date

23.07.2019) confirms that consideration of 'significance' in decision taking and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*

16.18 In terms of assessment of substantial harm, paragraph 018 (ID: 18a-017-20190723 revision date 23.07.2019) confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

*"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."*

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."*

### **Local Planning Policy**

16.19 Local planning policy is contained in the Core Strategy (2019), Policy 14 on the Historic Environment, and the Site Allocations and Development Management DPD (2013), Policy DM9 on the Historic Environment.

## **Other Relevant Policy and Guidance**

### Draft National Planning Statements

- 16.20 On 6<sup>th</sup> September 2021, the Department for Business, Energy and Infrastructure (BEIS) published an updated suite of Draft National Policy Statements (NPS) to provide guidance for decision-makers on the application of government policy when determining development consent for major infrastructure or Nationally Significant Infrastructure Projects (NSIP). This suite of documents was published to update the original NPS' published in 2011 for public consultation and they have not been formally adopted.
- 16.21 Within this suite of documents, NPS for Renewable Energy Infrastructure EN-3 sets out guidance to determine applications for solar developments. This type of renewable infrastructure was not originally included within the first round of NPS but is included here as solar *'forms a key part of the government's strategy for low-cost decarbonisation of the energy sector'* (2.47.1 – Draft NPS EN-3).
- 16.22 Whilst the proposed development is not of a scale that would be considered as an NSIP, it is approaching that quantum of MW delivery (50MW). Therefore, it is considered that the guidance offered to decision-makers within this draft consultation is of relevance in reference to the decision-making for this proposed development, albeit these documents are draft consultations and the weight to be afforded to such documents is a matter for the decision-maker.
- 16.23 Within NPS EN-3, Solar Voltaic Generation is considered from section 2.47 onwards. Of relevance to this scheme, guidance is given on project lifetimes. The draft NPS states:

*"2.49.12 Where the consent for a solar farm is to be time-limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity...A limit of 25 years is typical, although applicants may seek consent for differing time-periods for operation.*

*2.49.13 The time-limited nature of solar farms, where a time-limit is sought by an applicant as a condition of consent, is likely to be an important consideration for the Secretary of State when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets. Such judgements should include consideration of the period of time*

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*sought by the applicants for the generating station to operate. The extent to which the site will return to its original state may also be a relevant consideration. (Draft NPS EN-3 p84-85 – emphasis my own)*

16.24 This is clear in stating that when permission is granted for proposed solar schemes, this is a temporary permission – time limited even where the time is beyond a typical range of 25-30 years and that this time limited nature is likely to be an important consideration for a decision-maker assessing impacts upon the setting of heritage assets.

16.25 Importantly, this reference to the consideration of the time-limited nature of solar farms is repeated within paragraph 2.53.8 in a section specifically discussing impacts from solar photovoltaic generation to cultural heritage. It states:

*"The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets" (Draft NPS EN-3 2.53.8),*

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## **APPENDIX 2: METHODOLOGY**

### Key Documents

16.26 Key documents that have been used in the compilation of this Statement comprise:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*<sup>9</sup> (henceforth referred to as *Planning Note 2*);
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*<sup>10</sup>, the key guidance of assessing setting (henceforth referred to as *The Setting of Heritage Assets*);
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*<sup>11</sup> (henceforth referred to as *Conservation Principles*); and
- *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*<sup>12</sup>.

16.27 This assessment has been informed by the documentation submitted with the planning application, and site visits in 2020.

### Assessment of Significance

16.28 In the NPPF, heritage significance is defined as:

**“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”**

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<sup>9</sup> *Historic England, 2015, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment; Core Document G1*

<sup>10</sup> *Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets; Core Document G2*

<sup>11</sup> *English Heritage 2008 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment; Core Document G3*

<sup>12</sup> *Historic England 2019 Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12; Core Document G4*

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### Assessing Value

16.29 *Planning Note 2*<sup>13</sup> gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, *Planning Note 2* also advocates considering the four types of heritage value an asset may hold as identified in *Conservation Principles*<sup>14</sup> as aesthetic, communal, historic and evidential. These essentially cover the heritage 'interests' given in the glossary of the NPPF and online Planning Practice Guidance, which comprise **archaeological, architectural, artistic and historic interest**. The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance* (October 2019)<sup>15</sup>, advises using the terminology of the NPPF and Planning Practice Guidance, and so that terminology has been used in this Proof.

16.30 *The online Planning Practice Guidance* provides further information on the heritage values it identifies<sup>16</sup>:

- **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.

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<sup>13</sup> Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*, CD G1

<sup>14</sup> English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* CD G3

<sup>15</sup> Historic England 2019 *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*; CD G4

<sup>16</sup> *Online Planning Practice Guidance on the Historic Environment, Paragraph: 006 Reference ID: 18a-006-20190723* Core Doc D2

- **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.

16.31 Significance results from a combination of any, some or all of the values described above.

16.32 Listed Buildings are designated for their special architectural and historic interest.

#### Setting and significance

16.33 As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting." (NPPF Annex 2).*

16.34 Setting is defined 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 contribute to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." (Annex 2)*

16.35 Setting is not, in itself a heritage asset. Rather, setting can contribute to or affect an appreciation of significance or be neutral with regards to heritage values. The importance of the setting is as a component of the significance of the heritage asset.

#### Assessing change through alteration to setting

16.36 How setting might contribute to these values has been assessed within this report with reference to *GPA Note 3: The Setting of Heritage Assets*<sup>17</sup>, particularly the checklist given on page 11. *The Setting of Heritage Assets* advocates the clear articulation of 'what matters and why'. This approach is endorsed by Historic England's most recent guidance on Statements of Significance<sup>18</sup>.

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<sup>17</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*, CD G2

<sup>18</sup> *Historic England 2019 Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12;* CD G4

16.37 In *The Setting of Heritage Assets*<sup>19</sup>, a stepped approach is recommended, of which:

- **Step 1** is to identify which heritage assets and their settings are affected.
- **Step 2** is to assess *'the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated'*. Four primary considerations are listed, comprising: the asset's physical surrounds; the asset's intangible associations and patterns of use; the contribution made by noises and smells; and the ways views allow the significance of an asset to be appreciated. The guidance includes a (non-exhaustive) check-list of elements of the potential attributes of a setting that may help elucidate its contribution to significance, among other things: topography, aspect, other heritage assets, green space, formal design, functional relationships, and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: surrounding landscape/townscape character, views, intentional intervisibility, dominance, tranquillity, sense of enclosure, accessibility, rarity and cultural associations.
- **Step 3** is to assess the effect of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it.
- **Step 4** is *'Explore ways to maximise enhancement and avoid or minimise harm'*.
- **Step 5** is *'Make and document the decision and monitor outcomes''*.

16.38 A Court of Appeal judgement<sup>20</sup> has recently confirmed that whilst issues of visibility are important when assessing setting, other factors should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

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<sup>19</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*, CD G2

<sup>20</sup> *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018, Core Document H1

*Paragraph 25 - But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56).*

*Paragraph 26 - This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.*

#### Levels of significance

16.39 In accordance with the levels of significance articulated in the NPPF, four levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II\* Listed buildings; Grade I and II\* Registered Parks and Gardens; Scheduled Monuments; Protected Wreck Sites and Registered Battlefields (and also including some Conservation Areas);
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);
- **Non-designated heritage assets;**

- Sites, buildings or areas of **no heritage significance**.

#### Assessment of harm

16.40 In order to relate to key policies, the following levels of harm may potentially be identified:

- **Substantial harm or total loss** - It has been clarified in a High Court Judgement of 2013<sup>21</sup> that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
- **Less than substantial harm** - Harm of a lesser level than that defined above. The online Planning Practice Guide stipulates that the extent of the harm within this category should be clearly articulated<sup>22</sup>; and
- **No harm (preservation)** - The principle that preserving means doing no harm was clearly articulated by the House of Lords in 1992<sup>23</sup>, as well as a High Court Judgement of 2014<sup>24</sup> which concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, '*preserving*' means doing '*no harm*'.

16.41 For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *The Setting of Heritage Assets*, described above. Fundamental to the methodology set out in this document is stating '*what matters and why*'. Of particular relevance is the checklist given on page 13 of *GPA Note 3: The Setting of Heritage Assets (Second Edition)*.

16.42 It should be noted that this document states that:

*"setting is not itself a heritage asset, nor a heritage designation"*

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<sup>21</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council, Core Document H2

<sup>22</sup> *Planning Practice Guidance on the Historic Environment, Paragraph 018, reference ID Reference ID: 18a-018-20190723* Core Document D2

<sup>23</sup> *South Lakeland District Council Appellants v Secretary of State for the Environment and Another Respondents*, [1992] 2 A.C. 14,

<sup>24</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle, Core Document H4

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16.43 Hence any impacts are described in terms of how they affect the significance of the heritage asset, and heritage values that contribute to this significance, through changes to setting.

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**APPENDIX 3 – KEY HERITAGE ASSETS**

