

## **Proof of Evidence on Heritage.**

### **Evidence of Gail Stoten BA (Hons) MCIfA FSA.**

Land North of Browns Lane, Tamworth, Staffordshire.

On behalf of Summix BLT Developments Ltd and Platform Housing Group.

Date: June 2024 | Pegasus Ref: P24-0348

LPA Refs: Tamworth O241/2018 and Lichfield 18/00840/OUTMEI

Author: Gail Stoten BA (Hons) MCIfA FSA

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# Contents

1. Author's Background (CV).....	3
2. Introduction.....	5
3. The Historic Environment.....	10
4. Conclusions.....	30

# Appendices

Appendix 1: Legislation and Planning Policy

Appendix 2: Methodology

Appendix 3: Figure



# 1. Author's Background (CV)

- 1.1. My name is Gail Stoten. I am a Heritage Executive Director at Pegasus Planning Group, where I lead the Heritage Team, which comprises 19 specialist consultants.
- 1.2. I have been a heritage professional for 24 years, including 14 years working for Cotswold Archaeology and nine years at Pegasus Group.
- 1.3. I am a Member of the Chartered Institute for Archaeologists (MCIfA). I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology.
- 1.4. I am a Trustee of Painswick Rococo Gardens, and have been a member of the board of the charity for seven years.
- 1.5. I have acted as a heritage consultant on numerous large-scale developments in England, Wales and Northern Ireland, on behalf of developers, local planning authorities, and third parties.
- 1.6. I provide expert advice to clients on heritage assessment and also manage survey work (including built heritage assessments and archaeological works) carried out by our company and sub-contractors.
- 1.7. My role necessitates close liaison with heritage stakeholders such as Historic England, Local Authority heritage officers, and Amenity Group Representatives.
- 1.8. The assessment of the setting of heritage assets is an area in which I have significant expertise, and I have over twenty years' experience in completing setting assessments. I have made assessments of the setting of a wide variety of heritage assets, including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Monuments, Battlefields and World Heritage Sites. I have assessed the impact of many different types of development including residential, commercial and energy developments, including tall structures.
- 1.9. Projects I have been professionally instructed on relating to the setting of heritage assets, have included:
  - Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth, Gloucestershire. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 1500 dwellings in the wider vicinity of Listed Buildings;
  - Land west of Knights Hill Village, Grimston Road, South Wotton, Norfolk. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 600 dwellings and associated works in the wider vicinity of Castle Rising Castle Listed building, Scheduled Monument and Conservation Area;
  - Land south of Gallows Hill/West of Europa Way, Heathcote, Warwick. Secretary of State Decision (concurring with Inspector's recommendation) allowing the construction of up to 450 residences, in the wider vicinity of Listed buildings, Scheduled Monument



the Conservation Area and Registered Park and Garden associated with Warwick Castle and the town of Warwick;

- Land at Bocking Church Street, Braintree, Essex, where up to 265 residences and associated works were consented close to a Grade II Listed farmhouse;
- Land at Pope's Lane, Sturry, Kent, Inspector's Decision, not allowing the residential development of the site for 140 dwellings on transport grounds, but concurring with my assessment of less than substantial harm at the lower end of the spectrum for an adjacent Listed farmhouse complex.
- Land at Langford Devon, Inspector's decision, consenting a solar farm in the surrounds of a Grade II\* Listed building.
- Land at Copse Lodge, Northamptonshire, consenting a solar farm in the surrounds of a Conservation Area and Listed buildings.
- Land at Tenterden, Kent, Inspector's Decision, consenting residential development in proximity to a Conservation Area and Listed buildings.
- Squire's Hill, Belfast, Commissioner's Decision, consenting a wind turbine in proximity to a Scheduled Monument.

1.10. The evidence which I have prepared and provided in this Statement 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 Statement has been prepared on behalf of Summix BLT Developments Ltd and Platform Housing Group ('The Appellants') and relates to an Outline Planning Application, concerning Land North of Browns Lane, Tamworth, Staffordshire ('The Site').

### Appeal Proposal

- 2.2. Applications for development were made to Tamworth Borough Council (O241/2018) and Lichfield District Council (18/00840/OUTMEI) in August 2017. These applications were for:

*"Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access)."*

### Assessments and Consultation Responses

- 2.3. The Applications were supported by a Built Heritage Statement produced by CgMs dated January 2018 (CD 1.2.4). This concluded that the proposed development would cause less than substantial harm at the lower end of the spectrum to the Wigginton Conservation Area.
- 2.4. A consultation response on conservation matters was made by Claire Hines, LDC Conservation Officer dated 26<sup>th</sup> June 2018 (CD 4.6). This identified harm to the heritage significance of the Wigginton Conservation Area, but did not articulate the magnitude of this harm. The finding of harm to the Conservation Area was repeated in a further response of December 2019 (CD 4.7).
- 2.5. An updated Heritage Statement was submitted in February 2020 (RPS Group, dated 2019 on the cover, CD 1.2.6). This concluded that a low level of less than substantial harm would occur to the heritage significance of the Conservation Area.
- 2.6. A further consultation response from Ms Hines dated February 2020 (CD 4.8) concluded with regards to the updated heritage statement:
- "An amended Heritage Statement has been submitted. This is thorough and concludes that the proposed development would cause less than substantial harm to the significance of the conservation area. I concur with this conclusion for the reasons given in previous comments in particular those on the 26/6/18 of which a paragraph is repeated below."*
- 2.7. It is not explicitly stated that the level of harm identified in the heritage statement (low level of less than substantial) is agreed with, although it is of note that no difference on this matter is articulated in the consultation response.
- 2.8. Further responses from another Conservation Officer at LDC, Mr Ed Higgins, were given in responses of April 2022 and December 2022, although these make no further comments in addition to those given previously by Ms Hines (CD 4.9 and 4.10).
- 2.9. References are made in the Lichfield Committee Report (CD2.5) to a response from the Tamworth Conservation Officer (dated 23<sup>rd</sup> March 2020) supporting the views of the Lichfield Officer with regards to the identified harm to the Wigginton Conservation Area.

### Committee Report

- 2.10. The Committee Report for Lichfield District Council identified harm to the significance of the Wigginton Conservation Area, but did not articulate the magnitude of this harm (CD 2.5).

### Refusals

- 2.11. The applications were refused by Lichfield District Council (CD 2.1) and Tamworth Borough Council (CD 2.2). The Reason for Refusal given in the Decision Notice from Tamworth Borough Council dated 5<sup>th</sup> December 2033 does not relate to heritage matters.
- 2.12. The second Reason for Refusal in the Decision Notice from Lichfield District Council, dated 28<sup>th</sup> November 2023, relates to heritage:

*"The proposed development would extend the northern edge of Tamworth much closer to the village of Wigginton, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wigginton Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework."*

### Previous Application

- 2.13. A previous Planning Application (Application Lichfield. 07/01160/OUTM) for residential development of the site and an area to the south-east was made in 2007. This was refused permission in January 2008. None of the Reasons for Refusal for this application related to Heritage and Conservation.
- 2.14. An application for a large residential development to the east of the site was determined by the Secretary of State (Application Lichfield 14/00516/OUTMEI, CD 8.1.2). This lies within Wigginton and Hopwas Parish. The Inspector concluded with regards to the Wigginton Conservation Area that:
- "Wigginton and Amington Conservation Areas lie some 475 and 300 metres from the Application Site respectively. Development would be sited away from areas of ridge and furrow and most areas of medieval field boundaries would be retained. The listed buildings and Conservation Areas, and their settings, would be preserved and Historic England, the LBC Conservation Office and SCC's Archaeology Officer do not raise any objection to the proposal."*
- 2.15. The Secretary of State concurred with the Inspector's Conclusions, finding no harm to the heritage significance of the Wigginton Conservation Area.



### Statement of Common Ground (CD 5.6)

- 2.16. It is agreed common ground that no harm would occur to the individual heritage significances of any Listed buildings, with the significance and setting of the 104 Main Road, the Church of St Leonard and Perrycrofts Listed Buildings set out in a table appended to the Statement of Common Ground on Heritage.
- 2.17. It is also agreed common ground that the harm to the Wigginton Conservation Area would be less than substantial. The remaining area in dispute is the level of less than substantial harm which would occur to the heritage significance of the Wigginton Conservation Area. The LPA consider that it would be moderate less than substantial harm, and the appellants that it would be less than substantial harm at the lower end of the spectrum.

### Matters Considered in this Statement

- 2.18. Taking the above into account, this Proof of Evidence will consider any impacts of the proposed development on the heritage significance of the Wigginton Conservation Area.
- 2.19. The assessment given in this Statement supersedes the assessment of heritage given in the CgMs and RPS reports.

## Legislation and Planning Policy

- 2.20. Details of the heritage legislation and planning policies which are considered relevant to this Called in Planning Application are provided at **Appendix 1**.

## Methodology

- 2.21. The full methodology utilised in the preparation of the assessments which are set out within this Proof of Evidence is provided at **Appendix 2**.
- 2.22. The key documents that have been used in the preparation of this Proof of Evidence comprise:
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (CD 6.3.2, henceforth referred to as 'GPA 2');
  - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition), the key guidance of assessing setting (CD 6.3.3, henceforth referred to as 'GPA 3');
  - Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (CD 6.3.4);

- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (CD 6.3.1) henceforth referred to as 'Conservation Principles'); and
- The Wigginton Conservation Area Appraisal and Management Plan (CD 3.1.9, December 2018).

## Key Issues and Case Summary

- 2.23. Following the agreement of common ground, one matter remains in dispute: the level of less than substantial harm which will occur to the heritage significance of the Wigginton Conservation Area through changes in setting. The appellant consider that this will be less than substantial and at the lower end of the spectrum, the LPA that the harm would be moderate on that spectrum.
- 2.24. The heritage significance of the Wigginton Conservation Area is very largely embodied in the buildings and spaces within it. This aspect of significance will be unaffected by the proposed development, and the statutory duty of Section 72 of the 1990 Act will not be offended.
- 2.25. Setting does contribute to the significance of the asset, but to a lesser degree, with any harm to heritage significance through setting considered under the tests of the NPPF.
- 2.26. The proposed development has been carefully designed to appropriately conserve the contribution the site makes to the heritage significance of the Conservation Area, reducing the impact upon its significance.
- 2.27. The western area of the site will be meadow open space, and it will be possible to deliver this with minimal changes to the character of this field. The precise treatment of this area can be controlled by the LPA through a reserved matters application, but it is anticipated that it will retain a meadow/grassland character overall, with informal pathways. The access in the southern area will largely lie between existing property plots, and will be screened by vegetation. Built form is proposed in the eastern field of the site, beyond the hedgerow, and set back from it so as not to appear prominently behind the boundary. Open space is also proposed in the northern area of the eastern field, again to soften visibility of the proposed development in views from the north. This area of the site has a backdrop of existing recent built form in views from the north-east.
- 2.28. Physical and visual coalescence of Wigginton will not occur, with an area of intervening open land remaining, and with its character little changed from as existing. This will retain the legibility of the village as a discrete settlement.
- 2.29. The western field of the site is visible in the channelled views south from within the Conservation Area, and the changes within this field which is to be open meadow will result in minimal changes to this view.
- 2.30. Residential development in the eastern field will be visible in views looking south from Syersford Lane, and from some buildings within the Conservation Area, but with intervening agricultural land remaining, and a backdrop of existing modern development. Development



in the eastern field will be visible in dynamic views travelling south from the village on the footpath, although views back to the village from the footpath itself will remain. Views from Main Road, south of the village, are largely contained to the east.

- 2.31. Overall, there will be some reduction in the historic illustrative interest that the site contributes to the heritage significance of the Conservation Area. When this is considered in the context of the significance of the asset largely being contained in the buildings and spaces within the designation area; that the more open setting to the east and west will not be affected; that the legibility of the village as a discrete settlement will remain; and that views south from within the Conservation Area on Main Road will be little changed, the proposed development is considered to result in less than substantial harm at the lower end of that spectrum.

## 3. The Historic Environment

### Wigginton Conservation Area

- 3.1. Wigginton Conservation Area is located 190m to the north of the closest point of the red line area of the site. The Conservation Area was designated in 1979, and a Conservation Area Appraisal was published in 2018 ('CAA', CD 3.1.9).
- 3.2. The village is set on a low ridge, and has a largely linear form, running north to south along Main Road. It is known to have been present by the early medieval period, being recorded as extant in the Domesday survey of 1086. Evidence of shifted medieval settlement lies to the north of the current extent of the village, running east, east of Wigginton Manor (CD 3.1.9, p15).
- 3.3. The early economic base of the village is likely to have been agricultural, and the surrounding land reflects this through ridge and furrow earthworks, and the irregular field shapes indicating informal enclosure of the previous open field system. Several areas of legibly extant ridge and furrow earthworks lie in the vicinity of the Conservation Area.
- 3.4. The village also benefited from its location on a trade route, potentially used for the transportation of salt to Tamworth from the River Mease (CD 3.1.9, p15). This is reflected in its largely linear form.
- 3.5. The settlement is shown schematically on large scale mapping of 1769–75 and 1845 (CD 6.3.6). The earliest available detailed map of the Conservation Area, the First Edition Ordnance Survey map of 1882 (Plate 1), shows the largely linear form of the village, with the sizeable Manor House Farm complex in the northern area, close to the church and vicarage, with unnamed smaller farm complexes in the southern area, east and west of Main Road, suggested by arrangements of buildings. The Crown Inn, Post Office, School and Smithy are also annotated, with the well serviced nature of the settlement perhaps reflecting its location on the road route.

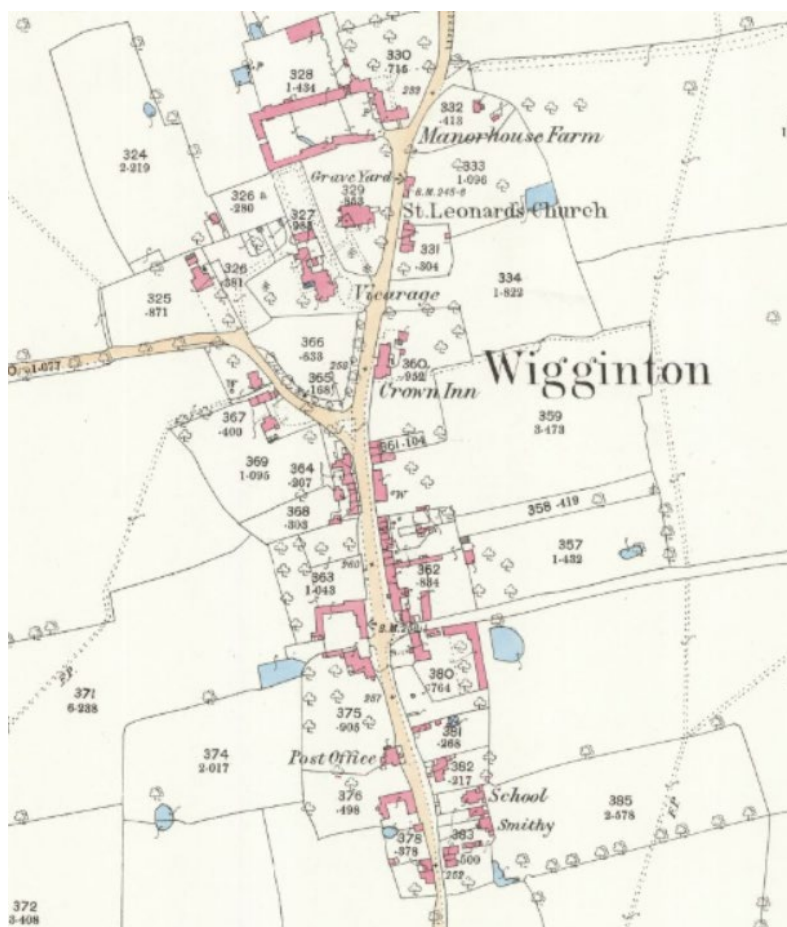


Plate 1 1882 map of Wigginton

- 3.6. A separate cluster of houses was depicted on the early maps to the south of the main area of the village (Plate 2). The gap between this area and the historic core has since been infilled, and this area and the infill excluded from the Conservation Area.



*Plate 2 Extract from the Ordnance Survey map of 1883*

- 3.7. Buildings of particular note in the area include the 18<sup>th</sup>-century Grade II Listed Church of St Leonard, and 104 Main Road, known as Post Office Farm House. Both of these buildings are 18<sup>th</sup>-century in date and constructed of red brick. Many of the other buildings of note in the Conservation Area are of red brick construction, some with sandstone foundations, with roofs often of clay tiles, and windows of timber.
- 3.8. The CAA notes the clear sense of enclosure within the village, with a mix of boundary treatments and vegetation, and limited open spaces within the area, although the open space around the war memorial is noted (CD 3.1.9).
- 3.9. The CAA states that it is significant for the following reasons:
  - *There has been a settlement in this location since the early medieval period and possibly longer.*
  - *There is a strong relationship between the village and the surrounding field pattern and surviving earthworks which provide fossilised evidence of agriculture and former settlement.*
  - *It is a clearly defined and strongly linear settlement focussed on Main Road which runs along a low ridge.*

- The small open space at the junction of Main Road with Comberford Road serves as a focal point and is the location for the village's war memorial.
- There are important views of the conservation area from its surrounding rural hinterland and view back out from the village.

3.10. With regards to setting, this is discussed in the CAA including views out from the area which are discussed in the text and marked on the plan which is given in the CAA (Plate 3).



Plate 3 Plan form the Wigginton Conservation Area Appraisal

- 3.11. As can be seen on the plan above, the Conservation Area is surrounded to the west, north, and largely to the east by open land, with much of this remaining as farmland. To the south lies more recent residential development which is excluded from the Conservation Area.
- 3.12. This is reflected in the views to and from the area. To the east and west, there are wide views to the landscape from the Conservation Area itself, from east of The Old Crown Inn (Plate 4) and from the public footpath south of Combersford Lane (Plate 5). These are noted as key panoramic views in the CAA.



*Plate 4 Looking east from to the east of the Old Crown Inn, on the edge of the Conservation Area*



*Plate 5 Looking west from the public footpath south of Comberford Lane on the edge of the Conservation Area*

- 3.13. To the south, from the edge of the Conservation Area, views are more channelled due to later development, but there are glimpses of rising land to the south, with views south down Main Road noted as key views in the Conservation Area plan. Although discussed in the panoramic section of the description of views in the Conservation Area Appraisal, I found them to be more narrow in experience (Plate 8).



*Plate 6 Looking south along Main Road from the edge of the Conservation Area*

- 3.14. The view from the northern edge of the Conservation Area is also channelled, but by the banks and vegetation flanking the road (Plate 7).





*Plate 7 Looking north from the northern edge of the Conservation Area*

- 3.15. Transitional dynamic views from the settlement into the countryside are also noted as key views in the CAA, along Syerscote and Comberford Lanes, and Main Road to the north. These are also channelled by roadside vegetation (Plates 8 and 9).



*Plate 8 Looking east along Syerscote Lane*



*Plate 9 Looking west along Comberford Lane*

- 3.16. There are also views looking south from the eastern (Plate 10) and western (Plate 11) fringes of the settlement, on the dynamic routes out.



*Plate 10 Looking south from Syerscote Lane*



*Plate 11 Looking south from west of Wigginton*

- 3.17. Views of the surrounding land also afford views back to the village, situated on the ridge of land. These views hold historic illustrative value as to the topographic location of the village, and the character of its surrounds. Key views noted in the CAA plan (Plate 3, above) include that looking east from Comberford Lane (Plate 12).



*Plate 12 Looking east from Comberford Lane*

- 3.18. There are also views back from land to the south, along the footpath to the south of the village (Plate 13). This view is somewhat obscured by later housing to the south of the Conservation Area.



*Plate 13 Looking north from the public footpath to the south of the village*

- 3.19. The views looking north along Main Road from south of the village are contained to the east by a bank and housing, but the village can be seen in the context of land to the west of the road (Plates 14 and 15).



*Plate 14 Looking north to Wigginton along Main Road, from to the south of the village*



*Plate 15 Looking north to Wigginton from south of the village, on the edge of Tamworth*

3.20. No documents have been found which elucidate the historic land ownership patterns for the settlement.

**Statement of Significance including from setting**

3.21. The Conservation Area is a Designated Heritage Asset, under the terms of the NPF.

3.22. The significance of the Conservation Area is largely embodied in the character and appearance of the buildings and spaces within it, which is the basis of its designation, in line with Section 69 of the 1990 Act. Setting also contributes but to a lesser degree.

3.23. Those elements of the setting of the asset which contribute to its significance comprise:

- Agricultural land in the vicinity which has historic illustrative interest as part of the historic economic base of the settlement. This is experienced in views to and from the asset as well as dynamic views through the landscape.
- Views to and from the area in which its topographic situation is appreciated and understood, which have historic illustrative interest.
- The open character of the area to the south of the village, between the village and Tamworth, which has historic illustrative interest as to the separate nature of the settlement.
- The routeway on which the village is sited, and the north/south continuations of this route.

**Contribution of the Site**

3.24. Whilst the site is grassland/rough grazing, it is clearly well-used for walking as there is a well-worn path looping round the edge, beyond the route of the footpath (Plates 16 and 17).





*Plate 16 Looking east across the site, along a well-trodden path*



*Plate 17 Looking south along the central hedgerow of the site, along a well-trodden path*

- 3.25. The western field of the site is visible from within the Conservation Area on Main Road, albeit in more channelled views than those out from the Conservation Area to the north, east and west (Plate 18).



*Plate 18 Looking south from Main Road, with the western field of the site indicated by an arrow*

- 3.26. There are also likely to be filtered views towards the site from buildings on the south-eastern edge of the Conservation Area.
- 3.27. The open character of the site is also experienced in dynamic views south along the footpath through the western field, and in views south from Syerscote Lane, although views from Main Road to the south of the Conservation Area are very largely screened by houses and contained by a bank, in contrast to views west from Main Road and views out along other approaches/egresses from the Conservation Area.
- 3.28. Overall, the site contributes some historic illustrative interest to the heritage significance of the Conservation Area, through its agricultural character, and through its open character allowing the legibility of the village as a discrete settlement.
- 3.29. The summary of significance in the Conservation Area Appraisal notes the views to and from the Conservation Area from the rural hinterland. These have been considered above. It also notes the strong relationship between the village and the surrounding field pattern and surviving earthworks which provide evidence of agriculture and former settlement. The site contains no legible ridge and furrow earthworks (as demonstrated by the LiDAR data, CD 6.3.6), and no deserted settlement remains. It should be noted that field boundaries within

the site are reduced from those recorded on the earliest detailed mapping (CD 6.3.6), due to the consolidation of fields into larger enclosures.

#### Impact

- 3.30. The proposed development has been carefully designed to appropriately conserve the contribution the site makes to the heritage significance of the Conservation Area, reducing the impact upon its significance.
- 3.31. The western area of the site will be open space, and it will be possible to deliver this with minimal changes to the character of this field. The precise treatment of this area can be controlled by the LPA through a reserved matters application, but it is anticipated that it will retain a meadow/grassland character overall, with informal pathways. The hedged boundaries will largely be retained. The change to the illustrative interest of this area will be minor.
- 3.32. The access lies in the western field, but comprises a small part of the southernmost area, mostly between existing residences, and will be visually contained by planting.
- 3.33. Built form is proposed in the eastern field of the site, beyond the hedgerow, and set back from it behind a landscape buffer area so as not to appear prominently behind the boundary. Open space is also proposed in the northern area of the eastern field, again to soften visibility of the proposed development in views from the north. This area of the site has a backdrop of existing recent built form in views from the north-east.
- 3.34. The Conservation Area Appraisal notes in the summary of significance that there is a strong relationship between the village and the surrounding field pattern and surviving earthworks which provide fossilised evidence of agricultural and former settlement. With regards to this, it should be noted that the field pattern as expressed by the boundaries will very largely remain, the character of the western field will be little affected, and the development will not affect any legible ridge and furrow earthworks or shifted medieval settlement evidence.
- 3.35. The red line area of the development is 190m from the Conservation Area at its closest point, but the illustrative masterplan shows that the development could be delivered with built form approximately 325m to the south-east, in the eastern area of the site.
- 3.36. Considering the separation between the wider settlement (including that beyond the Conservation Area) and Tamworth, no physical or visual coalescence or will occur. As set out by Mr Atkin in his Proof (CD 7.4), retained distances between Wigginton and the proposed development will be greater than the existing 108m gap between Wigginton and Tamworth at the closest point.
- 3.37. As such, physical joining of neither the Conservation Area nor the wider settlement will occur, with an area of intervening open land remaining. This will retain the legibility of the village as a discrete settlement.
- 3.38. Furthermore, the character this intervening area, the western field of the site, will be little changed, remaining as meadow/grassland with paths.

- 3.39. It is the western field which is visible in the channelled views south from within the Conservation Area, and the changes proposed within the field will result in minimal changes to this view, with it retaining a grassland character.
- 3.40. Development in the eastern field will be visible in views looking south from Syersford Lane, and possibly from some buildings within the Conservation Area, but with intervening agricultural land remaining, and a backdrop of existing modern development.
- 3.41. Development in the eastern field will be visible in dynamic views travelling south from the village on the footpath, although views back to the village from the footpath itself will remain, as will open space around the footpath which will traverse the meadow area of the western field. Views east from Main Road, south of the village, are largely contained by topography and built form, but glimpsed views may be possible of development beyond open space.
- 3.42. It should be noted that change has occurred to other areas of the wider surrounds within the parish without causing harm to the Conservation Area, as concluded by the Secretary of State for the development to the east (see paragraphs 2.13-15, above).
- 3.43. Overall, there will be some reduction in the historic illustrative interest that the site contributes to the heritage significance of the Conservation Area.
- 3.44. When this change is considered in the context of the significance of the asset largely being contained in the buildings and spaces within the designation area; and that the more open setting to the east and west will not be affected; that the legibility of the village as a discrete settlement will remain, and that views south from within the Conservation Area on Main Road will be little changed, the proposed development is considered to result in less than substantial harm at the lower end of that spectrum.

#### **Discussion of Consultee Responses**

- 3.45. Reviewing the consultee responses, there does not appear to be any substantive ground between us.
- 3.46. The first response from Claire Hines, dated 26<sup>th</sup> June 2018 (CD 4.6) identified harm to the Conservation Area, citing change to views to and from the asset and reduced separation from Tamworth. The second response of 30<sup>th</sup> December 2019 (CD 4.7) recognises that a gap will remain between the settlements, albeit reduced.
- 3.47. The third response recognises that the updated Heritage Statement was thorough, and agrees with its conclusions of less than substantial harm (CD 4.8). Whilst it does not explicitly agree with the characterisation of the harm as at the low end of the less than substantial harm spectrum, it does not highlight any difference of opinion in this regard.

#### **Third Party Representations**

- 3.48. Third party representations have been received from Cerda on behalf of Bellway Homes and from Barwood Strategic.
- 3.49. With regards to the Cerda representation, this 'endorses' the reason for refusal relating to Conservation, stating that the proposals will close the gap between Wigginton and Tamworth. This will not be the case; the village will remain legible as a separate settlement.

3.50. The Barwood objection did not refer to heritage matters.

### **Planning Policies**

3.51. The Reason for Refusal cites several planning policies which are discussed below.

#### *The National Planning Policy Framework (CD 3.3.1)*

- Under policy 208 of the NPPF, harm to the heritage significance of the Conservation Area should be weighed against the public benefits of the proposed scheme. This exercise is carried out by Mr Ward.

#### *Lichfield District 2008–2029 Local Plan Strategy 2015 (CD 3.1.1)*

- Policies CP1 (Spatial Strategy), Policy CP3 (Delivering Sustainable Development), and Policy CP14 (Our Built and Historic Environment) and NR5 (Natural and Historic Landscapes) all seek to protect the historic environment. Whilst these policies do not make any provision for the public benefits test of harm to heritage assets being weighed against public benefits, in line with paragraph 208 of the NPPF, they cannot prohibit any harm, as this would put them in conflict with the NPPF.
- Policy BE1 states that development will be permitted where it has a positive impact on the historic environment. Again, this cannot prohibit harm, as this would conflict with the NPPF.

#### *The Historic Environment SPD (CD 3.1.8)*

- This refers to the key test in the NPPF of harm being weighed against public benefits. This balancing exercise is carried out in the evidence of Mr Ward.

#### *Sustainable Design SPD*

- Matters relating to Design are considered in the Proof of Evidence of Mr Carr.

#### *Wigginton Hopwas & Comberford Neighbourhood Plan (CD 3.1.3)*

- Policies WHC1 requires the distinctiveness of the settlement to be preserved, and no coalescence to occur. The proposed development is not in conflict with this.
- Policy WHC3 requires that the development does not detract from the historic environment. Again, this cannot prohibit all harm, which would put in it conflict with the NPPF.

## 4. Conclusions

- 4.1. Following the agreement of common ground, one matter remains in dispute: the level of less than substantial harm which will occur to the heritage significance of the Wigginton Conservation Area through changes in setting. The appellant consider that this will be less than substantial and at the lower end of the spectrum, the LPA that the harm would be moderate on that spectrum.
- 4.2. The heritage significance of the Wigginton Conservation Area is very largely embodied in the buildings and spaces within it. This aspect of significance will be unaffected by the proposed development, and the statutory duty of Section 72 of the 1990 Act will not be offended.
- 4.3. Setting does contribute to the significance of the asset, but to a lesser degree, with any harm to heritage significance through setting considered under the tests of the NPPF.
- 4.4. The proposed development has been carefully designed to appropriately conserve the contribution the site makes to the heritage significance of the Conservation Area, reducing the impact upon its significance.
- 4.5. The western area of the site will be meadow open space, and it will be possible to deliver this with minimal changes to the character of this field. The precise treatment of this area can be controlled by the LPA through a reserved matters application, but it is anticipated that it will retain a meadow/grassland character overall, with informal pathways. The access in the southern area will largely lie between existing property plots, and will be screened by vegetation. Built form is proposed in the eastern field of the site, beyond the hedgerow, and set back from it so as not to appear prominently behind the boundary. Open space is also proposed in the northern area of the eastern field, again to soften visibility of the proposed development in views from the north. This area of the site has a backdrop of existing recent built form in views from the north-east.
- 4.6. Physical and visual coalescence of Wigginton will not occur, with an area of intervening open land remaining, and with its character little changed from as existing. This will retain the legibility of the village as a discrete settlement.
- 4.7. The western field of the site is visible in the channelled views south from within the Conservation Area, and the changes within this field which is to be open meadow will result in minimal changes to this view.
- 4.8. Residential development in the eastern field will be visible in views looking south from Syersford Lane, and from some buildings within the Conservation Area, but with intervening agricultural land remaining, and a backdrop of existing modern development. Development in the eastern field will be visible from dynamic views travelling south from the village on the footpath, although views back to the village from the footpath itself will remain. Views from Main Road, south of the village, are largely contained to the east.
- 4.9. Overall, there will be some reduction in the historic illustrative interest that the site contributes to the heritage significance of the Conservation Area. When this is considered in the context of the significance of the asset largely being contained in the buildings and spaces within the designation area; that the more open setting to the east and west will not be affected; that the legibility of the village as a discrete settlement will remain; and that



views south from within the Conservation Area on Main Road will be little changed, the proposed development is considered to result in less than substantial harm at the lower end of that spectrum.

# Appendix 1: Legislation and Planning Policy

## Legislation

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,<sup>4</sup> which provides statutory protection for Listed Buildings and Conservation Areas.

**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.”***<sup>5</sup>

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, 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.”***<sup>6</sup>

A judgment in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 208 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.<sup>7</sup>

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.”***

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.

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<sup>4</sup> UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*

<sup>5</sup> *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1)

<sup>6</sup> *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24, CD 8.3.1

<sup>7</sup> *Jones v Mordue* [2015] EWCA Civ 1243, CD 8.3.3



## National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in December 2023. This replaced and updated the previous NPPF (September 2023), with little change to policy relating to the historic environment. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

Heritage Assets are defined in Annex 2 of the NPPF as:

***"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."***<sup>8</sup>

As set out above, significance is also defined as:

***"The value of a heritage asset to this and future generations because of its heritage interest. The 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."***<sup>9</sup>

**Section 16** of the NPPF relates to 'Conserving and enhancing the historic environment'.

**Paragraph 201** 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.

**Paragraph 203** 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.

**Paragraph 205** states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more

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<sup>8</sup> DLUHC, *NPPF*, p. 70, CD 3.3.1

<sup>9</sup> DLUHC, *NPPF*, pp. 75. CD 3.3.1

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.

**Paragraph 208** states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**Paragraph 209** confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account, with a balanced judgement undertaken which has regard to the scale of harm or loss and the overall significance of the asset.

## National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

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.

The PPG has a discrete section on the subject of the Historic Environment,<sup>10</sup> which confirms that the consideration of 'significance' in decision taking is important 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.”<sup>11</sup>***

In terms of assessment of substantial harm, the PPG 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.***

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<sup>10</sup> DLUHC, *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>,

<sup>11</sup> DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723



*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.”<sup>12</sup> (my emphasis)*

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<sup>12</sup> DLUHC PPG, paragraph 018, reference ID: 18a-018-20190723

## Appendix 2: Methodology

### Key Documents

The key documents that have been used in the preparation of this Heritage Statement of Case comprise:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*<sup>13</sup> (henceforth referred to as 'GPA 2');
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*<sup>14</sup>, the key guidance of assessing setting (henceforth referred to as 'GPA 3');
- *Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*<sup>15</sup>;
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*<sup>16</sup> (henceforth referred to as 'Conservation Principles'); and

### Assessment of Significance

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."***<sup>17</sup>

GPA 2 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.

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<sup>13</sup> Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2<sup>nd</sup> edition, Swindon, July 2015) CD 6.3.2

<sup>14</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017) CD 6.3.3

<sup>15</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019) CD 6.3.4

<sup>16</sup> English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008) CD 6.3.1

<sup>17</sup> DLUHC, *NPPF*, p. 75. CD 3.3.1

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in *Conservation Principles*.<sup>18</sup> These essentially cover the heritage ‘interests’ given in the glossary of the NPPF<sup>19</sup> and the PPG which are **archaeological, architectural and artistic** and **historic**.

The PPG provides further information on the interests it identifies:

- **Archaeological interest:** *“As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.”*
- **Architectural and artistic interest:** *“These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.”*
- **Historic interest:** *“An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.”<sup>20</sup>*

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

The most-recently issued guidance on assessing heritage significance, Historic England’s *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*,<sup>21</sup> advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Proof of Evidence.

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<sup>18</sup> English Heritage, *Conservation Principles* – These heritage values are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32. CD 6.3.1

<sup>19</sup> DLUHC, *NPPF*, p. 75. CD 3.3.1

<sup>20</sup> DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

<sup>21</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019) CD 6.3.4

## Setting and Significance

As defined in the NPPF:

***“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”<sup>22</sup>***

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 make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”<sup>23</sup>***

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

## Assessing Change Through Alteration to Setting

How setting might contribute to these values has been assessed within this Statement of Case with reference to *GPA 3* particularly the checklist given on page 11. This advocates the clear articulation of *“what matters and why”*.<sup>24</sup>

In *GPA 3*, 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 whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)<sup>25</sup>:

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<sup>22</sup> DLUHC, *NPPF*, p. 75. CD 3.3.1

<sup>23</sup> DLUHC, *NPPF*, p. 75. CD 3.3.1

<sup>24</sup> Historic England, *GPA 3* p. 8 CD 6.3.3

<sup>25</sup> *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, para. 25 and 26 CD 8.3.5

*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

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 206 of the NPPF, comprising Grade I and II\* Listed Buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 206 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or landscapes identified by plan-

*making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.*<sup>26</sup>

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

## Assessment of Harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 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”;<sup>27</sup> and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

***“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”***<sup>28</sup>

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This 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’.<sup>29</sup>

Preservation does not mean no change; it specifically means no harm.

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<sup>26</sup> DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

<sup>27</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council, para. 25 CD 8.3.4

<sup>28</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723

<sup>29</sup> R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin) CD 8.3.2





GPA 2 which states that “Change to heritage assets is inevitable but it is only harmful when significance is damaged”.<sup>30</sup> Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, 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 3.

It should be noted that this key document also states that:

***“Setting is not itself a heritage asset, nor a heritage designation...”<sup>31</sup>***

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

With regards to changes in setting, GPA 3 states that:

***“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.<sup>32</sup> (my emphasis)***

Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.<sup>33</sup>

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<sup>30</sup> Historic England, GPA 2, p. 9. CD 6.3.2

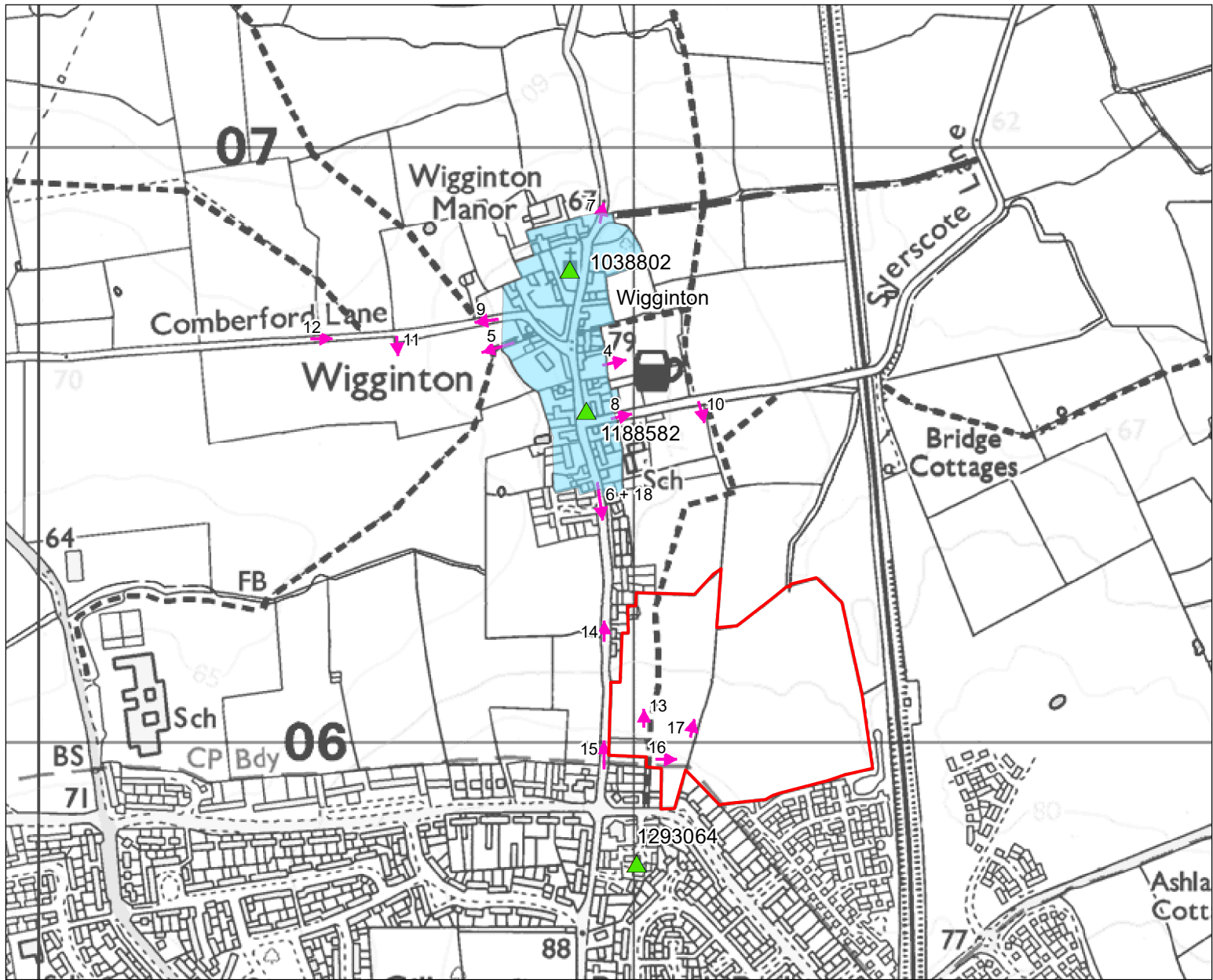
<sup>31</sup> Historic England, GPA 3, p. 4 CD 6.3.3

<sup>32</sup> Historic England, GPA 3, p. 8 CD 6.3.3

<sup>33</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061



## Appendix 3: Figure



**KEY**

- Site
- ▲ Grade II Listed Building
- Conservation Area
- Photo Locations

Revisions:  
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Date: 07/06/2024

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