



**Lichfield**  
District Council

## **HERITAGE PROOF OF EVIDENCE**

**(LDC/3)**

**(CD7.8)**

**By**

**Simon Roper-Pressdee**

**Conservation Officer (Contractor) on behalf of Lichfield District Council**

**APPEAL BY:**

**Marrons Planning on behalf of Summix BLT Developments Ltd.**

**AT:**

**Land North Of Browns Lane**

**Tamworth**

**Staffordshire**

**PLANNING INSPECTORATE REFERENCE: APP/K3415/W/24/3340089**

**LPA PLANNING APPEAL REFERENCE: 24/00004/REF**

**LPA ORIGINAL PLANNING APPLICATION REFERENCE: 18/00840/OUTMEI**

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## Preface

- i. My name is Simon Roper-Pressdee and I am employed by Lichfield District Council as a Conservation Officer to provide evidence with regards to heritage matters in this Appeal.
- ii. I have a Bachelor's Degree with Honours in Archaeology from Bournemouth University, and I also have a post-graduate certificate in Architectural Materials Conservation from Bournemouth University.
- iii. I am a full member of the IHBC and have been since 2004.
- iv. I have practiced in the historic environment and planning and design for over 25 years both in the private and public sectors and am currently employed as a consultant Conservation Officer by Lichfield District Council, as well as being self-employed as an independent heritage consultant, working with all aspects of the historic environment, from archaeological sites through to Listed Buildings, Conservation Areas, Registered Parks & Gardens and World Heritage Sites.
- v. Prior to this, I have worked as a consultant Conservation Officer for Telford and Wreking Council, as well as representing other Local Planning Authorities, including Swindon Borough Council, in various planning appeals.
- vi. Prior to 2019, I was a Director for Heritage at the at the Birmingham office of WYG (now part of Tetra-Tech), and before this I was a Senior Associate Director at CgMs Consulting Ltd, now part of the RPS Group. In both these roles, I advised clients on a wide range of heritage matters, including the preparation of heritage impact statements covering both archaeology and the historic built environment, environmental impact statements, and represented clients at a range of appeals.
- vii. Prior to working for CgMs Consulting, I worked as the Principal Conservation Officer for Wyre Forest District Council, where I had responsibility for advising on development proposals affecting heritage assets, contributing to local planning policy and design guidance and advising Officers and Members on planning, Listed Building Consent and Conservation Area Consent applications.
- viii. I am familiar with the site and its surroundings, as well as the planning policies pertaining to it. The evidence I give is true, given in good faith and represents my untrammelled professional opinion as to the merits of the reasons for refusal of the appeal proposals.

## 1. Introduction

- 1.1. This proof of evidence is prepared for Lichfield District Council in respect of an appeal against the refusal of the Outline Planning Application for the erection of up to 210 no. dwellings, public open space, landscaping, sustainable urban drainage, access and associated infrastructure with all matters reserved save for access, at Land North of Browns Lane, Tamworth, Staffordshire.
- 1.2. The description of the Appeal Site is agreed between the Council and the Appellant, (see Section 1 of the Statement of Common Ground (SoCG) (CD5.4)).
- 1.3. The Reasons for Refusal contain one Reason for Refusal (RfR2) pertaining to heritage which is:

*“The proposed development would extend the northern edge of Tamworth much closer to the village of Wiggington, 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 Development), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Lichfield Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies WC1, WC3 and W1 of the Wiggington, Hopwas and Comberford Neighbourhood Plan 2015-2019 and the National Planning Policy Framework”.*

- 1.4. In addition to this, the OR states *inter alia* at Paragraph 12.11 that:

*“...In this case, the harm identified to the heritage assets associated within the scheme is not considered to be outweighed by public benefits. In heritage terms, the scheme is considered to be unacceptable in this regard.”*

- 1.5. The scale, form, siting and location of the proposed development on an open parcel of land within open countryside and the setting of designated assets would result in an incongruous, prominent form of new development and have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting of the Wiggington Conservation, thereby occasioning harm to the significance of the Conservation Area. The proposal is therefore contrary to the policies within the Lichfield Local Plan Strategy, the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD and the Wiggington, Hopwas and Comberford Neighbourhood Plan and the National Planning Policy Framework (NPPF).

- 1.6. This Proof of Evidence has been written to address the impact of the development on the Wiggington Conservation Area and if harm is identified, what impact this will have on the significance of the Conservation Area.
- 1.7. The assessment is based on a professional assessment of the appeal proposals, having regard to relevant Local Plan policy (CD3.1), national policy and guidance (Section 16 of the NPPF and the PPG – Historic Environment), best practice (CD6.3.1 and 6.3.2) and relevant case-law (CD8.3). I also refer to the Wiggington Conservation Area Appraisal and Management Plan (CD3.1.9).
- 1.8. I will illustrate that the proposed development, by way of scale, form, siting and location on an open parcel of land in the countryside would result in significant urbanisation to the existing character of the area and coalescence between the historic settlement of Wiggington and Tamworth and would harm the significance of the identified heritage asset resulting from development within its setting.
- 1.9. With respect to the PLBCA, it is agreed between all Parties that Section 72 is not applicable to this appeal - however, with reference to *Safe Rottingdean Ltd v Brighton and Hove City Council* (2019) EWHC 2632 (Admin) (CD8.3.6), paragraph 88 of this judgment states that the harm to the setting of a Conservation Area would nonetheless be a material consideration.
- 1.10. I will explain how the Appeal Site forms part of an agricultural and rural landscape between Wiggington and Tamworth which contributes considerably to the setting of the Wiggington Conservation Area and creates an important agricultural buffer between the two settlements, how the rural historic setting is a key contributor to the significance of the Wiggington Conservation Area, that the introduction of substantial built form on the Appeal Site would result in a transformational change to the character of the setting of the Conservation Area, adversely affecting the rural experience. I will demonstrate how this would result in a moderate level of less than substantial harm to the significance of the Conservation Area as a designated heritage asset and being an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance through development within its setting.
- 1.11. I will contend that the proposed development would, by virtue of it causing less than substantial harm, have a greater impact on the significance of the designated heritage asset than is suggested by the Appellant, and that in order to overcome such harm, significant public benefits are required under Paragraph 208 of the NPPF, in particular when considering the great weight to be afforded to the conservation of designated assets, and the more important the asset, the greater weight to be afforded to such. I will also contend that there is no clear and convincing justification for such harm as required by Paragraph 206 of the NPPF.
- 1.12. I will explain how the proposed development fails to preserve, the significance of the

existing heritage asset and its setting resulting in a moderate degree of less than substantial harm to the Wiggington Conservation Area. My evidence will show that the proposed development will transform the agricultural, rural character and erode the existing historic landscape setting, and that this harm, which I have given 'great weight' under Paragraph 205 of the NPPF (and the greater significance of the asset, the greater weight), requires clear and convincing justification and assessing such harm in a tilted balance against the public benefits, as required by Paragraphs 206 and 208.

- 1.13. However, the wider question of whether there are benefits which outweigh the heritage harm I have identified is not a matter for me. Instead that will be dealt with in the planning proof of Patrick Daly (ref LDC/1).

## 2. Location and Description of the Appeal Site

- 2.1. The Appeal Site is edged red on the Site Location Plan (CD1.1.1). The site comprises approximately 12.89 hectares of land, located to the northern side of Tamworth and to the south/ south-east of the settlement of Wiggington.
- 2.2. It is formed by two agricultural fields and with associated hedge boundaries with Main Road running to the west on a north/south axis, the Browns Lane and Adie Close to the south, two smaller fields and the railway and its associated cutting and embankments to the east, and agricultural fields to the north, themselves bounded to the north by Syerscote Lane.

### 3. Description of Proposals

- 3.1. The Appeal Site currently consists of agricultural land formed by two agricultural fields, largely bounded both from the wider landscape and townscape of Tamworth and from each other by hedge-lines.
- 3.2. There has been one previous planning applications on the site (07/01160/OUTM) which was refused various grounds, although the impact on the historic environment was not considered at this time.
- 3.3. The proposal is an Outline Planning Application for the erection of up to 210 no. dwellings, public open space, landscaping, sustainable urban drainage, access and associated infrastructure with all matters reserved save for access, at Land North of Browns Lane, Tamworth, Staffordshire.
- 3.4. As the application was submitted as an Outline Application, there is no detail with regards to proposed lighting or other details such as landscaping which would have a significant bearing on how the Appeal Proposals would be experienced within the landscape, and, in particular, within the setting of the Conservation Area.
- 3.5. A full description of the proposals has been agreed and is contained within Section 1 of the SoCG (CD5.4).



## 4. Legislative and policy background

- 4.1. As already stated in Section 1 of this Proof, the Appeal Proposals do not offend either Section 66 or Section 72 of the PBLCA, and it is common ground that there will be no effect, whether positive or negative, to the setting of any listed building. Furthermore, whilst it is agreed between the parties that there will be some degree of less than substantial harm to the Wiggington Conservation Area (noting that it is the degree of such harm which is contended), Section 72 of the PBLCA does not include a statutory requirement to consider the setting of Conservation Areas.
- 4.2. There are therefore no legislative requirements with respect of heritage which are enacted in this instance.
- 4.3. In terms of policy, with the Local Plan having primacy, there are several relevant policies contained within both the Lichfield Local Plan Strategy 2015 (Policies CP1, CP3, CP14, BE1 and NR5) (CD3.1.1), the Local Plan Allocations Document (Policy BE2 (Heritage Assets) (CD3.1.2), the Historic Environment SPD (CD3.1.8), and the Sustainable Design SPD (CD3.1.6).
- 4.4. In addition to this, the Wiggington, Hopwas & Comberford Neighbourhood Plan (CD3.1.3) contains further policies (Policies WC1, WC3 and W1) which are relevant both to the historic environment and to the Appeal Site.
- 4.5. At a national level, Section 16 of the NPPF (December 2023) (CD3.3.1) considers the historic environment and sets out the Government's advice and policies relevant to such. In particular, Paragraphs 195, 203, 205, 208 and 212 are considered relevant here, as some degree of harm has been identified to a designated heritage asset.
- 4.6. In combination with the NPPF, the PPG (CD3.3.2) contains a section on the Historic Environment, in particular Paragraphs 007, 013, 018 and 020.
- 4.7. In consideration of case-law, there are numerous judgments and appeals which are considered to be of further relevance to this Appeal, relevant extracts of which are contained CD8.3.

## 5. Material considerations

- 5.1. Whilst the Appeal Proposals are for an Outline application – i.e. whether the Appeal Proposals are acceptable in principle – consideration should be given to other factors which would clearly arise from such acceptance in principle of such development which are covered in more detail below in Section 8 of this Proof.
- 5.2. In addition to Section 16 of the NPPF, Paragraph 130 states that planning policies and decisions should ensure that developments *inter alia*:
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 5.3. The Heritage Addendum to the SoCG (CD5.6) sets out the areas of agreement between all Parties, as well as setting out the areas which are contended between the Parties, namely as to whether there is a moderate or low degree of less than substantial harm to the Conservation Area through development within its setting.

## 6. Historic landscape characterisation and map regression

- 6.1. The Historic Environment Record (HER) includes records of several areas of Medieval (1066 AD to 1485 AD) ridge and furrow and field systems in the fields between the Appeal Site and Syerscote Lane (MST5527) (Appendix 1), showing that the landscape was part of the agricultural hinterland of Wiggington at this time – whilst the Appeal Site does not appear to have such archaeological remains, this is most likely due to intensive ploughing and agricultural intensification during the Post-Medieval and Modern periods, destroying any crop-marks or surface evidence of such features.
- 6.2. The earliest mapping of Wiggington and the surrounding area is that of the Yates map of 1769-75 (CD6.3.2), although as this covers the whole Staffordshire, this generally a “high-level” map. However, it does show that at this time the Appeal Site lay in a rural landscape, continuing the earlier historic landscape character identified through the HER, outlined above, albeit that the former field systems had probably been changed during enclosure, most likely during the late seventeenth and eighteenth centuries.
- 6.3. The 1845 parish Map of Tamworth (CD6.3.3) again shows the landscape to the south and south-east of Wiggington, including the Appeal Site, as being rural, and most likely in agricultural use, although again, the map lacks the detail to show any field boundaries. However, the map does show the first representation of the Birmingham to Derby Junction Railway, which opened in August 1839, as well as two properties sitting to the south of Wiggington along Main Street, between Wiggington and what is now Brown’s Lane.
- 6.4. The first detailed historic mapping illustrating field boundaries for the Site dates to 1882/1884 (CD6.3.4), where the existing field system can be clearly identified, although with some additional divisions, resulting in five fields, as opposed to the current two: the remnants of these can be seen on aerial photography where the remnants of these hedge-lines are still visible. A footpath is also marked, leading from Wiggington House (now Perrycrofts), north towards Syerscote Lane. A field barn is also marked on the boundary between the two existing fields. In terms of built form, there is some minimal additional housing along Main Street (now 1-10 Main Street).
- 6.5. Whilst there is little, if any change to this situation, evident on the 1902 or the 1924 maps with no new development apparent in or surrounding Wiggington (CD6.3.5 and 6.3.6), the 1938 map (CD6.3.7) shows some additional minimal development at the junction of Brown’s Lane, Gillway Lane and Main Street, with Wiggington Grange being evident on the north-western side of the junction and 74 Brown’s Lane and 2 Main Street positioned on the north-eastern side of the junction. Further new development can also be seen on the south-western corner of this junction.

- 6.6. The 1955 Ordnance Survey map (CD6.3.8) shows little development following the immediate post-war years. By 1967 (CD6.3.9), following a national trend of house-building during this period, some limited new development can be seen emerging to the south of Wigginton along Main Street, whilst further new development can be identified to the south-western corner of the junction of Wigginton Road and Gillway Lane, creating Hill Top Avenue. The encroachment of Tamworth can also be seen to the south of this, showing the expansion of the town at this time.
- 6.7. Whilst there is no further development evident around Wigginton itself shown on the 1978 map (CD6.3.10), the further expansion of Tamworth can be clearly seen with development now visible to the south and east of the former Wigginton House (now a hotel), and along Brown's Lane.
- 6.8. Aerial photography from 2006 (CD6.3.11) shows that the field systems forming the site remained largely the same, although some of the field boundaries have been removed at this point, including the boundary to the eastern side of the eastern parcel of the Appeal Site, and the boundary running central on an east/ west axis on the western parcel of the Appeal Site.
- 6.9. This photograph also shows the various elements of ridge and furrow, such as that to the south of Syerscote Lane, indicating the historic Medieval field boundaries. Some traces of similar ridge and furrow may be discerned to the centre of the eastern parcel of the Appeal Site – whilst this does not show up on the Lidar data (CD6.3.15) as physical remnants, and may be instead parch marks, they none-the-less indicate the historic use of this parcel of land as part of the Medieval farming landscape, in particular with these marks following the same pattern and layout as that to the north of the Appeal Site.
- 6.10. The later aerial photography (2008, 2013/2014 & 2020) does not reveal any further such details (CD6.3.12 and 6.3.13).
- 6.11. The landscape remains largely as per these aerial photos, with field boundaries remaining unaltered.
- 6.12. Three applications within the surrounding area were submitted during the period between 1978 and 2015, the first being 07/01160/OUTM which included land forming the Appeal Site was refused on numerous grounds, although, as already discussed in Section 3 above, the impact on heritage did not form part of the Reasons for Refusal.
- 6.13. In 2014, two further applications were submitted, with 14/00516/OUTM (referred to as the Arkall Farm site, to the east of the railway line) (CD8.1.2) being allowed by the Secretary of State, although no detrimental impact on either designated heritage assets or the Medieval field systems were identified.
- 6.14. The second application (14/00018/OUTM) sought development for a heavily reduced scheme to that of the 2007 application, on land to the immediate south of the Appeal Site,

which was approved and now forms the Chestnut Walk development.

- 6.15. By 2017 (CD6.3.15), some limited new development can be seen to the southern extent of Wiggington, in particular with some infill along Main Street immediately to the south of the main settlement of Wiggington and the development of Walrand to the west side of Main Street. The situation remains largely the same today (albeit that the Arkall Farm development is currently under construction).
- 6.16. In terms of the surrounding landscape, this has remained in agricultural use, reflecting the use of this land since the Medieval period, helping to reflect and contextualise the rural nature of Wiggington and its agricultural origins, character and appearance.

## 7. Heritage Assessment

### Conservation Areas

- 7.1. There is one Conservation Area whose significance may be affected by Appeal Proposals by the Appeal Proposals through development within its setting, namely the Wiggington Conservation Area.

### Wiggington Conservation Area

- 7.2. This Conservation Area was designated in May 1973 and the Conservation Area Appraisal and Management Plan (CAAMP) was published in December 2018. A detailed assessment of the significance of the Conservation Area is contained within the CAAMP; Section 1.3) (CD3.1.9) which identifies the significance of the Conservation Area primarily being:

- 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.

- 7.3. Within the Conservation Area, whilst there are only two listed buildings, the numerous other historic buildings assist in adding to its special character, and further add to the understanding of its evolution, in particular from the late Medieval period onwards, and help to illustrate its continuous relationship with the surrounding agricultural landscape.

- 7.4. Whilst there is some modern/ 20<sup>th</sup> Century development both within and adjacent to the Conservation Area boundary, this is limited, and of a scale, massing and location which largely neither detracts or contributes to this significance, and instead generally makes a neutral contribution.

- 7.5. As such, the built form, including the buildings and structures, as well as its linear form, within the Conservation Area makes a primary contribution to its significance, providing considerable aesthetic, historic illustrate and evidential value to this designated heritage asset.

- 7.6. The setting of the Conservation Area is primarily that of the surrounding agricultural

landscape, where views into and out of the Area further the understanding and appreciation of this historic agricultural nature, not least with considerable elements of Medieval ridge and furrow being clearly present to all sides (Appendix1), whether through physical remnants or through “parch marks”, visible in particular during dry periods (CD6.3.6). All of this makes a further considerable contribution to the significance of this Conservation Area, again through increasing the ability to understand and appreciate its origins and its character and appearance as a settlement focused around agriculture, from early periods onwards.

- 7.7. The Appeal Site, lying to the south/ south-east of the Conservation Area, forms part of this agricultural landscape, and helps to create an important buffer between both Tamworth to the south, and other more modern interventions into the landscape, such as the railway line: this separation is a fundamental element of its character, and ensures that the settlement of Wiggington and the Conservation Area is preserved, and remains clearly understood as a rural settlement, with its history and development clearly focused on the surrounding agricultural landscape.

#### **Listed Buildings**

- 7.8. It is agreed between all Parties that there are no listed buildings whose significance or setting (insofar as the latter contributes to significance) would be affected by development in their wider settings by the Appeal Proposals.

## 8. Issues Arising

### The Local Authority's Case

- 8.1. I contend that the Appellant has inaccurately assessed the degree to which the setting of the Conservation Area contributes its significance as a designated heritage asset, and as such has inaccurately assessed the degree of harm arising from the Appeal Proposals on the significance of this designated heritage asset, whilst also failing to afford great weight to the conservation of the asset and without providing clear and convincing justification for such harm.
- 8.2. The Appellant sets out that there is a low level of less than substantial harm to the significance of the Conservation Area as a designated heritage asset. However, it is my contention that the identified degree of less than substantial harm should be at a moderate level as set out below.
- 8.3. It is agreed between all Parties that the PBLCA is not enacted by the Appeal Proposals. However, as set out at Paragraph 1.9 of this Proof of Evidence, the Rottingdean judgment (CD8.3.6) confirmed that harm to the setting of a Conservation Area would nonetheless be a material consideration in a planning decision.
- 8.4. As set out in the Wiggington Conservation Area Appraisal and Management Plan, there are important views of the Conservation Area from its surrounding rural hinterland and view back out from the village, although it is recognised that, due to the development along Main Street, there are limited views out of the Conservation Area to the southern and south-eastern agricultural hinterland.
- 8.5. However, the CAAMP (CD3.1.9, Section 1.4 p11), identified that views such as those along Syerscote Lane assist in illustrating the transition from village to countryside and significantly contribute to the character of the Conservation Area. This can be illustrated when travelling along Syserscote Lane from the railway bridge, where views are gained of the Conservation Area, where it is clearly seen in a rural context, reflecting its historic character and appearance, whilst views to the south remain largely agricultural. There are some glimpsed views of the Chestnut Walk development, although the extent of landscape between these two points ensure that this development is seen as a distant element.
- 8.6. It is contended that the development of the Appeal Site would increase this visual intrusion, resulting in a detrimental impact upon this important element of setting which makes a significant contribution to the significance of the Conservation Area. In addition to this, and noting the Appeal Decision for the Arkall Farm relating to the retention of the Medieval ridge and furrow to the north of this site, and examining the aerial photographs of 2006 and 2013/2014 (CD6.3.6), the presence of Medieval ridge and furrow across the eastern parcel



of land of the Appeal Site would further erode the historic relationship between the Conservation Area and the agricultural landscape to its south and south-east.

- 8.7. It is also contended that the landscape setting of the Conservation Area, which is also identified as being significant within the CAAMP (CD3.1.9; Section 1.4, p.11) and that the trees, hedges and green spaces are intrinsic parts of the special character of the Conservation Area, which are then framed by open fields, including the removal of hedging and the semi-formalisation of the western part of the Appeal Site away from a strict agricultural use the erosion of which would result in further harm to the significance of the Conservation Area.
- 8.8. The footpath running from Brown's Lane to Sysercote Lane clearly provides such views, where the casual viewer can experience the rural setting of the Conservation Area, and the clear definition between the built urban form of Tamworth separated from the settlement and Conservation Area of Wiggington, of which the Appeal Site forms an important element reflecting the village's agricultural background.
- 8.9. Whilst the Applicant has illustrated that the western parcel of land forming the Appeal Site would be used as an area of public open space, retaining the public footpath/ right of way across the site, the experience of this route will fundamentally alter from an agricultural character and use, reflecting the historic setting of the settlement and of the Conservation Area. In addition, the introduction of not just housing to the eastern parcel of land, but the introduction of Local Areas of Play (LAP) and Local Equipment Area for Play (LEAP) to the eastern parcel of land will further erode this important element of setting recognised as making a significant contribution to the character and appearance of the Conservation Area.
- 8.10. It is therefore illustrated here that these areas have been identified as making significant contributions to the setting and significance of the Conservation Area and that the character will fundamentally be altered from one of agricultural landscape to an extension of the urban fringes of Tamworth and a more formalised area of public open space, all in contrary to the CAAMP (CD3.1.9) and resulting in further encroachment of the urban form within the setting of the Conservation Area, further approaching a coalescence of Tamworth with Wiggington.
- 8.11. Whilst not forming part of the Appeal Proposals (as the application is for an Outline Application), as already set out in Section 3 and Section 5 of this Proof of Evidence, consideration needs to be given to whether the site is an acceptable site for development, taking account of the future impacts of any Reserved Matters application, including factors such as lighting, highways, and noise.
- 8.12. As the Appeal Proposals are for primarily a residential development, there will be a need for details including street lighting, which will clearly result in an increase in light-spill from

the Appeal Site once it has been developed, which will further erode the agricultural setting of the Conservation Area, resulting in further harm to its significance, whilst the presence of highways and resultant noise will also likely result in additional environmental impacts on this setting, again further eroding what is currently an area of agricultural landscape and introducing additional environmental alterations which would result in detriment to the setting and significance of the Conservation Area.

- 8.13. As such, and that there has been no clear and convincing demonstration that the Appeal Proposals would have a positive impact on the Conservation Area and its setting, insofar as it contributes to such significance, the Appeal Proposals are therefore contrary to Policy BE1 of the LDPS and BE2 of the LPA.
- 8.14. In addition, the Appeal Proposals do not promote sustainability by minimising or mitigating pressure on the built and historic environment, thereby conflicting with CP1 of the LDPS; will not conserve, enhance or expand the Conservation Area as a built heritage asset, and will not improve the understanding of it, thereby conflicting with CP3 of the LDPS.
- 8.15. With regards to CP14, this requires a special regard to the conservation and enhancement of the historic environment, and in particular through ensuring that the significance of conservation areas and their settings will be conserved and enhanced: as there it is common ground that there will be some harm to the Wiggington Conservation Area, the Appeal Proposals are therefore clearly in conflict with this policy of the LDPS.
- 8.16. The Appeal Proposals do not protect the assets of the historic environment, and do not enhance or reinforce those characteristics, qualities or features which contribute to the local distinctiveness, and detract from the Conservation Area, thereby conflicting with WHC3 of the WHCNP.
- 8.17. Furthermore, the Appeal Proposals will not maintain the setting of the Conservation Area or of Wiggington Village – whilst some additional screening is shown on the Illustrative Masterplan, the overall result, as set out above, will result in the urbanisation of what is currently an agricultural landscape which makes a significant contribution to the Wiggington Conservation Area and to the village itself, thereby conflicting with W1 of the WHCNP (CD3.1.3).
- 8.18. Taking all the above into account, it is contended here that the Appeal Proposals will result in a moderate degree of less than substantial harm to the significance of the Conservation Area, which has to be afforded great weight in a planning decision, against which the public benefits of the Appeal Scheme must be weighed (the tilted balance) in line with the NPPF (2023).

### Assessment of the Submitted Application Details

8.19. Within the original planning application pack, the Planning Statement (CD1.2.8) fails to identify that there would be harm to the setting and significance of the Wiggington Conservation Area specifically stating at Paragraph 6.38 that *“The site does not form part of the setting of any designated heritage assets and does not contain any designated or non-designated heritage assets; therefore, the proposed development would not detract from their significance”*.

8.20. Following the identification of some harm to the Conservation Area by LDC during the consultation process, the Appellants commissioned a Built Heritage Statement (CD1.2.4) which recognised at Paragraph 2.13 and 5.14 that, where harm to a designated heritage asset was identified, this should be given great weight:

*“Paragraphs 132-134 [sic] consider the impact of development proposals upon the significance of designated heritage assets. Paragraph 132 states that where a development is proposed that would affect the significance of a designated heritage asset, great weight should be given to the asset’s conservation and that the greater an asset’s significance, the greater this weight should be. Paragraph 134 emphasises that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the scheme, bearing in mind the great weight highlighted in Paragraph 132”*.

8.21. However, a later amended Built Heritage Statement prepared by RPS (CD1.2.5) removed all references to harm to a designated heritage asset being afforded great weight, merely stating at Paragraph 5.3 of the Conclusion that *“this limited level of harm is required to be weighed against the wider public benefits of the scheme”*.

8.22. Two Planning Statements were also submitted as part of the application pack. The original Planning Statement completely failed to identify any harm to the significance of the Wiggington Conservation Area, although following the preparation of the initial Built Heritage Statement (CD1.2.4) and the updated Built Heritage Statement (CD1.2.6), some harm was subsequently identified within the Addendum. That being said, the Planning Statement Addendum (CD5.4), proceeded to again to ignore the need to afford any harm to a designated heritage asset great weight in any planning balance (i.e. undertaking the tilted balancing exercise). This is clearly illustrated at Paragraph 2.22 of the Addendum:

*“It is considered that the public benefits of the proposal including 100% affordable outweigh the less than substantial harm to the Wiggington Conservation Area”*.

8.23. In addition to all of this, the Appellant’s Statement of Case for this Appeal (CD5.1) proceeds through the benefits of the Appeal Proposals which they have identified, affording these

differing levels of weight which they consider should be considered within the overarching planning balance (see Paragraphs 7.17 to 7.19 of the Appellant's Statement of Case (CD5.1)). However, when setting out the harm to the Conservation Area, this Statement fails to afford any degree of weight (Paragraphs 7.13 and 7.20 of the Appellant's Statement of Case), appearing to ignore the requirement to afford such harm great weight in a tilted balancing exercise prior to undertaking an overarching planning balance, nor to provide any clear and convincing justification for such harm.

- 8.24. This is all clearly in contrast to both national and local planning policy, and inevitably results in an inaccurate assessment of the degree to which any public benefits can be weighed against the identified heritage harm and a failure to undertake an initial tilted balance as required by Paragraph 201 of the NPPF.
- 8.25. In contrast to this, the OR (CD2.3) clearly states at Paragraphs 8.29 and 12.10 that the identified harm to the significance of the Wiggington Conservation Area should be given great weight, which is then translated into the planning balance, thereby clearly conforming to the requirements set out at Paragraph 201 of the NPPF.
- 8.26. As there is a degree of harm identified by both the Appellant and LDC, in line with Policies BE1 of the Local Plan Strategy, BE2 of the Lichfield District Local Plan Allocations, Paragraph 206 of the NPPF, and Paragraph 18 of the PPG, where harm is identified to a designated heritage asset, there is a requirement to provide clear and convincing justification for such harm. However, no such justification was provided within the submitted application, and therefore the Appeal Scheme is clearly in contrast to these policies.
- 8.27. There are no clear or identified heritage benefits within the Appeal Proposals which could be afforded great weight, and which would assist in balancing against the identified heritage harm. Therefore, there is a requirement, both at national and local planning policy level, to weigh the public benefits of the Appeal Proposals against the identified harm to the significance of the Conservation Area through development which would detrimentally affect the setting of the Conservation Area, affording such harm great weight.
- 8.28. In summary, whilst an Outline Proposal, the principle of the Appeal Scheme will inevitably result in the introduction of such factors, including built form across an area considered to make a significant contribution to the historic character and appearance of the Conservation area, and will inevitably erode this existing rural and agricultural character resulting in a moderate level of less than substantial harm through such encroachment. Such harm will further result from the introduction of urban form and character to the setting of the identified heritage asset. Whilst details such as the increase of noise and light pollution and alteration to landscape character are not included within the Outline Application, such details will inevitably be a result of a development of the Appeal Site, and should be a material consideration in any decision-making process.

8.29. As such, the Appeal Proposals are contrary to local policy, and there is a requirement, giving such harm great weight, to weigh such harm against the public benefits of the scheme, in line with Section 16 of the NPPF.

## 9. Summary and Conclusions

- 9.1. The evidence within this Proof of Evidence demonstrates that the proposed development will result in a moderate degree of less than substantial harm to a designated heritage asset, namely: the Wiggington Conservation Area.
- 9.2. This Proof of Evidence also shows that, when considering such harm to the Wiggington Conservation Area through inappropriate development within its setting, that such harm should be given great weight. As such, there is a need to provide significant public benefits, which are not given such great weight, in order to outweigh such harm.
- 9.3. As such, the Appeal Scheme fails to comply with Section 16 of the NPPF, as well as local planning policy set out in the Lichfield District Local Plan, the Site Allocations Document, the Historic Environment SPD, the Sustainable Development SPD and within the Wiggington, Hopwas and Comberford Neighbourhood Plan.
- 9.4. If the Inspector therefore considers that the harm to the significance of the Wiggington Conservation Area through development which would adversely affect its setting is of a moderate scale, rather than low as contended by the Appellant, and/or that there are insufficient public benefits to outweigh the identified harm, we respectfully ask that the Appeal be dismissed.

## APPENDIX 1 – Historic Environment Record

### Record Details

**MonUID:** MST19405  
**HER Number:** 55636  
**Type of record:** Monument  
**Name:** Ridge and Furrow, South of Syerscote Lane, Wigginton

### Summary

Ridge and furrow, evidence of medieval and later ploughing, identified on aerial photography to the south of Syerscote Lane, Wigginton.

**Grid Reference:** SK 2151 0658  
**Map Sheet:** SK20NW  
**Parish:** Wigginton and Hopwas, Lichfield District

### Monument Type(s):

- RIDGE AND FURROW (MEDIEVAL - 1066 AD to 1485 AD)

### Full description

Ridge and furrow identified as part of a desk top survey. Modern aerial photography suggests that the land is currently under cultivation. (DAT, 29/04/2013)

