
South Norfolk Village Clusters Housing Allocations Plan (Reg. 19 Pre-submission Draft)

February 2022

**Proposed site allocation VC ROC1: Land
South of New Inn Hill, Rockland St Mary**

Heritage Appraisal

DRAFT

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CONTENTS

- 1.0 Introduction
- 2.0 Methodology
- 3.0 Step 1: Heritage Constraints
- 4.0 Step 2: Heritage Significance
- 5.0 Step 3: Impact Assessment
- 6.0 Step 4: Maximising Enhancements and Minimising Harm
- 7.0 Step 5: Soundness

1.0 Introduction

- 1.1. JB Heritage Consulting Ltd has been commissioned to prepare an appraisal of the appropriateness of the emerging site allocation VC ROC1: Land South of New Inn Hill in response to the public consultation on the 'South Norfolk Village Clusters Housing Allocations Plan (Reg. 19 Pre-submission Draft)' with reference to the heritage constraints.
- 1.2. The site forms a broadly L-shaped parcel to the south of New Inn Hill on the eastern side of the settlement of Rockland St Mary (Fig. 1).



Fig. 1. Proposed site allocation ROC1: Land South of New Inn Hill. Extract from South Norfolk Village Clusters Housing Allocations Plan - Reg 19 Publication, South Norfolk District Council

- 1.3. This 1.47ha parcel has a draft allocation under Policy VC ROC1: Land south of New Inn Hill for approximately 25 dwellings. The draft policy wording as set out in the Regulation 19 consultation document reads as follows:

*Policy VC ROC1: Land south of New Inn Hill
1.47ha of land is allocated for approximately 25 dwellings.*

The developer of the site will be required to ensure that:

- *A Landscape and Visual Impact Appraisal is submitted as part of the detailed planning application to identify the impact of development on the landscape, particularly the Broads Area, and to inform the scale, layout and design of development;*
- *Protection of the mature trees to the east of the site during the construction phase of development;*
- *Appropriate landscaping and boundary treatments along the north, east and south boundaries of the site to minimise the visual impact of the development in the landscape;*
- *On- and off-site highways works to include a pedestrian footway across the site frontage to connect to the existing pedestrian footway to the west of the site, as well as a secondary*

pedestrian access to the east of Old Hall Barn and providing a linkage to the local footpath network;

- *Historic Environment Record to be consulted to determine the need for any archaeological surveys prior to development;*
- *Early engagement with Anglian Water regarding the need to phase development within the catchment of Whitlingham Water Recycling Centre.*

- 1.4. **This appraisal exercise concludes that the development of the site for c.25 units is likely to cause a degree of harm to the significance of the listed former barns and farmhouse immediately adjacent to the western site boundary, and that the assessment of South Norfolk District Council to date has not adequately appraised or recognised neither the significance nor potential impact on these statutorily designated heritage assets.**

2.0 Methodology

- 2.1. The National Planning Policy Framework (NPPF) (2021) guides that plans should set out a positive strategy for the conservation and enjoyment of the historic environment (paragraph 190). This strategy should take into account: the desirability of sustaining and enhancing the significance of heritage assets; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place (paragraph 190).

- 2.2. To guide the process of allocating sites for development, Historic England has published a methodology set out in Advice Note 3 'The Historic Environment and Site Allocations in Local Plans' (2015). The site selection methodology sets out a five-step process as follows:

- | | |
|--------|--|
| STEP 1 | Identify which heritage assets are affected by the potential site allocation |
| STEP 2 | Understand what contribution the site (in its current form) makes to the significance of the heritage asset(s) |
| STEP 3 | Identify what impact the allocation might have on that significance |
| STEP 4 | Consider maximising enhancements and avoiding harm |
| STEP 5 | Determine whether the proposed site allocation is appropriate in light of the NPPF's tests of soundness |

- 2.3. This appraisal will set out an assessment using this five-step process to test the appropriateness of the site for allocation.

3.0 Step 1: Heritage Constraints

- 3.1. 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 decision, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

- 3.2. Heritage assets subject to this assessment include:

- Scheduled monuments
- Grade I, II* and II listed buildings

- World heritage sites
- Conservation areas
- Registered parks and gardens
- Battlefields
- Wreck sites
- Non-designated heritage assets

Designated heritage assets

- 3.3. Designated heritage assets as defined in Annex 2 of the NPPF include world heritage sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, registered battlefields and conservation areas.



Fig. 2. Listed buildings

- 3.4. A review of the National Heritage List for England (NHLE) identifies three listed buildings in immediate proximity of the site (Figs. 2 & 3) as follows, the list entry descriptions are provided in italics:

Grade II listed Old Hall (NHLE 1050427)

Farmhouse. C17, enlarged early C18. Brick, partly rendered and partly colour- washed. Pantiled roofs. North side comprises 2 gables of 2 storeys and attic. In larger, western, gable is an early C17 door in square surround. Fenestration of casements dating from C18 to C20. Outshut to right has partly rebuilt stepped C17 stack emerging through roof. Main early C18 range runs south terminating in a shaped gable. Gable end lit through 4-light C19 cross casement to ground floor and a repaired 4-light ovolo mullioned first floor window. Above this is an oval plaque bearing initials R. G. East side of this range is of 2 storeys. To the north end is a full height porch terminating in a shaped gable. Fenestration is mixed C19 cross casements, C19 mullioned casements and early C19 metal casements. Gabled roof with panelled ridge stack. West side has 3 gabled extensions lit through C19 casements. A gabled dormer on main roof slope provides further asymmetry

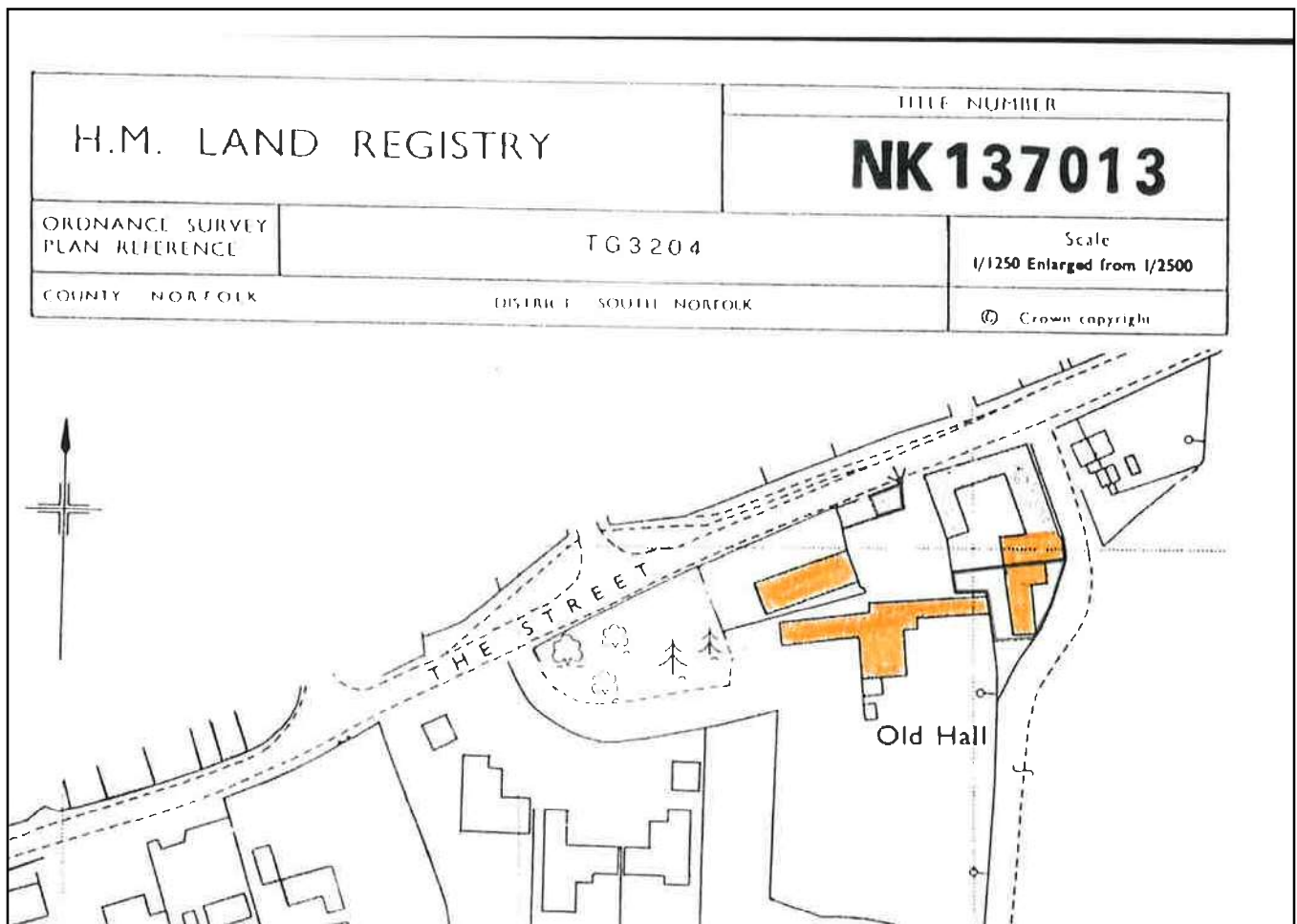


Fig. 3. Land Registry title plan, supplied by South Norfolk District Council to clarify the listing status with principal listed buildings shaded orange

Grade II listed Barn and Hayloft 25 Metres North East of Old Hall (NHLE 1050428)

Barn and hayloft. Early C19. Brick with pantiled roof. Door in west gable under segmental weather-boarded head. Hayloft door above and placed to the right. In gable head is a clock face. Weatherboarded east gable head. Outshuts to south flank, pedestrian entrance to north flank. Gabled roof. Interior. Floor bridging beam remains towards east end but floor removed. One tie beam on straight braces. One tier taper tenoned butt purlins and collars.

Grade II listed Barn 10 Metres North West of Old Hall (NHLE 1050429)

Barn. Circa 1800. Brick with pantiled roof. Double timber sliding doors in east gable wall. Tumbling in gable heads. North carriage entrance is boarded and glazed. One diamond ventilation panel left and right. South doorway blocked. This flanked by 2 diamond ventilation panels. Dentil eaves cornice below gabled roof.

4.0 Step 2: Heritage Significance

Introduction

- 4.1. Determining significance is a professional judgement taking into account the designation status, desk-top research and fieldwork. The assessment should seek to understand the nature, extent and level of significance, and should be proportionate to the relative importance of the asset.¹ The significance of a

¹ Historic England, 'Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2' (2015) p. 2.

heritage asset is the sum of its archaeological, architectural, artistic and historic interest as defined in Annex 2 of the NPPF. The Planning Policy Guidance (PPG) provides an interpretation for the heritage interests as follows (Historic Environment Chapter, paragraph 6):

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 skill, 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.

- 4.2. Significance derives not only from the heritage interests of the asset itself, but also from the contribution made by its setting. The setting of a heritage asset is defined in Annex 2 of the NPPF 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.

Background: A brief history of the site

- 4.3. Old Hall and its associated barns date to the 17th century. The complex is recorded on the tithe map of 1839 which shows the earlier farmhouse with outbuildings attached to the east and west and a series of further outbuildings clustered mostly to the north (Fig. 4).
- 4.4. The accompanying records identify the landowner as Reverend Robert Churchman Long and occupier as John Diggins. The land ownership included parcels extending southwards to the east and west of the complex, including the western portion of the draft site allocation. This was arable land managed from the farmstead and therefore shared a direct functional and associative relationship with the farm buildings.
- 4.5. Much the same arrangement is shown on the 1882 Ordnance Survey (OS) plan (Fig. 5). This plan also clearly shows the semi-detached pair of cottages on the eastern side of the track way heading south.
- 4.6. The farm complex at Old Hall continued in much the same arrangement over the course of the 20th century, surrounded by open agricultural land to the south, south-east and south-west (Figs. 6 and 7). The farmstead is no longer in active agricultural use, and some of the barns have been converted to residential use.
- 4.7. In the 21st century, the cul-de-sac at Eel Catcher Close to the east of the farmstead was constructed. This was built on former agricultural land fronting the road, with the remainder of the field parcel retained in agricultural use extending southwards. Nevertheless, today the complex has retained an agricultural context to the south and south-east, which includes agricultural land formerly within its landholding (Fig. 8).



Fig. 4. Tithe map, 1839

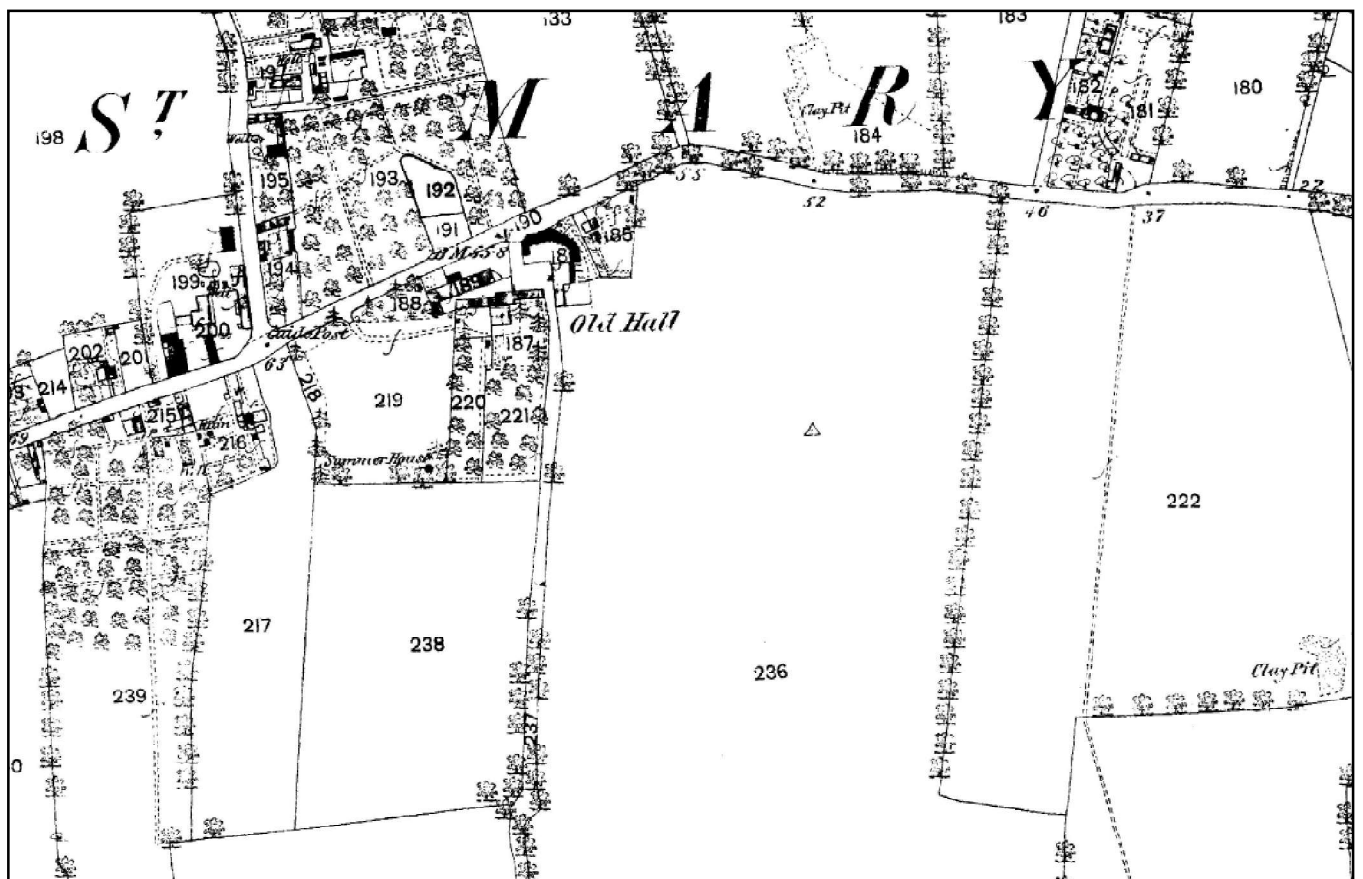


Fig. 5. 1882 Ordnance Survey



Fig. 8. Aerial view with draft allocation site VC ROC1 approximated

Statement of significance

- 4.8. The Old Hall dates to the 17th century with 18th century additions. It is in brick and part rendered, with a pantile roof. It is two storeys in attic, in brick and part-rendered with a pitched pantile roof with gables, including a shaped gable at the southern end of an early 18th century range extending southwards. The pitched roof is topped with a panelled brick ridge stack. A 17th century door survives in the western gable, with a mix of fenestration dating from the 18th through to the 20th century.
- 4.9. The hayloft and barn is an early 19th century structure in brick with pitched pantile roof. The hayloft is a two storey structure with a single storey adjoining barn to the south. The barn to the north is of similar age and also in brick with pantile roof.



Fig. 9. View to Old Hall, barn and hayloft from the south-east

- 4.10. The heritage significance of this group of Grade II listed buildings is primarily derived from its architectural and historic interest as a group of former agricultural buildings and farmhouse. They provide evidence of regional typologies of their respective building types and periods as well as the farmstead arrangement, and illustrate the close relationship that rural south Norfolk settlements such as Rockland St Mary shared with their agricultural hinterland.

Setting

- 4.11. In analysing the significance of a heritage asset it is also important to consider the contribution made by its setting. The best practice setting guidance document 'Good Practice Advice Note 3: The Setting of Heritage Assets' (GPA3) (2017) published by Historic England sets out a methodology for assessing this contribution. It recommends that consideration is given to (paragraph 26):
- the physical surroundings of the asset, including its relationship with other heritage assets
 - the asset's intangible associations with its surroundings, and patterns of use
 - the contribution made by noises, smells, etc to significance, and
 - the way views allow the significance of the asset to be appreciated
- 4.12. It goes on to set out a series of attributes that may be relevant to an assessment of setting under Assessment Step 2 Checklist:

Assessment Step 2 Checklist

The starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following is a (non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance. It may be the case that only a limited selection of the attributes listed is likely to be particularly important in terms of any single asset.

The asset's physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design eg hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time

Experience of the asset

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Intentional intervisibility with other historic and natural features
- Visual dominance, prominence or role as focal point
- Noise, vibration and other nuisances
- Tranquillity, remoteness, 'wildness'
- Busyness, bustle, movement and activity
- Scents and smells
- Diurnal changes
- Sense of enclosure, seclusion, intimacy or privacy
- Land use
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- Rarity of comparable survivals of setting
- Cultural associations
- Celebrated artistic representations
- Traditions

Fig. 9. Assessment Step 2 Checklist. Extract from 'Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets' published by Historic England, 2017.

- 4.13. As a former farmstead, the significance of which derives in part from the typology of its constituent parts as former farm buildings and farmhouse, the agricultural setting to the south and east – including the draft site allocation – makes an important contribution to an ability to understand and appreciate that significance. The setting to the south and east of the group is characterised by the large field parcel which extends to the south and east of Eel Catcher Close. The agricultural and open character of this land permits views outwards from and towards the assets from this aspect across a rural landscape that aids an understanding of their former function and thereby an appreciation of their significance as a historic farmstead cluster. Notwithstanding the public footpath to the east of the site, these views do not have to be from publicly accessible viewpoints in order to contribute to the significance of a heritage asset (page 2, GPA3).
- 4.14. GPA3 also guides that settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (page 4). The historic analysis above demonstrates that the agricultural character of the land to the south and east is a continuation of the historic setting as demonstrated by a review of the historic map evidence. The 1882 1:2,500 OS plan shows the land to the south and east as one large field parcel (see Appendix 1). It should therefore be deemed to make a strong contribution to the significance of the assets.



Fig. 10. View from the south-eastern portion of the draft site allocation looking across the site towards Old Hall and farm buildings (provided by client)

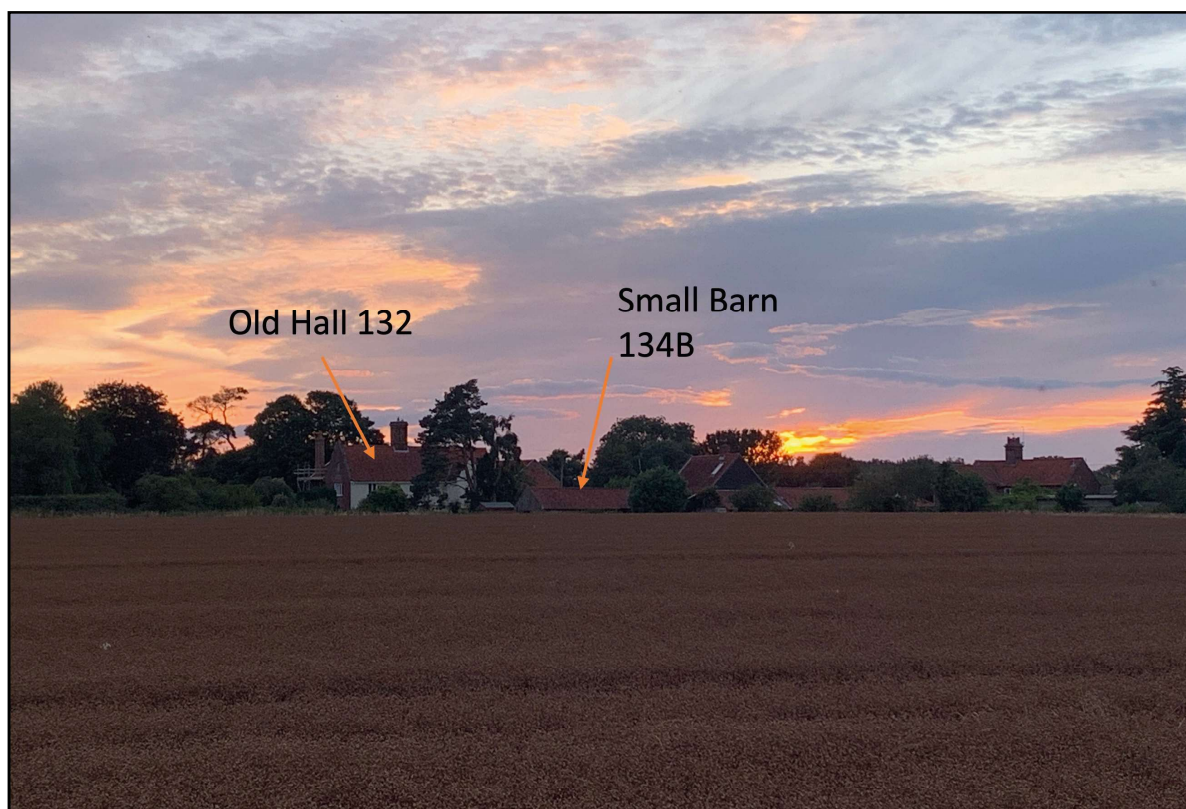


Fig. 11. View from the south-eastern portion of the draft site allocation looking across the site towards Old Hall and farm buildings (provided by client)



Fig. 12. View from the Grade II listed barn/hayloft looking south across the draft site allocation to immediate east

- 4.15. As well as a visual and spatial relationship, the cluster of farm buildings also share a former associative and functional relationship with the site. The tithe map and apportionment dated 1839 records that Old Hall together with the field parcel to the immediate east stretching as far as approximately the junction of the access road to Eel Catcher Close with the main road were in the ownership of Reverend Robert Churchman Long and occupied by a John Diggins. This part of the site at closest proximity to the assets was historically therefore part of the landholding. By 1882 this had been amalgamated into a single large field, the relationship of which to Old Hall suggests that it continued to be in this ownership. This historic functional relationship and pattern of land use therefore also contributes positively to the significance of this group of listed buildings.
- 4.16. In summary, the agricultural character of the draft site allocation makes a positive contribution to the significance of these designated heritage assets, as well as an ability to experience and appreciate that significance.

5.0 Step 3: Impact Assessment

- 5.1. This section sets out an assessment of the potential heritage impacts that could result from the development of the draft allocated site for housing of a quantum of approximately 25 units.
- 5.2. The heritage assets are located outside the boundary of the draft site allocation, therefore any impact would be to their setting. Assessment Step 3 of GPA3 sets out a check-list of potential attributes of a development to help elucidate the implications for the significance of the heritage asset as follows:

Location and siting of development <ul style="list-style-type: none"> ■ Proximity to asset ■ Position in relation to relevant topography and watercourses ■ Position in relation to key views to, from and across ■ Orientation ■ Degree to which location will physically or visually isolate asset 	Wider effects of the development <ul style="list-style-type: none"> ■ Change to built surroundings and spaces ■ Change to skyline, silhouette ■ Noise, odour, vibration, dust, etc ■ Lighting effects and 'light spill' ■ Change to general character (eg urbanising or industrialising) ■ Changes to public access, use or amenity ■ Changes to land use, land cover, tree cover ■ Changes to communications/accessibility/permeability, including traffic, road junctions and car-parking, etc ■ Changes to ownership arrangements (fragmentation/permitted development/etc) ■ Economic viability
Form and appearance of development <ul style="list-style-type: none"> ■ Prominence, dominance, or conspicuousness ■ Competition with or distraction from the asset ■ Dimensions, scale and massing ■ Proportions ■ Visual permeability (extent to which it can be seen through), reflectivity ■ Materials (texture, colour, reflectiveness, etc) ■ Architectural and landscape style and/or design ■ Introduction of movement or activity ■ Diurnal or seasonal change 	Permanence of the development <ul style="list-style-type: none"> ■ Anticipated lifetime/temporariness ■ Recurrence ■ Reversibility

Fig. 13. Assessment Step 3 Checklist. Extract from 'Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets' published by Historic England, 2017.

- 5.3. The draft site allocation boundary lies immediately adjacent to the farmstead cluster. There is no provision in the draft policy for any mitigation measures along the western site boundary to offset development from this cluster, such that there is potential for development to be proposed in close proximity of these heritage assets.
- 5.4. The introduction of residential development in close proximity of the site has potential to erode the rural, agricultural character in favour of a more suburban character which would be detrimental to an experience of these assets. Such effects include the suburbanising impacts of the introduction of built form and associated infrastructure, but also traffic, noise and light spill. As is clear from Figs. 9, 10, 11 and 12, these heritage assets are experienced within a rural agricultural setting. This aids an understanding of their former use, and is a positive attribute in experiencing and appreciating their experience as rural farm buildings. The loss of these attributes would have a detrimental impact on significance.
- 5.5. The barn and hayloft shares a particularly close relationship to the site, with the built form being immediately adjacent to the western site boundary and potential site access from the highway (Fig. 12). The introduction of built form or infrastructure in this location has potential to erode the green, rural qualities of its immediate setting to the detriment of its heritage significance.
- 5.6. More fundamentally, the development of agricultural land that shares a historic functional and associative relationship with the farmstead, and continues to form part of its rural, agricultural setting which contributes to an ability to understand and appreciate its former use, would have an adverse impact on the significance of these assets and an ability to experience that significance. As is evident from the historic map evidence, the setting to the south and south-east has historically through time been characterised by agricultural field parcels, including land that has been directly farmed from this

cluster of buildings. The loss of this agricultural character would erode an ability to understand these past relationships, ownership arrangements and uses.

- 5.7. In summary, development of this quantum on the site is likely to result in harm to the significance of these designated heritage asset/s.

6.0 Step 4: Maximising Enhancements and Minimising Harm

- 6.1. As identified under Step 3, there is potential for development on the allocated site to cause harm to the significance of the adjacent listed buildings. The draft policy wording makes no provision to mitigate the scale of potential harm on the farmstead complex. It does not therefore set out a positive plan for the conservation of the historic environment. Nor does it set out a proactive plan to maximise enhancements.

7.0 Step 5: Soundness

- 7.1. Step 5 of the methodology is to determine whether the proposed site allocation is appropriate in light of the NPPF's tests of soundness. Consideration is given below with reference to the NPPF plan-making tests as well as the wider decision-making context.

Plan-making context

- 7.2. It is essential that South Norfolk District Council recognises the full scope of the heritage constraints in their plan-making in order to accord with the guidance in the NPPF. This advocates a positive strategy for the conservation of the historic environment as follows:

Paragraph 190.

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- *(a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- *(b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *(c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *(d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

- 7.3. For the reasons as set out above, the allocation of this site has potential to cause harm to designated heritage assets and would not therefore achieve the objectives of positive plan-making for the conservation of the historic environment. The draft policy wording makes no provision for mitigation measures to reduce and/or avoid harm to built heritage assets.
- 7.4. This may reflect the Council's own, inadequate heritage impact assessment included within the evidence base for the Regulation 19 draft plan (South Norfolk Village Clusters Housing Allocations Plan: Heritage Impact Assessments').² This fails to make a full assessment of significance of these assets and the contribution made by setting against the attributes set out in the best practice checklists cited above, and consequently fails to identify the potential for adverse impact by virtue of the erosion of their agricultural setting
- 7.5. The assessment fails to identify the historic significance of Old Hall as a former farmhouse with attendant listed former agricultural outbuildings. By extension, the assessment fails to acknowledge the contribution that land which shares a historic functional relationship with the farmstead makes to its significance. It also fails to acknowledge the contribution that the agricultural setting makes to an experience of the

² South Norfolk District Council, 'South Norfolk Village Clusters Housing Allocations Plan: Heritage Impact Assessments' (undated) [online]. Available at: < <https://southnorfolkandbroadland.oc2.uk/docfiles/11/Heritage%20Impact%20Assessments.pdf>>.

farmstead, including an ability to understand and appreciate their former function as historic agricultural buildings.

- 7.6. The assessment also misunderstands the location and nature of the separately listed barn and hayloft, describing them as being located 'on the road frontage'.³ As per Fig. 3, these barns are located to the south of the road *and immediately adjoin the western site boundary*. The physical and visual relationship that this designated heritage asset shares with the site has been mistakenly understood and misrepresented. As a result, the impact appraisal cannot be relied upon.
- 7.7. For the reasons as set out above, the conclusion in the heritage impact assessment that development on the site would have a 'Neutral' impact is not considered sound on this basis. The assessment set out in this appraisal identifies instead a clear potential for adverse impact on the significance of these assets.
- 7.8. It is noted that Historic England raised concerns at the Regulation 18 consultation stage as follows:

Whilst there are no designated heritage assets within the site boundary, three grade II listed buildings (Old Hall and two barns) lie around the western end of the site. We therefore have concerns about built development of the western end of the site.

A heritage impact assessment of the site should be undertaken to assess the impact of the proposed development on the listed buildings and determine if allocation of this site is appropriate, and if it is what mitigation may be required. The findings of the HIA should inform whether the site is allocated and if it is, the policy criterion including any mitigation and enhancement.

- 7.9. These concerns clearly question the soundness of the principle of development within the western part of the draft allocation. For the reasons set out above, the heritage impact assessment prepared by South Norfolk District Council does not set out a sound evidence base as it fails to take full account of the contribution that the setting makes to the significance of these assets.
- 7.10. The comments of the South Norfolk Council Senior Heritage & Design Officer at the Regulation 18 stage demonstrate no evidence that the built heritage constraints have been given adequate consideration, stating as follows:

Comments for SN2007: Townscape – logical location for next development. Rockland a very linear settlement. That being said, you shouldn't necessarily just keep expanding settlement in linear fashion along lanes as it is not efficient. 15 houses planned here. Maybe too many? I would say 10-15 with scope to expand to 15 if it can be shown to work without too high a density? Amber given 15min stated in submission. No Heritage Impact – Green.

- 7.11. These comments fail to even acknowledge the location of designated heritage assets on land immediately adjacent to the site boundary.
- 7.12. In summary, the Council has not set out a satisfactory assessment of the built heritage constraints relevant to draft allocation site VC ROC1 at either the Regulation 18 or Regulation 19 consultation stages. The assessment undertaken in this analysis taking into account the best practice setting guidance establishes a clear potential for harm to designated heritage assets, which accords with concerns raised by Historic England.

Decision-taking context

- 7.13. Listed buildings are protected in statute by the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Planning Act). At section 66, the Planning Act sets out the following statutory duty to be undertaken by local planning authorities:

66 General duty as respects listed buildings in exercise of planning functions.

(1) 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

³ Ibid, p. 132.

its setting or any features of special architectural or historic interest which it possesses.

- 7.14. The application of the statutory duties has been rigorously tested over the years through the High Court and Court of Appeal.
- 7.15. The Court of Appeal judgment *Barnwell Manor Wind Energy Ltd v East Northants DC and others* [2014] EWCA Civ 137 often known as 'Barnwell Manor' or 'Barnwell' confirmed that in exercising the statutory duty at section 66 of the Planning Act, a decision-maker is required to give 'considerable importance and weight' to the desirability of preserving the setting of listed buildings when carrying out the planning balance (paragraph 39).
- 7.16. This was followed by the *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895 judgment which considered the matter of development affecting the setting of a listed building and the section 66 test. The judgment of Mr Justice Lindblom ruled as follows:

As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit.... When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

... it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one.

- 7.17. This makes absolutely clear the 'considerable importance and weight' that must be given to any harm to the setting of listed buildings by decision-makers in the determination of planning applications.
- 7.18. This statutory duty is reflected in national planning policy. Chapter 16 of the NPPF sets out national planning policy for the conservation and enhancement of the historic environment. Paragraph 197 requires local planning authorities to take account of, inter alia, the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.
- 7.19. Paragraph 198 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation – irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on at paragraph 200 to states that any harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification. At paragraph 202, it guides that where a 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.
- 7.20. In considering the potential of this land to accommodate the quantum of development proposed in the preferred site allocation, South Norfolk must therefore be confident that this can be achieved within the parameters of the legal and policy decision-making framework. This requires decision-makers to give great weight to the conservation of designated heritage assets, with a presumption against the granting of planning consent where this would give rise to harm to the setting of listed buildings.
- 7.21. This review has identified that the development of this site for housing is likely to erode the agricultural setting of these heritage assets which would give rise to a degree of harm to three nationally significant listed buildings which would accordingly need to be given considerable importance and weight in the planning balance.
- 7.22. Moreover, it has concluded that the Council's own assessment to date has not adequately understood the significance of these assets nor by extension the potential for harm to result. No mitigation measures have therefore been proposed, but more fundamentally, the evidence base appraising the suitability of

this site for development is not considered sound.

- 7.23. On this basis, this site does not meet the basis test for soundness for positive plan-making as set out at paragraph 190 of the NPPF.