

Heritage Statement Part 2:  
The Impact on The Setting of Heritage Assets  
Land between Stourport Rd & Worcester Rd,  
Great Witley  
Worcestershire  
WR6 6HR  
National Grid Reference: SO 756 659

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12<sup>th</sup> Decemeber 2016  
Document Reference Number 2016/1349  
Version 1

Heritage Statement: Land between Stourport Rd & Worcester Rd,  
Dr Peter Wardle and Colin Lacey  
12th December 2016

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## Version Control

Version No	Draft	Content Added/Omitted	Date
0.5	Client Draft		7th September 2016
0.7	LPA Draft	Client Comments	
1	Issued Report		15/12/2016

Heritage Statement: Land between Stourport Rd & Worcester Rd, Great Witley  
Dr Peter Wardle and Colin Lacey  
15th December 2016

## 1. Summary

This Heritage Statement should be read in conjunction with the planning application.

This report follows the methodologies indicated in the Historic England 2015 document:

*The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3*

In particular extensive use is made of GIS Visibility Analysis to ascertain what views there are of heritage assets and how they will be affected by the proposals and the effectiveness of a mitigation measures.

The impact on the following heritage assets are considered:

1. Witley Court
2. Witley Court Park
3. Rosery Lodge
4. The Old Rectory
5. Redmarley
6. Robin's Croft
7. The Dairy
8. Abberley Clock Tower

It is concluded that the proposed development will have no long term impact on the actual designated heritage assets located in its vicinity.

It is noted that there is no impact on the heritage assets themselves and thus in all eventualities the proposals are below the threshold of "substantial harm".

It is noted that:

1. No key views are affected
2. No Heritage Assets are isolated
3. The proposal does not affect the economic and social viability of the heritage assets
4. The proposal does not affect the communal use and social viability of the heritage assets

The proposed design means that no building is located within 100m of a heritage asset and includes restoring the historic boundary of the Historic Park by tree planting to match that shown on the 1885 OS plan.

The proposed buildings will be largely not visible to those experiencing the assets themselves and will not affect the way they are experienced. Once the landscape mitigation measures are considered the impact will be glimpses of newer buildings at distance in a few places.

This impact has to be weighed against the positive effects of the application.

## **2. Introduction**

### **2.1 The Client**

This report was commissioned by Andrew Ayles of Gregory Grey Associates on 3/9/2015.

### **2.2 Confidentiality and Copyright**

This document is to remain confidential for a period of 12 months or until it forms part of a formal planning application or until otherwise indicated by the client. The copyright of this report belongs to the Historic Environment Consultancy. No liability to third parties is accepted for advice and statements made in this report.

### **2.3 Location**

Site Address:	Land between Stourport Rd & Worcester Rd, Great Witley Worcestershire
Post Code	WR6 6HR

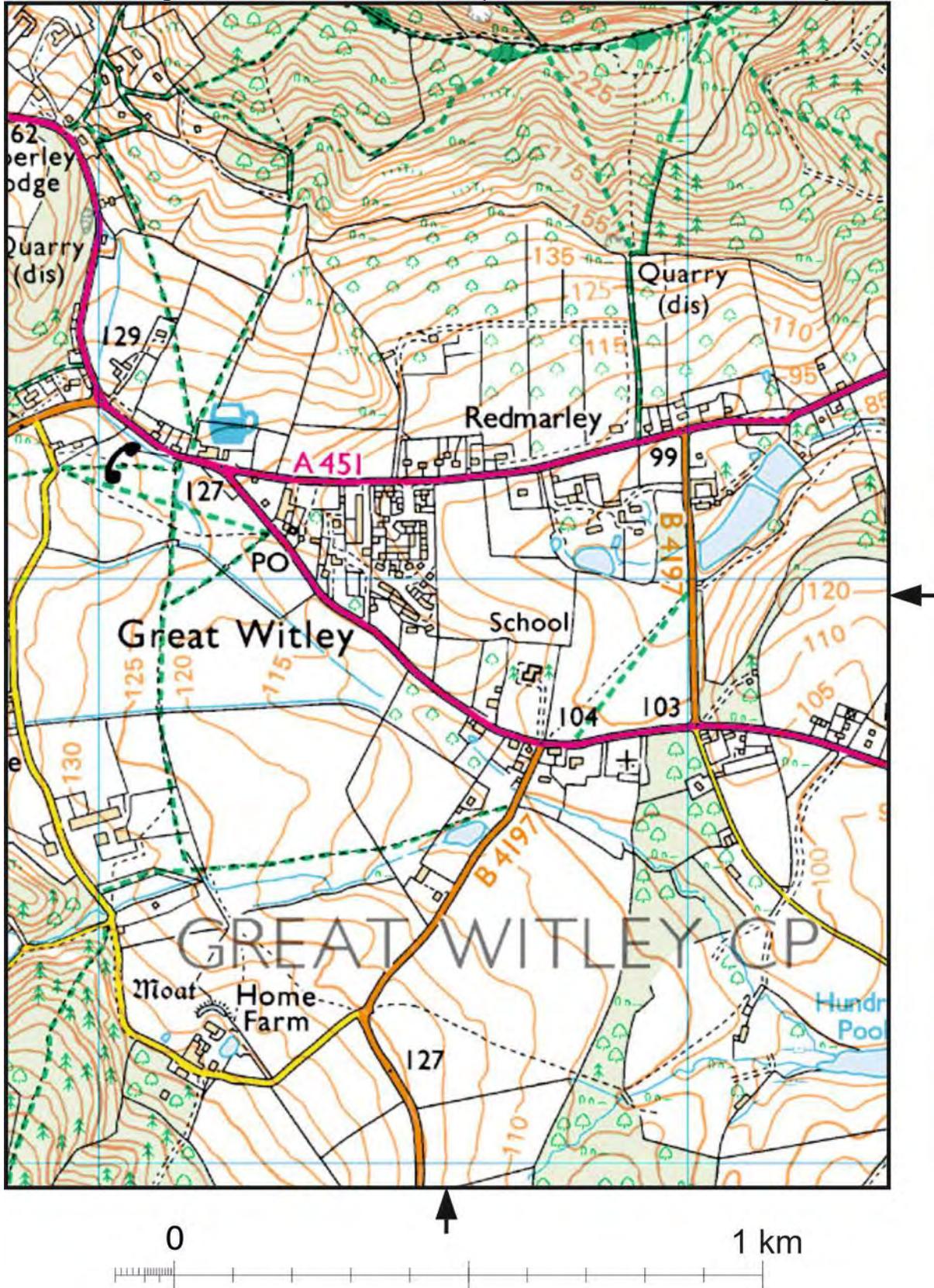
The general location is shown in Figure 1 and the detailed location in Figure 2.

### **2.4 Site Visit**

The Land was visited by Dr Peter Wardle on 4<sup>th</sup> September 2015 and 28<sup>th</sup> August 2016.

### **2.5 The Proposal**

It is proposed to build 70 affordable dwellings and 105 market dwellings on the land south of Stourport Road, Great Witley.



Metres 1:10,000 @ A4

Figure 1: General Location Plan. Scale 1:10,000



## 2.6 Visibility Analysis Methodology

An initial assessment on visibility was made, based on the above 'Zone of Theoretical Intervisibility' illustration produced by the landscape architect, reproduced below. This was constructed using a digital elevation model showing the topography of the landscape without any obstructions – buildings, trees etc. Owing to this factor, the true intervisibility, i.e. what would actually be seen at ground level, could not be seen. Further calculations were carried out to produce more accurate results, presented in this report.

The level to which the proposed development is visible from heritage assets was calculated using the geographic information system package 'QGIS'.

The QGIS plugin 'Viewshed Analysis' by Zoran Čučković was employed to ascertain which parts of the landscape were visible from points in the landscape identified as the location of heritage assets.

The surface model used in the calculations is a LIDAR Composite Digital Surface Model (DSM) with a 2m horizontal resolution, published by the Environment Agency.

A Digital Surface Model reflects the true topography of the land, including buildings, walls, hedgerows, woodland and other vegetation, which in this case, is ideal for accurately modelling the visibility from a particular building.

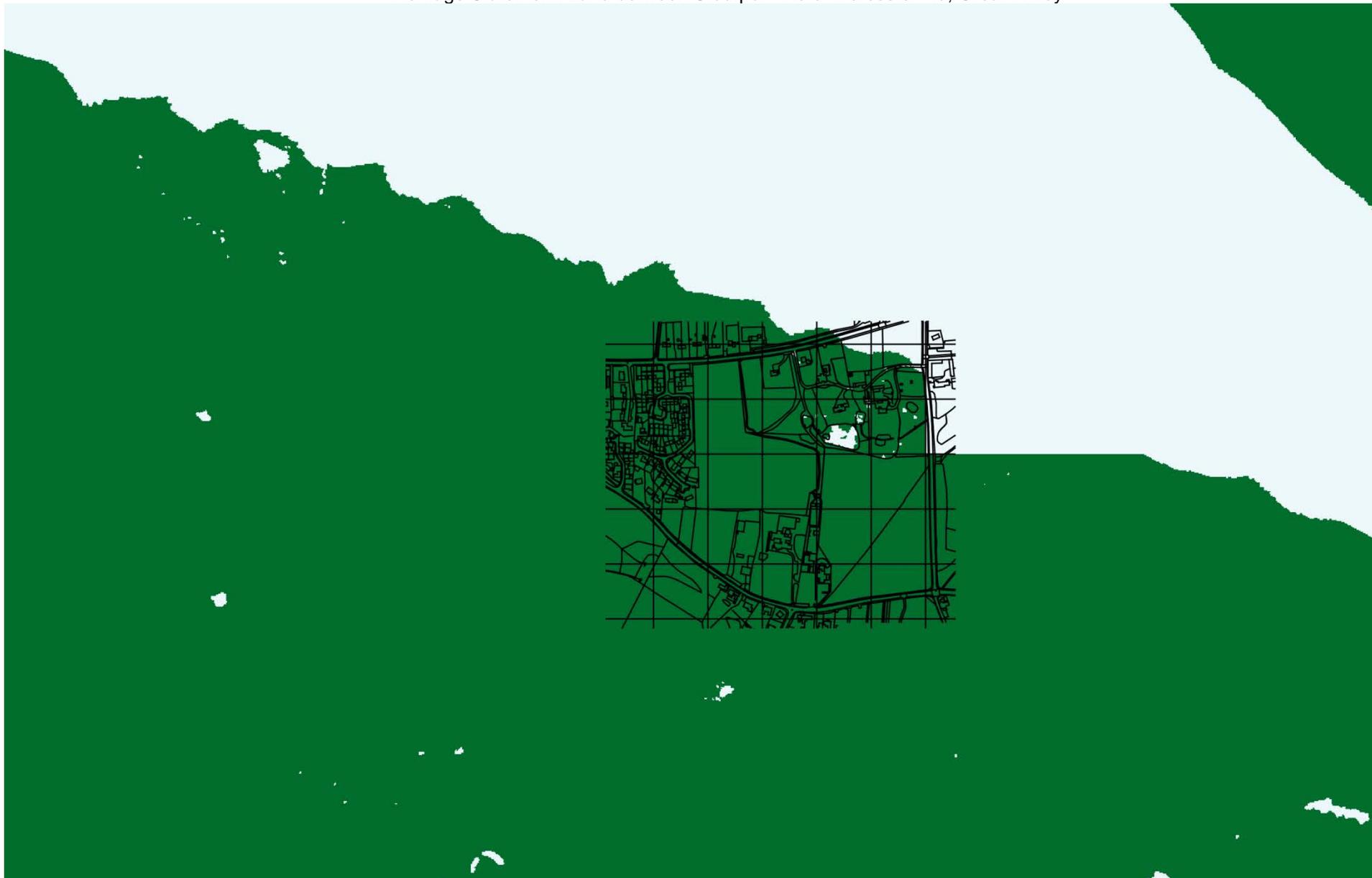
Visibility plots were calculated using an observer height of 1.6m (average eye level) to a suitable radius to assess whether or not the proposed development area is visible.

The Digital Surface Model itself covers the entirety of the proposed development, however there are large areas without data on the periphery of the site. One such area is that to the east of the B4197, which divides the site from one of the listed buildings, *Redmarley*. The visibility from Redmarley cannot, therefore be calculated. The ridge to the north of Great Witley also has no elevation data available. This extends as far as the Abberley Clock Tower to the northwest, which lies only metres beyond the boundary of the available data. The coverage of the Digital Surface Model is shown in illustrations below.

To supplement the Digital Surface Model, an Ordnance Survey Digital Elevation Model (cleaned of trees and buildings) was used to fill in gaps and create a complete terrain model. Redmarley has a row of trees separating it from the proposed development area and as these are not present on the Ordnance Survey data, the visibility can still not be calculated from this building.



**Figure 2: Digital Surface Model coverage close to the land (green, 1:5000 @ A4)**



**Figure 3: Extent of Digital Surface Model coverage (green, 1:10,000 @ A4)**

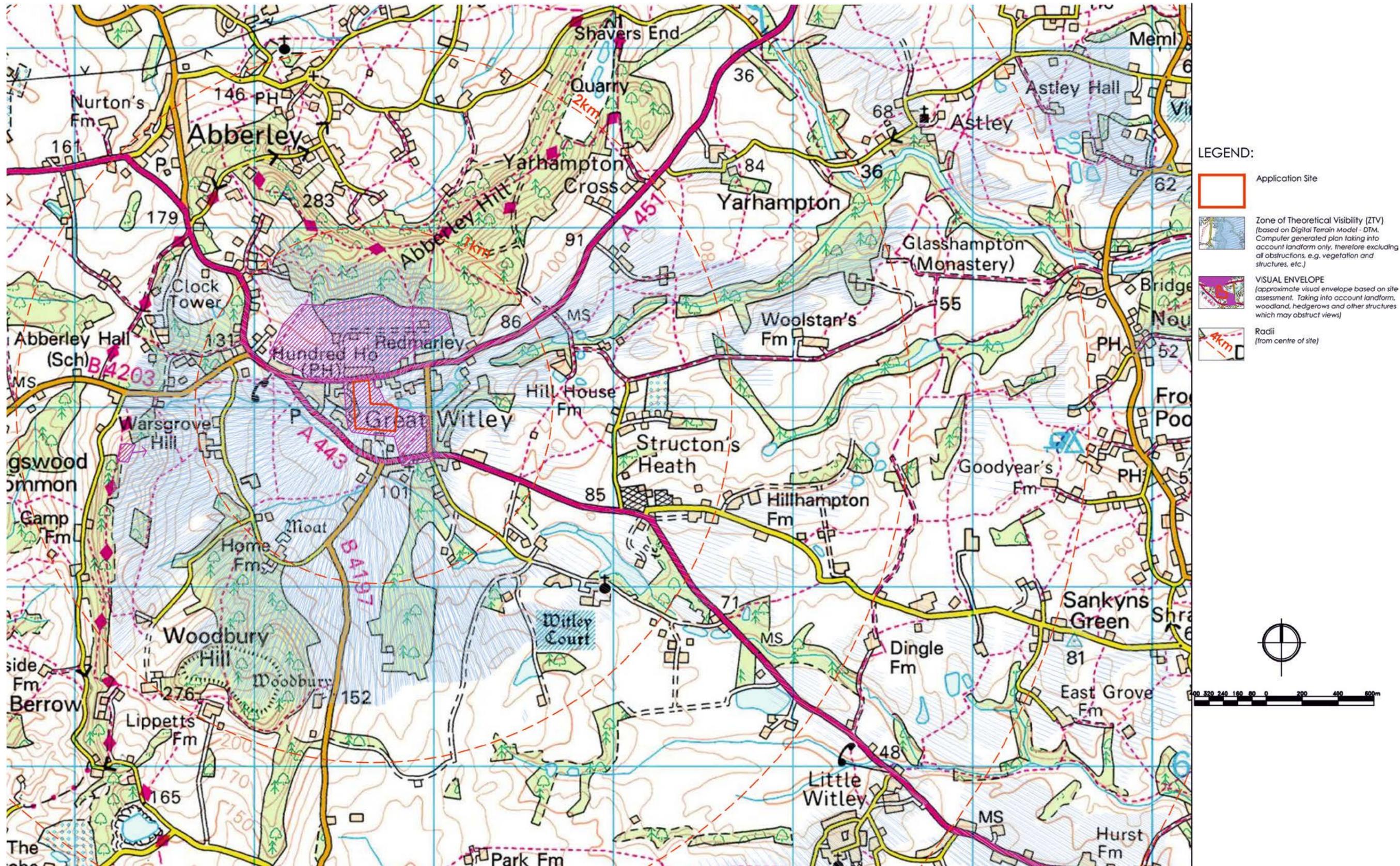


Figure 4: Zone of Theoretical Intervisibility

### 3. Legislative and Policy Background

#### 3.1 Historic Building and Monuments Commission (England)

In 1984 the government set up an autonomous agency to undertake its functions in relation to Ancient Monuments, Archaeology, Listed Buildings, Historic Parks and similar, except the formal designation of these. This body became known as English Heritage.

In 1999 The Historic Building and Monuments Commission (England) merged with the Royal Commission on the Historic Monuments of England and the National Monuments Record.

On 1<sup>st</sup> April 2015 English Heritage was split into two organisations:

1. English Heritage Trust which took over the management of Historic Properties owned or operated by the state.
2. Historic England which remains an Agency of Government which has all the other functions of English Heritage.

While this was called a rebranding exercise many policy and other documents have been re-issued and many included revisions. There are over 100 Historic English Policy Documents see:

[Advice and Guidance: New titles and backlist](#)

In the period 15/2/2016 to 15/9/2016 29 new policy documents were issued, that is over one per week.

#### 3.2 Planning (Listed Buildings and Conservation Areas) Act 1990

This Act sets out the legal basis for the protection of buildings of special architectural or historic interest –ie the process of listing. (Chapter 1 section 1 paragraph 1).

The Act Chapter 1 section 1 paragraph 2 allows factors other than the building to be taken into account:

- (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and*
- (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building* (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part;

Chapter 2 section 7 paragraph 2 of the Act defines what is protected by law:

*Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised [F2 under section 8].*

*Section 9 paragraph 3 notes that it is a defence against prosecution as follow:*

- (3) In proceedings for an offence under this section it shall be a defence to prove the following matters—*
- (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;*

Heritage Statement Land between Stourport Rd & Worcester Rd, Great Witley  
*(b)that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;*  
*(c)that the works carried out were limited to the minimum measures immediately necessary; and*  
*(d)that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.*

Chapter 2 Section 16 paragraph 2 states:

*(2)In considering whether to grant listed building consent for any works the local planning authority or 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.*

*This sections states that it is **DESIRABLE** to protect the setting of listed buildings but crucially setting is not defined.*

### 3.3 Conservation Areas

Part 2 Section 69 paragraph 1 states

*Every local planning authority—*

*(a)shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance,*

Section 74 requires permission for demolition of any building in the conservation area.

It is noted that the settings of Conservation Areas are not protected in the same way as Listed Buildings.

### 3.4 2010 Planning Policy Statement 5 - Non Designated Heritage Assets

From about 2005 onwards English Heritage were working towards having a single designation system for all types of Historic Places. A new Act of Parliament was drafted but not presented to Parliament. Instead a new integrated Planning Policy Statement was issued replacing:

- PPG15 Planning and the Historic Environment
- PPG16 Planning and Archaeology

Of importance is the fact that the concept of Heritage Assets was introduced and a distinction made between designated and undesignated Heritage Assets. Designated assets are as follows:

1. World Heritage Site,
2. Scheduled Ancient Monument,
3. Listed Building,
4. Protected Wreck Site,
5. Registered Park and Garden,
6. Registered Battlefield or Conservation Area

Heritage Assets were defined more broadly as:

#### **HERITAGE ASSET**

*A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).*

A key purpose of this was to enable the protection of the vast numbers (circa 90%) of archaeological sites not protected as Nationally Important Scheduled Ancient Monuments.

The National Planning Policy Framework 2012 revised this definition slightly:

***Heritage asset:*** *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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*

Thus the definition of an undesignated Heritage Asset is clear – only a Local Planning Authority can identify an undesignated Heritage Asset.

The following are considered to be undesignated (non Archaeological) Heritage Assets:

- Locally Listed Buildings
- Identified as Heritage Assets in other Local Planning Authority documents
- Other buildings suggested to be Heritage Assets by the Local Authority during consultations about this proposal

Mention of a building in the Historic Environment Record does not make a building a Heritage Assets because:

1. It may not exist
2. It may not be historic (a building may be included in the HER because archaeological work has been undertaken there)
3. The owners and occupiers have a right to be informed that a building has been identified as a Heritage Asset.

### **3.5 2012 The National Planning Policy Framework**

The 2012 National Planning Policy Framework was designed to simplify planning policy and in particular that there was a presumption in favour of sustainable development. It also noted the public benefit from job creation and economic wellbeing, as well as house construction and mineral extraction.

The Heritage Sections are appended.

### **3.6 2015 Historic Environment Good Practice Advice in Planning**

In 2015 Historic England published three guides to Good Planning Practice these were:

1. The Historic Environment in Local Plans
2. Managing Significance in Decision-Taking in the Historic Environment
3. The Setting of Heritage Assets

### **3.7 The Definition of Setting**

PPS 5 defined “setting” for the first time as

***SETTING***

*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.*

The National Planning Policy Framework adopted this definition intact.

**Setting of a heritage asset:** *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.*

English Heritage (now Historic England) have produced in recent years a number of documents detailing how setting should be analysed - the latest of these is:

Historic England, 2015, *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning 3*.

The principal difference is that it notes a number of different methods of analysis are suitable as opposed to just those set out in:

*History in The View: A method for assessing heritage significance within views* (Written 2008 Published 2011).

*The Setting of Heritage Assets: English Heritage Guidance* (2011).

The most recent advice advocates the uses of Geographic Information Systems to analyse setting.

## 4. The Application Area

### 4.1 East Field



**Plate 1: Northwest aspect, east field**



**Plate 2: Northeast aspect, east field**



**Plate 3: East aspect, east field**



**Plate 4: Southeast corner, east field**



**Plate 5: South aspect, east field**



**Plate 6: Southwest aspect, east field**



**Plate 7: West aspect, east field**

#### **4.2 West Field**



**Plate 8: North aspect, west field**



**Plate 9: East aspect, west field**



**Plate 10: South aspect, west field**



**Plate 11: South aspect, west field**



**Plate 12: Southwest aspect, west field**



**Plate 13: West aspect, west field**



**Plate 14: Northwest aspect, west field**

## **5. The Historic Context**

Great Witley is located in the northwest of Worcestershire. The name 'Witley' originates from the Old English *wiht* meaning bend (i.e. in a stream) and *leah* – a forest, wood, glade or clearing.

The Iron Age hillfort of Woodbury Hill, located 1 mile SSW of the land, may have been the earliest centre of occupation in the area.

There is evidence for a church in Great Witley in 1277. It is mentioned again in 1326. The present church was constructed in 1735 at the corner of Witley Park, the landscaped grounds of Witley Court.

Witley Court, an expansive Jacobean house is located to the southeast of the land. It was left derelict after a substantial fire in 1937 and is now listed to grade I and in the custody of English Heritage. Between the years of 1843 and 1846, Witley Court was the residence of Queen Adelaide, widow of King William IV. Whilst there, she financed the first village school.

## **6. Conservation Area**

The land is not located within a conservation area.

## **7. Designated Views**

There are no designated views.

## **8. The Impact on the Setting of Heritage Assets: Baseline Survey**

### **8.1 Baseline Survey**

The baseline survey is presented below and consists of considering the following:

1. The Heritage Assets that are present
2. A consideration of the non visual setting of the heritage asset
3. A consideration of the views towards the heritage asset in summer
4. A consideration of the views towards the heritage asset in winter
5. A consideration of the views from the heritage asset in summer
6. A consideration of the views from the heritage asset in winter

## 8.2 Designated Heritage Assets

The impact of the proposals on following nearby Designated Heritage Assets are considered:

	Asset	Type	Listing Grade	Distance To nearest Building	Visible ?	Considered in detail	Comments
1	Witley Court	Building	I	1.30km	No	Yes	Discussed in detail below
2	Witley Court Park	Park & Garden	II*	100m	Yes	Yes	Discussed in detail below
3	Rosery Lodge	Building	II	148m	Yes	Yes	Discussed in detail below
4	The Old Rectory	Building	II	120m	No	Yes	Views blocked by buildings and trees
5	Redmarley	Building	II	120m	No	Yes	Views blocked by buildings and trees
6	Robin's Croft	Building	II	160m	No	Yes	Views blocked by buildings and trees
7	The Dairy	Building	II	200m	No	Yes	Views blocked by buildings and trees
8	Abberley Clock Tower	Building		1.25km	Yes	Yes	Prominent local landmark discussed in detail below

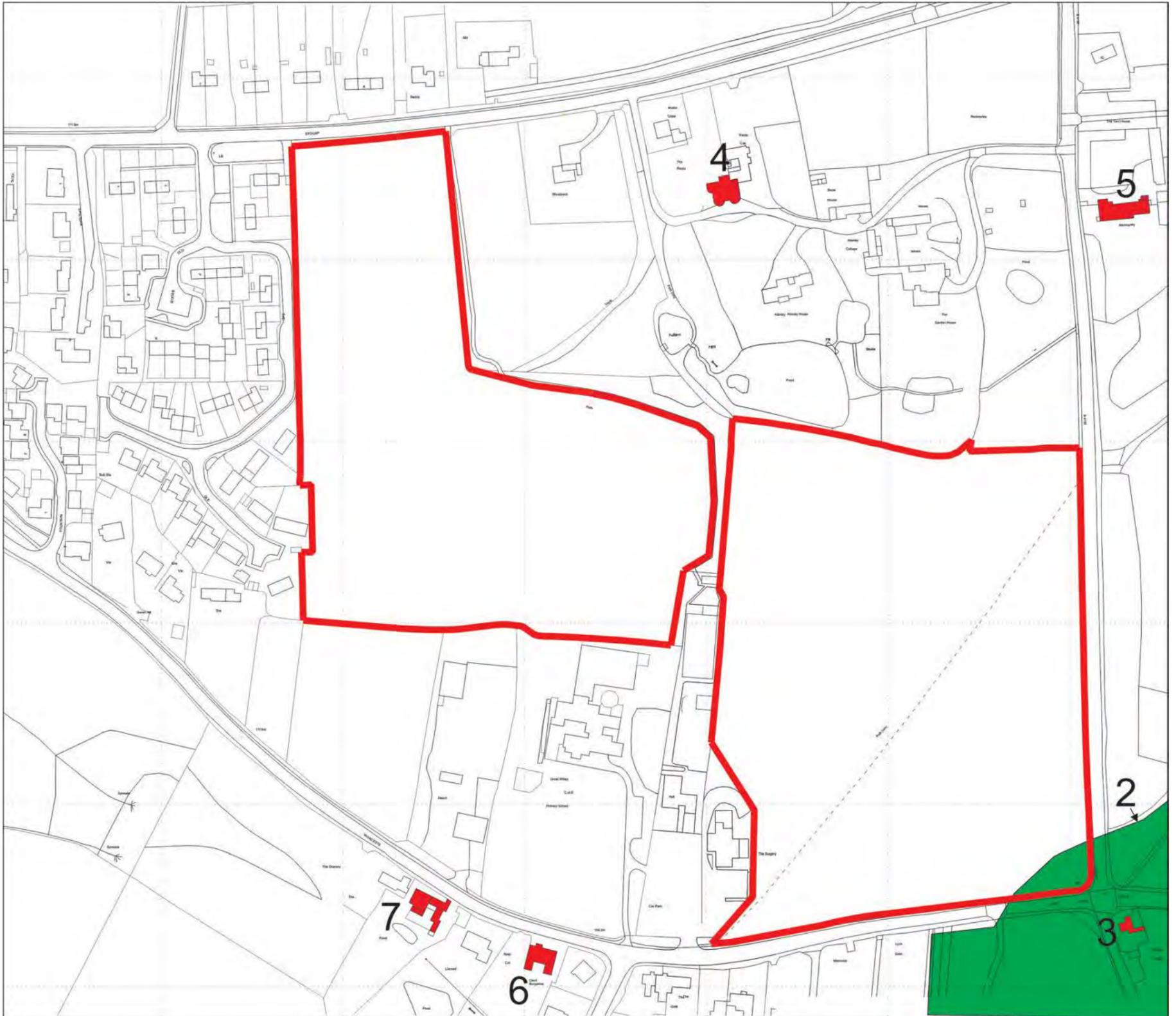


Figure 5: Location of Heritage Assets, 1:2500 @ A3

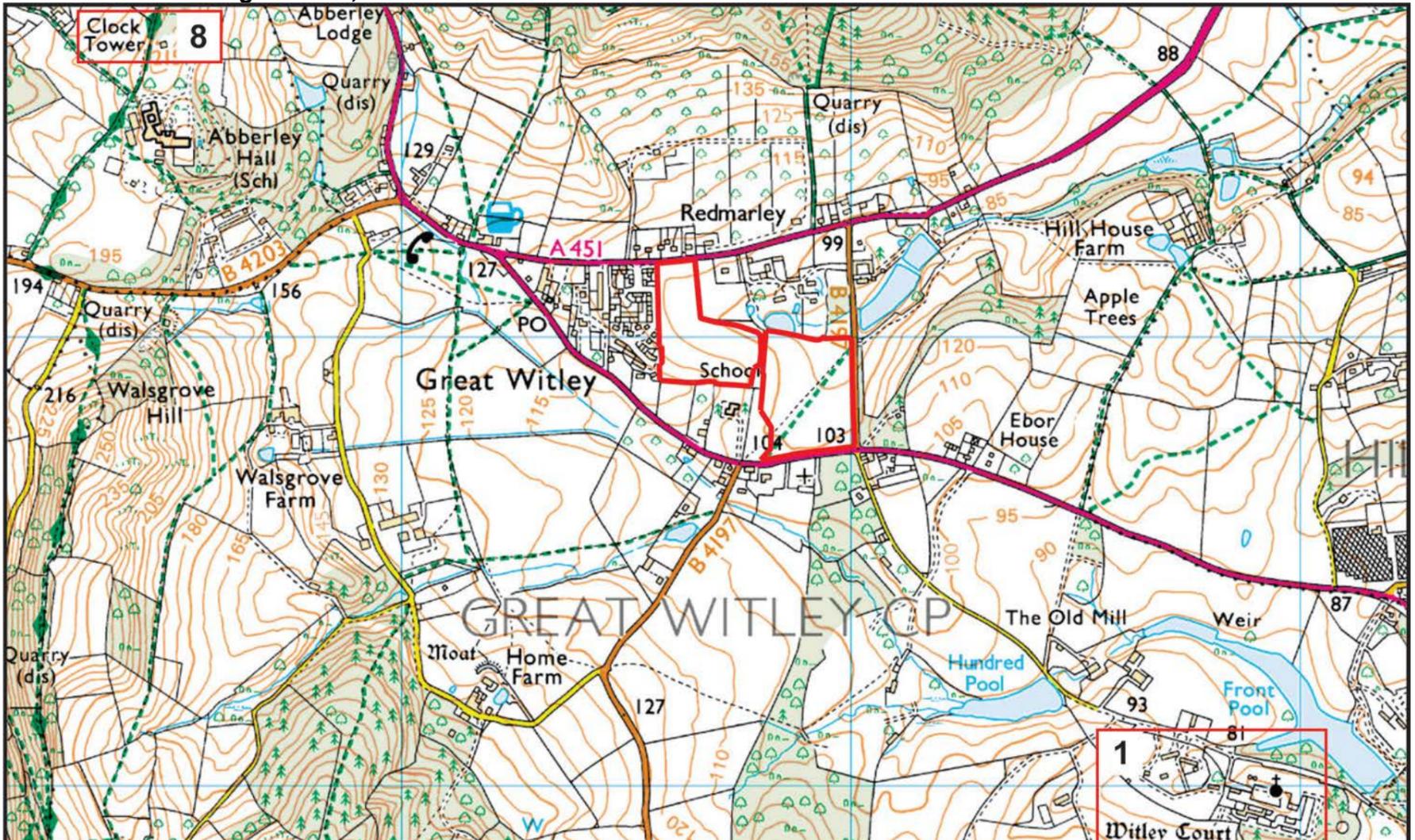


Figure 6: Location of Abberley Clock Tower and Witley Court, 1:12,500 @ A4

### **8.3 Above Ground Undesignated Heritage Assets**

The following are considered to be undesignated (non-archaeological) Heritage Assets:

- Locally Listed Buildings
- Identified as Heritage Assets in other Local Planning Authority documents
- Other buildings suggested to be Heritage Assets by the Local Authority during consultations about this proposal

Mention of a building in the Historic Environment Record does not make a building a Heritage Assets because:

- It may not exist
- It may not be historic (a building may be included in the HER because archaeological work has been undertaken there)
- The owners and occupiers have a right to be informed that a building has been identified as a Heritage Asset.

The following are considered to be non-designated (non-archaeological) Heritage Assets:

- Locally Listed Buildings
- Identified as Heritage Assets in other Local Planning Authority documents
- Other buildings suggested to be heritage assets by the Local Authority during consultations about this proposal

Mention of a building in the Historic Environment Record does not make a building a Heritage Assets because:

4. It may not exist
5. It may not be historic (a building may be included in the HER because archaeological work has been undertaken there)
6. The owners and occupiers have a right to be informed that a building has been identified as a Heritage Asset.

There are no non-designated heritage assets in the vicinity of the land.

## 9. Witley Court

Asset	Witley Court
Listing Grade	II*
Original Function	Landscape park
Current Function	Landscape park
Distance to Proposed Development (m)	1300
Theoretically visible?	No
Visible?	No



### Plate 15: Witley Court

Witley Court is a former country house with 15<sup>th</sup>-17<sup>th</sup> century origins. It was destroyed by fire in 1937 and not rebuilt. Following stripping and abandonment, the building was taken into the custodianship of English Heritage, and is now open to the public as an open air ruin, illustrating the grandeur and construction techniques of the periods from which the building originates.

### 9.1 Listing Description

Former country house, now a ruin, and link with parish church. C15 undercroft of earlier manor house; C17 core, north projecting wings of late C17 or early C18; porticoes to north and south c1800, link wall with pavilion and Orangery (qv) remodelling and refacing c1860, stables (qv) and service wing to west late C18, extended c1860. Porticoes attributed to Nash, remodelling and refacing by S Daukes for Lord Ward, later first Earl of Dudley. Red brick core, red sandstone base, Bathstone facing. Roughly U-plan house with north projecting wings flanking square stair towers and central portico, link to church (qv) to north west, portico to south and curved link to orangery (qv) to south west, stables (qv) and service wing extend to west. Italianate in grand manner 2 storeys with basement and attic, 4 storeys to towers; banded rustication to plinth, blind semi-circular headed arches with scrolled keys and impost band articulate first floor (echoing similar treatment of church) modillion cornice and balustraded parapet with gadrooned balusters and urn finials to

intermediate and corner dice, bands of rusticated quoins. Keyed cambered heads to basement windows, keyed semi-circular surrounds to windows in blind arches of first floor, with blocked decorative tympana above openings with eared architraves, bracketed sills and recessed panels below, semi-circular arched windows with cornices and decorative spandrels to second floor, eared and shouldered architraves to attic windows, gadrooned balusters to balconies and aprons. North front: central Ionic octastyle portico (order of Bassae) flanked by towers with one range of windows, third floor windows segmental pediment, console bracketed cornice and balcony to windows of fourth floor; 6 bays to flanking wings terminating in 2 storey canted bays with 3 semi-circular arched windows: East front is slightly plainer; central 1:3:1 bays flanked by 2 storey canted bays and a further 1:1 bays to south, central 3 bays with slight forward break, south end bay also projects forwards slightly; taller semi-circular headed windows with guilloche enrichment to first floor, balustraded balconies supported on console brackets to second floor of central 3 bays and flanking canted bays, aproned intermediate bays; central first floor windows of canted bays have bases for balconies which extend forward on 2 columns. South front: central Ionic octastyle portico (order of Bassae) partly obscures central 2 storey elliptical bow with 3 windows and 2 flanking bays, portico further flanked by 3 bays. Originally one of the manors of Great Witley it passed to the Russells of Strensham during the early C17 and was later acquired by Thomas Foley in 1655, subsequent generations of Foleys carried out the earlier main alterations and extensions to the house. In 1838 Witley Court passed to the Lord Ward, later first Earl of Dudley and for a brief period during his minority the Dowager Queen Adelaide lived at the Court. Damaged by fire in 1937 and later unoccupied the Court rapidly decayed. It was situated in extensive parkland and surrounded by a formal garden laid out by Nesfield (completed in 1861) with fountains (qv) by James Forsyth and enclosed by a balustrade. (BoE; VCH, Vol IV: Witley Court and Church, Rev Canon. J G Barnish, MA; Short History of Witley Court, W M Pardoe (unpublished)). Scheduled Ancient Monument

## 9.2 The Importance of the Asset

<b>Date</b>		17 <sup>th</sup> Century
<b>Designer</b>		Unknown originally, refaced by S Daukes
<b>Historic Interest</b>		High
<b>Group Value</b>		High
<b>Contribution of Setting</b>		The setting of the park as a whole is not hugely apparent from the application area and surrounding areas owing to tree cover. Immediately North East of Rosery Lodge the historic woodland was cleared between 1954-1964, and this setting is therefore not a historic one.
<b>Evidential</b>		Fairly strong evidential value
<b>Historical</b>		
	<b>Illustrative</b>	High illustrative value
	<b>Associative</b>	High associative value
<b>Aesthetic</b>		
	<b>Design</b>	High
	<b>Detailing &amp; Craftsmanship</b>	High
<b>Communal</b>		Low – little community value

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

### **9.3 Discussion of Impact**

Witley Court is a unique heritage asset located in relatively close proximity to the development area. Despite this, Witley Court and its immediate cardens, being the part of the land that is open to the public, are completely invisible from the development area, having large areas of woodland ensuring there is no intervisibility. Witley Court and its gardens will not be affected in any way by the proposed development. In addition, the public experience of the land will not be affected.

## 10. Witley Court Historic Park

Asset	Witley Court Park
Listing Grade	II*
Original Function	Landscape park
Current Function	Landscape park
Distance to Nearest Building	100m
Theoretically visible?	Yes
Visible?	Yes

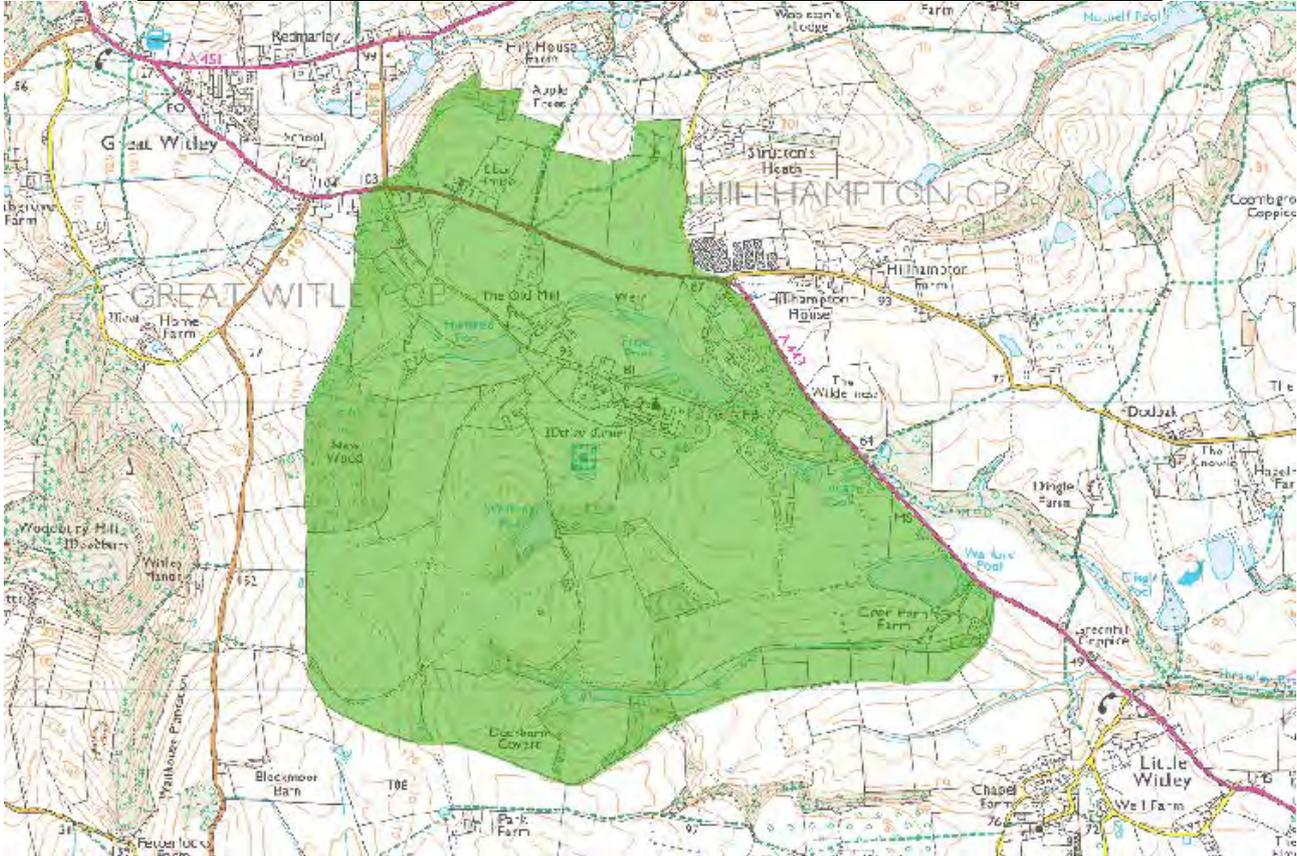


Figure 7: Extent of Witley Park (Historic England, not to scale)

### 10.1 Listing Description

A landscape park, including improvements in the early C19 by John Nash and G S Repton, and formal mid C19 gardens by W A Nesfield, associated with a country house which in the mid C19 was among the most magnificent in England.

#### HISTORIC DEVELOPMENT

Witley was purchased by Thomas Foley, the son of a Stourbridge nail manufacturer, from the Russells of Strensham in 1655. The Foleys retained ownership until 1835 when Witley was bought by the trustees of the eleventh Lord Ward (cr first Earl of Dudley 1860), under whom, when he came of age, Witley was transformed into a 'Victorian palace'. His descendant sold the property in 1920, after the death of his wife in a bathing accident, to Sir Herbert Smith (d 1943), a Kidderminster carpet manufacturer, who put Witley up for sale in 1938, the year after the house was consumed in a great fire. It was purchased by a firm of demolition contractors who by 1945 had removed much of the non-structural fabric from the house and felled many of the mature trees in the park. The post-war years also saw the piecemeal sale of the parkland and farms from the estate. In 1972 the house and surrounding grounds were taken into state Guardianship, and a large-scale programme of restoration works instigated in the later 1990s was in progress in 1997.

#### DESCRIPTION

**LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING** Witley Court lies south-east of the village of Great Witley and the A443 which runs through it, from Ludlow c 35km to the north-west to Droitwich c 15km to the east. The high ground of Abberley Hill rises to the north, and that of Woobury Hill to the west. The watercourses crossing and ponded within the park drain south-east to the River Severn, 5km to the east. The registered area comprises c 350ha.

**ENTRANCES AND APPROACHES** Witley Court is approached along very rough kilometre-long drives from the north-west and from the east. At the end of each is an elaborate ashlar lodge (both listed grade II) in the French Second Empire style, built in 1884 to designs by Henry Rowe and Son of Worcester.

In the mid C18 a causeway was constructed to carry a drive southward from the public road to the house across the Front Pool. This arrangement was superseded by the present one in the early C19.

**PRINCIPAL BUILDING** A great fire swept Witley in 1937, and what remains today (listed grade I) is a consolidated shell. Of the C17 house of the Russells there remains the twin towers to the north between the long wings added 1683 by Thomas Foley. In 1790 it was transformed into a vaguely Palladian-style mansion with a three-storey central block and two projecting wings on the north side. In the early C19 porticos were added on both sides of the building, that on the south, garden front being by John Nash (1752-1835). In 1860 Samuel Whitfield Daukes (1811-80) transformed the house into a virtual palace, retaining the porticos but adding four-storey towers and two-and-a-half-storey wings with canted bays at their ends. A curving seven-bay wing was added on the left side of the garden front with a thirteen-bay Orangery (wing and Orangery separately listed grade II\*) at its end. The whole building (and the adjacent church) was clad in Bath stone and surmounted by a balustrade.

On the west side of the house is a service court and the remarkable baroque parish church of Great Witley (listed grade I), consecrated in 1735 and attributed to Gibbs (1682-1754).

**GARDENS AND PLEASURE GROUNDS** In the later C18 the surroundings of Witley Court were laid out as a landscape park with deer. George Stanley Repton (1786-1858) installed terracing and balustrading around the house in the early C19. In 1854 William Andrews Nesfield (1794-1881), then the country's most prestigious garden designer, came to Witley, and between that date and 1860 the setting of the house was transformed by the creation of extensive and intricate gardens in the French and Italian styles south and east of the house, with great fountains as centrepieces.

The main gardens lie south and east of the house, defined by stone balustrading with ha-ha beyond. All is now rough lawn, with some specimen and some self-seeded invasive trees, especially around the exterior. Restoration works are currently in progress (1997). To the south of the house the ground falls away before rising again, the end of the garden (overall c 180m long from north to south and c 140m wide) lying within a massive apsidal projection. Monumental iron gates ('The Golden Gates') originally terminated the projection, while to either side of the start of the projection are stone pavilions (listed grade II) of c 1860, designed in a slightly Hindu style by Samuel Daukes. In the centre of the garden is the spectacular Perseus and Andromeda Fountain (listed grade I) of c 1860. Nearer the house, and to either side of the central path, are circular features, the remains of infilled flower beds.

The gardens east of the house, c 110m east/west by c 80m north/south, also terminate in an apsidal projection. In their centre is the Flora, or Triton, Fountain (listed grade II\*) of c 1860. Both of Witley's great fountains were sculpted by James Forsyth. The stone edgings of parterre beds protrude through the grass.

**PARK** Witley Court lies to the north-east of an extensive park, although now (the late C20) the parkland character has largely been lost and much of the land is arable. Decay and tree felling had begun by the end of the C19.

Running along the east/west valley which drops steeply away below the north forecourt is Front Pool, a linear lake with a weir at its west end and a boathouse (ruinous 1997) below the house. North-east of Front Pool is woodland called The Wilderness. West of Front Pool is Hundred Pool; between the two pieces of water is the former Engine House. About 150m west of Hundred Pool is Red House, a grouping of five small octagons, built in 1828 to a design by George Repton as a breeding kennel for Lord Foley's hounds. This was converted for residential use in the early C20.

To the south of Witley Court the ground rises, the highest ground lying in the south-west edge of the park, where a few small parcels of woodland represent all that survives of Deerbarn Covert, which in the early C20 formed a broad belt of woodland along the southern border of the park.

The existing park, created by the mid C16, was enlarged after 1718 when additional land north-east of the house was purchased. This was probably the time when the Hundred Pool was created, followed in the 1730s by the Front Pool with its Cascade, removed in the early C19. Also in the earlier C18, Keeper's Lodge (destroyed during the 1950s) was built as an eyecatcher 750m south-west of the house, on the site of a lodge documented in 1664 and 1732, to a design by Henry Flitcroft (d 1769). At the same time ornamental plantations were laid out. A Wilderness had been planted east of Front Pool by 1784. By 1793 the park had been extended east to include the Warford Pool and Lodge Pool. Between 1804 and 1817 Nash and Repton improved the park.

**KITCHEN GARDEN** Witley's octagonal walled kitchen garden (walls in part listed grade II) lies c 100m west of the west end of the house's service court and forms part of Nash's improvements at Witley in the early C19. On the north side of the garden is the former gardener's house (listed grade II), now divided into two dwellings.

**REFERENCES** Country Life, 117 (8 June 1945), pp 992-5; (15 June 1945), pp 1036-9 B Pardoe, Witley Court: Life and Luxury in a Country House (1986) Witley Court, Great Witley, Worcestershire: Report on an Archaeological Landscape Survey, (City of Hereford Archaeology Unit 1994) Witley Court, Worcestershire: A Landscape Survey of the Southern Parkland, (City of Hereford Archaeology Unit 1996) Trans Worcestershire Archaeol Soc 15, (3rd Series), (1996), pp 283-303 Witley Court, guidebook, (English Heritage 1997 edn)

## 10.2 The Importance of the Asset

<b>Date</b>		18 <sup>th</sup> Century
<b>Designer</b>		Unknown originally, amended 19 <sup>th</sup> C by G. S. Repton & W. A. Nesfield
<b>Historic Interest</b>		Fair
<b>Group Value</b>		High – in conjunction with surviving remains and extant buildings from the Great Moreton estate
<b>Contribution of Setting</b>		The setting of the park as a whole is not hugely apparent from the application area and surrounding areas owing to tree cover. Immediately North East of Rosery Lodge the historic woodland was cleared between 1954-1964, and this setting is therefore not a historic one.
<b>Evidential</b>		Fairly strong evidential value
<b>Historical</b>		
	<b>Illustrative</b>	Fair – high illustrative value
	<b>Associative</b>	Witley Court House has high associative value, the park fair – high.
<b>Aesthetic</b>		
	<b>Design</b>	The park is a designed landscape
	<b>Detailing &amp; Craftsmanship</b>	Low to fair importance
<b>Communal</b>		Low – little community value

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

## 10.3 Setting

From the application area there are few clues that what is being viewed is a Historic Park (apart from the presence of Rosery Lodge), due to the topography and the vegetation. Indeed the boundary of the Park is woodland. In particular to the North there is a thick, 20m, area of conifers which means the edge of the park is not visible which is up to 150m to the east of the road joining the A433 and A451.

From the Park Boundary in the southeast Corner of the application area there is a limited “historic experience”: what can be seen is mostly more recent buildings at a distance.

It would appear that the edge of the “Historic Park” was defined by the presence of woodland. It can be suggested that this woodland was used to visually separate the park from the surrounding countryside.

Immediately North East of Rosery Lodge the historic woodland has been cleared between 1954-1964, and this setting is therefore not a historic one

From the Park Boundary there is a limited “historic experience”: what can be seen is mostly more recent buildings at a distance.

The construction of further new dwellings will make little difference to this.

#### **10.4 Discussion of Impact**

From the Park Boundary in the South East Corner of the application area there is a limited “historic experience”: what can be seen is mostly more recent buildings at a distance.

It would appear that the edge of the “Historic Park” was defined by the presence of woodland. It can be suggested that this woodland was used to visually separate the park from the surrounding countryside.

Immediately North East of Rosery Lodge the historic woodland was cleared between 1954-1964, and this setting is therefore not a historic one. The construction of further new dwellings will make little difference to this.

In the majority of cases, the roads running through the park are notably lined with trees. It is suggested that the planned layout of the parkland was only to be experienced from within, with the tree-lined roads acting as corridors through the parkland which facilitated the crossing of the park without permitting the traveller to experience its designed landscape. This kept the parkland as something restricted to the privilege of the residents and guests to Witley Court itself. The fact that parts of the countryside that lie outside the park boundaries cannot be seen is a point of design, which is still upheld in the modern layout of the parkland. The individual was not meant to see outside the park. Tree screening has been effectively used to eliminate views of the agricultural hinterland of the estate. This is a very important fact when assessing the impact of the proposed development on the park itself. There is no impact, as the park was designed only to be viewed from within, and to restrict views out.

The modern visitor experience to Witley Park is restricted further, with access to the ruin of the house and to a small area of parkland which is significantly smaller than the original extent of the park. Those visiting the land in its current form are entirely distanced from the development area.

The matter of what is protected by designation is also drawn into question. The extent of the designated area appears to span far beyond the extent of the park itself, encompassing surrounding farmland that has no immediate historic connections to the house except their close proximity. It is suggested that the designated area comprises the estate as a whole, rather than being restricted to the designed landscape of the park. The value of what are essentially arable fields with no direct link to Witley Court as a heritage asset is considered questionable.

10.5 Visibility

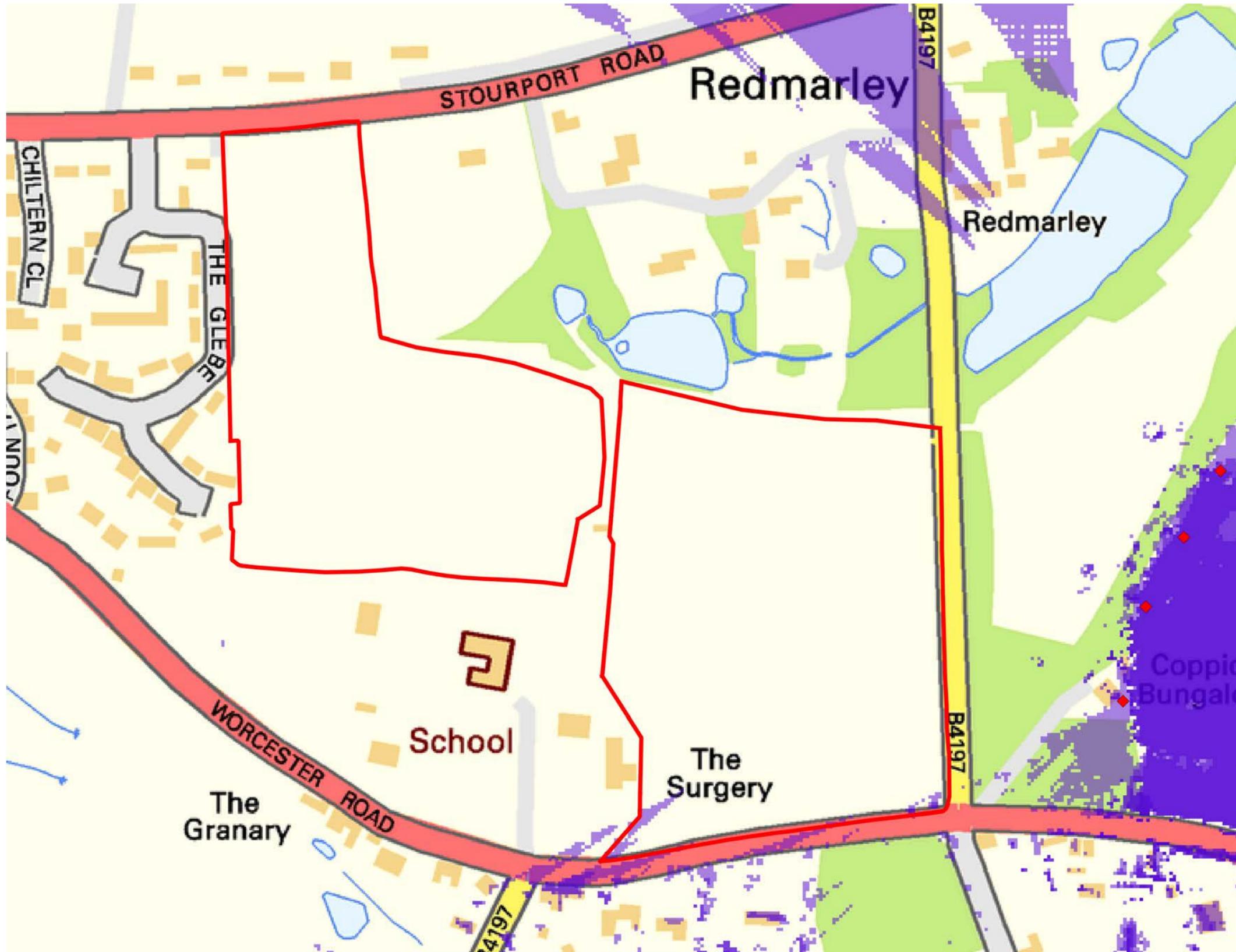


Figure 8: Current view from Witley Court Park, 1:2500 @ A3

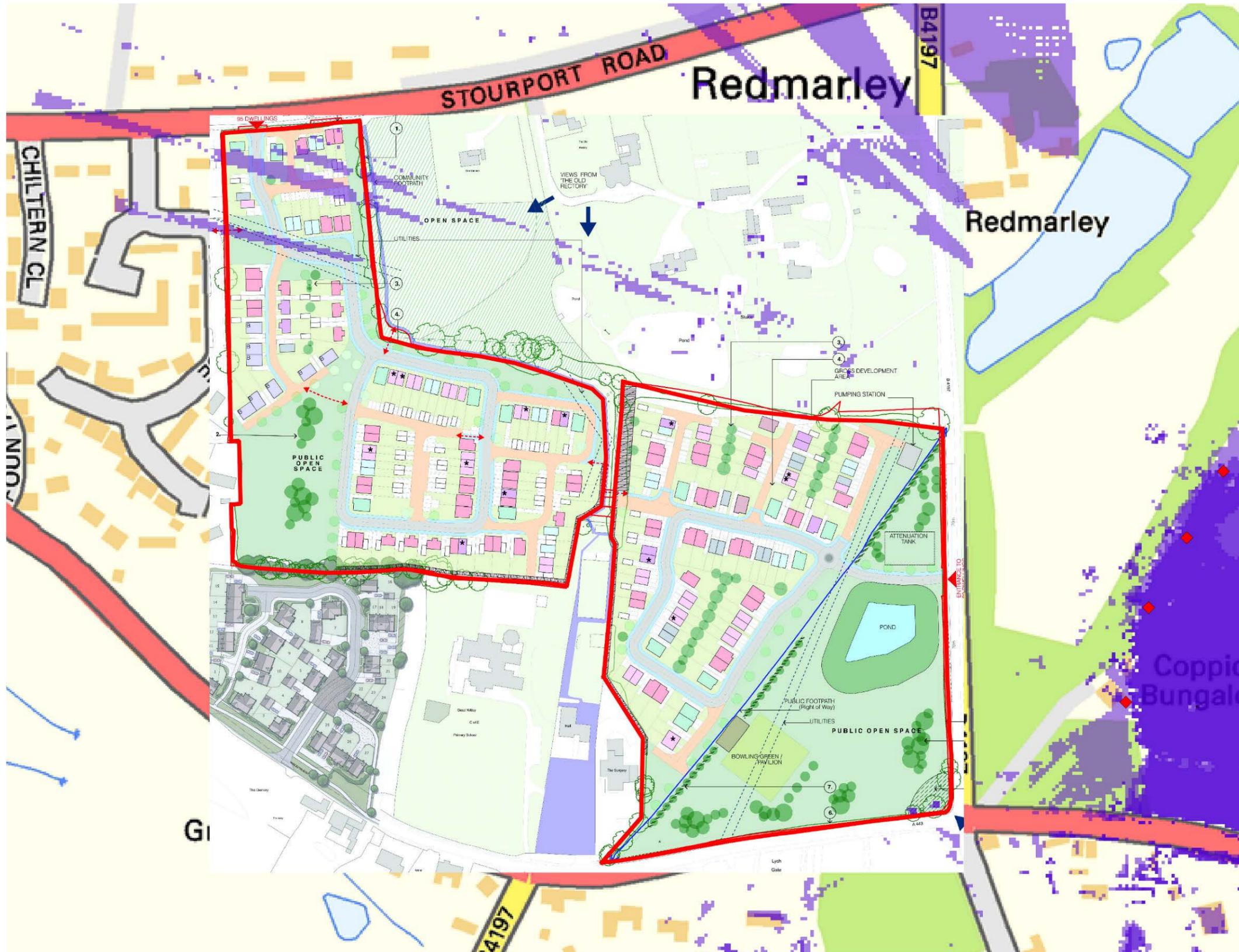


Figure 9: View of proposed development from Witley Court Park, 1:2500 @ A3

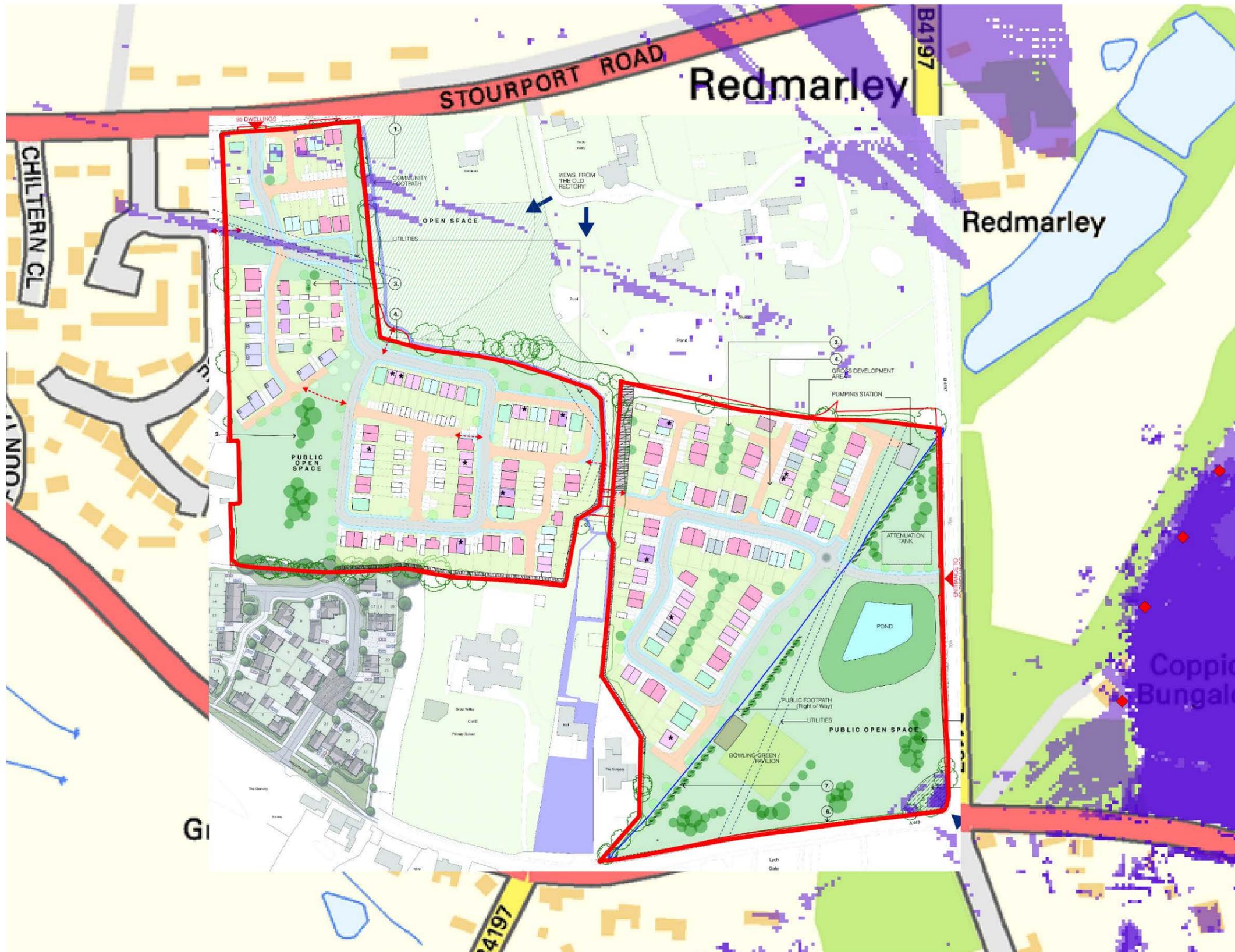


Figure 10: View of proposed development with proposed landscaping from Witley Court Park, 1:2500 @ A3



**Plate 16: Looking SW from the Application Area towards Rosery Lodge and the historic park**



**Plate 17: Looking West towards the Application Area**



**Plate 18: The trees to left of photograph are part of the designated park**

## 11. Rosery Lodge

Building	Rosery Lodge
Listing Grade	II
Original Function	Gate house
Current Function	Gate house
Date of Building	c. 1860
Materials	Ashlar, slate
Storeys	1 + attic
Distance to Nearest Building	150m
Theoretically visible?	Yes
Visible?	Yes
Reason for non-visibility	N/A



**Plate 19: Rosery Lodge**

### 11.1 Listed Building Description

Lodge to Stourport end entrance to Witley Park. c1860. Probably by S Daukes for Lord Ward, later first Earl of Dudley of Witley Park (qv). Ashlar, slate mansard roof. Italianate, T-shaped with quadrant porches. Single storey and attic, moulded plinth, channelled rustication, complete entablature, balustraded parapet with corner urn finials, canted bay window to end with 3 windows; Tuscan pilasters, dentilled cornice and balustraded parapet forming balcony to pedimented dormer above with scrolls to upper balustrade, semi-circular arched windows, decorative spandrels, one window to both ends of top stroke of T, with slight forward break, similar cornice, balustrade and dormer above. Plain sash windows, quadrant porches supported on unfluted Ionic columns with similar cornice and balustrading above, 6-panelled door. Formerly known as Stourport Lodge.

Listing NGR: SO7603465733

## 11.2 The Importance of the Asset

<b>Date</b>		c. 1860
<b>Rarity</b>		Low
<b>Architectural Interest</b>		
	<b>Architect</b>	Likely to be S Daukes
	<b>Type</b>	Gate house / lodge
	<b>Innovation</b>	Unexceptional
	<b>Virtuosity</b>	Unexceptional
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		Low – fair
<b>Group Value</b>		Part of a group with Witley Court Park and associated building / ruins
<b>Contribution of Setting</b>		There are a limited number of places where the setting can be experienced due to the surrounding vegetation.
<b>Evidential</b>		Fair
<b>Historical</b>		
	<b>Illustrative</b>	Fair
	<b>Associative</b>	Less associative value than the park as a whole
<b>Aesthetic</b>		
	<b>Design</b>	Fairly complex design with architectural merit
	<b>Detailing &amp; Craftsmanship</b>	Fair
<b>Communal</b>		Low importance

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

## 11.3 Discussion of Impact

The asset itself is largely invisible to the development area with small areas to the southeast and north being visible. There is considered to be little or no impact from the proposal on Rosery Lodge. The recent felling of trees in the vicinity, whilst opening views a little, does not have a great effect on the impact on the lodge.

The road into the estate past the lodge is still used for access to the modern tearoom located adjacent to the ruined buildings on the Witley Park estate. Visitors use this route to visit the tearoom and are therefore visiting a modern entity, created after the designation of the park.

The proposed landscaping, however, shields all views of the proposed development from Rosery Lodge.

11.4 Visibility

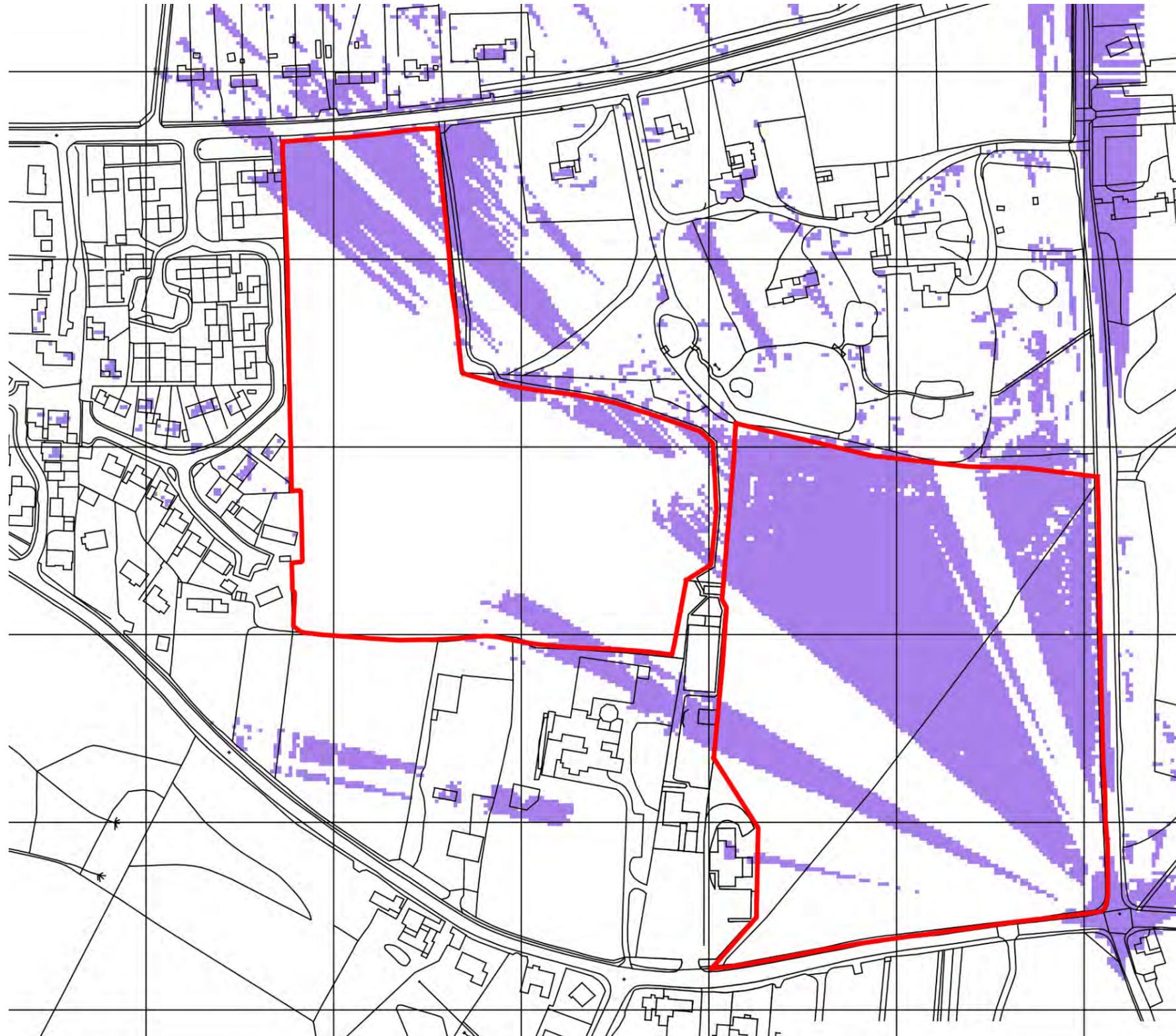


Figure 11: Current view from Rosery Lodge, 1:2500 @ A3

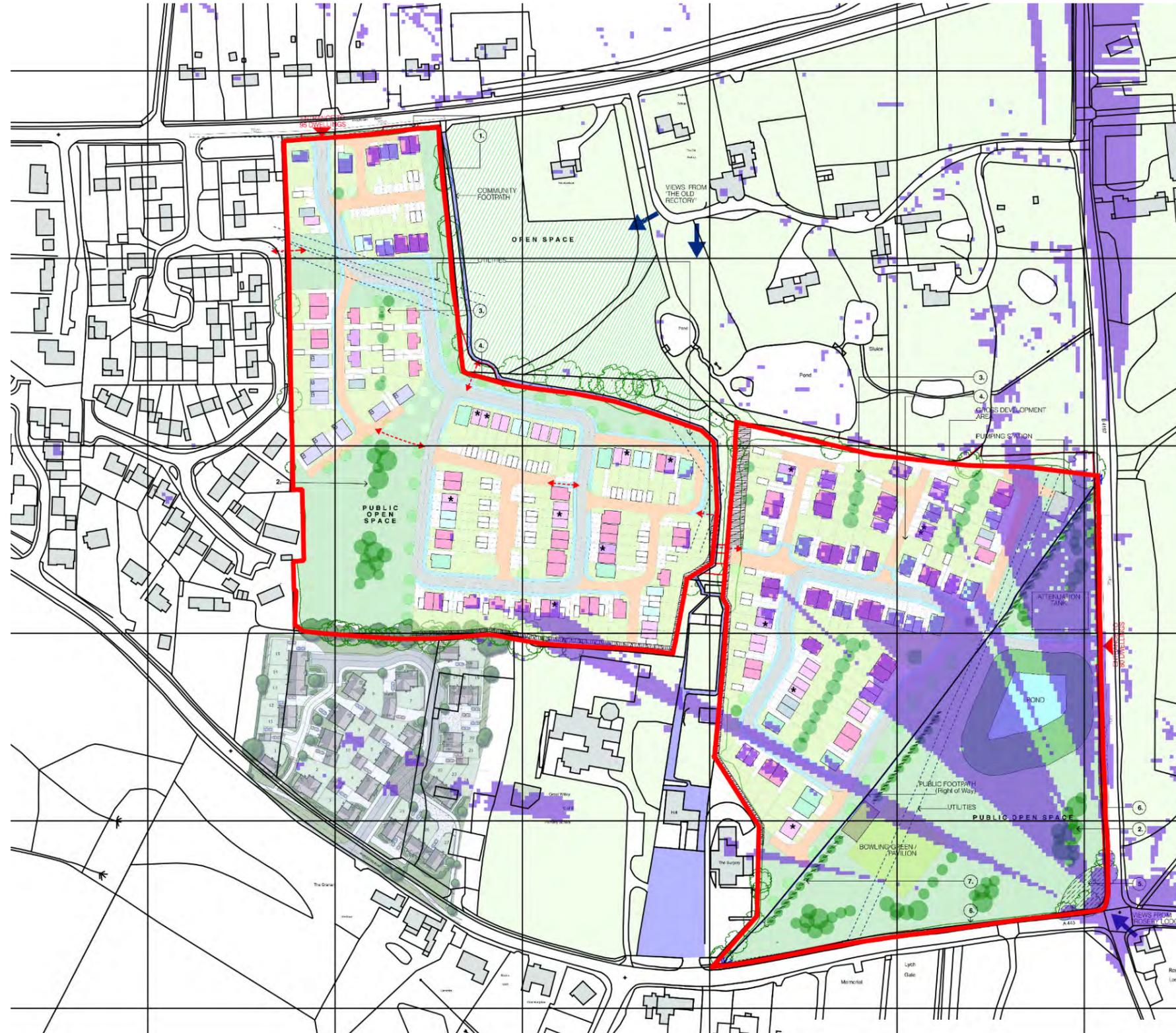


Figure 12: View of proposed development from Rosery Lodge, 1:2500 @ A3

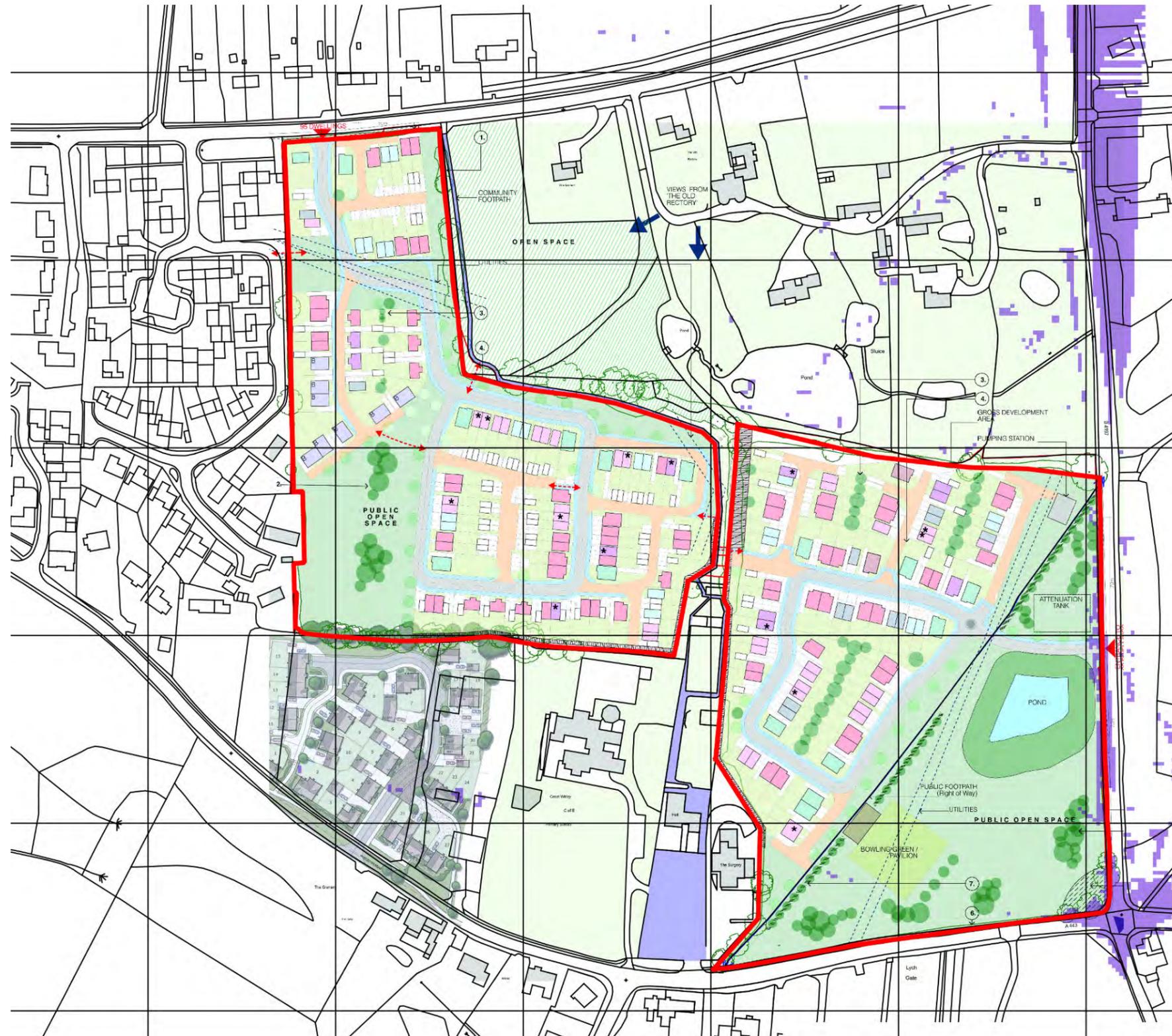


Figure 13: View of proposed development with proposed landscaping from Rosery Lodge, 1:2500 @ A3



**Plate 20: Rosery Lodge viewed from the eastern field**



**Plate 21: Rosery Lodge viewed from the western field**

## 12. The Old Rectory

Building	The Old Rectory
Listing Grade	II
Original Function	Residential
Current Function	Residential
Date of Building	19 <sup>th</sup> century
Materials	Red brick, sandstone dressings, slate roof
Storeys	3
Distance to Proposed Development	135m
Theoretically visible?	No
Visible from ground floor?	Yes
Visible from first floor?	Yes
Visible from second floor?	Yes

NOTE: The Old Rectory is not visible from the public highway.

### 12.1 Listed Building Description

Parsonage house. Early C19. Red brick, sandstone dressings, slate roof. Two rooms deep, central hallway and stairwell, double range roof, end stacks to front range, one end stack and one left stack to rear range. 3 storeys, moulded stone cornice with bedmould to implied frieze; central pedimented bay with slight forward break; 5 windows, glazing bar sashes (in cambered heads to second floor); central tripartite window (side lights are blind) and 2 flanking windows on first floor all with stone architraves and cornices; outer projecting canted bays with 3 C20 windows flanking entrance have quoins, listel cornice and blocking course; central entrance with Doric portico in antis to semi-circular headed doorway; keyed 'architrave; plain fanlight and partly glazed door. Rear has central semi-circular headed sash window at mezzanine level. Interior has fine C19 staircase and imported panelling in room to right of entrance. At the rear and projecting to the right is the lower 2-storey former service wing.

Listing NGR: SO7581166142

## 12.2 The Importance of the Asset

<b>Date</b>		Early 19 <sup>th</sup> C
<b>Rarity</b>		Common
<b>Architectural Interest</b>		
	<b>Architect</b>	Unknown
	<b>Type</b>	House
	<b>Innovation</b>	None apparent
	<b>Virtuosity</b>	None apparent
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		Low
<b>Group Value</b>		None
<b>Contribution of Setting</b>		The setting of The Old Rectory lies within its own grounds. It cannot be experienced from outside
<b>Evidential</b>		Low importance
<b>Historical</b>		
	<b>Illustrative</b>	Low importance
	<b>Associative</b>	Low importance
<b>Aesthetic</b>		
	<b>Design</b>	Low importance
	<b>Detailing &amp; Craftsmanship</b>	Low importance
<b>Communal</b>		Not relevant

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

## 12.3 Discussion of Impact

The Old Rectory is theoretically intervisible with the proposed development to the same extent that it is with existing housing developments. This is mainly from the upper floors of the building.

Owing to the presence of extant 20<sup>th</sup>-21<sup>st</sup> century development to the west and south, with more historic buildings located to the north and east, areas unaffected by the proposal, it is considered that the proposed development will have negligible impact on The Old Rectory.

## 12.4 Visibility

It is considered that the DIGITAL SURFACE MODEL used in the visibility analysis was surveyed in the winter when trees had lost their leaves, as during both site visits, in August and September of subsequent years, foliage density is such that the Old Rectory cannot be seen from the proposed development area, hence no photographs could be included.

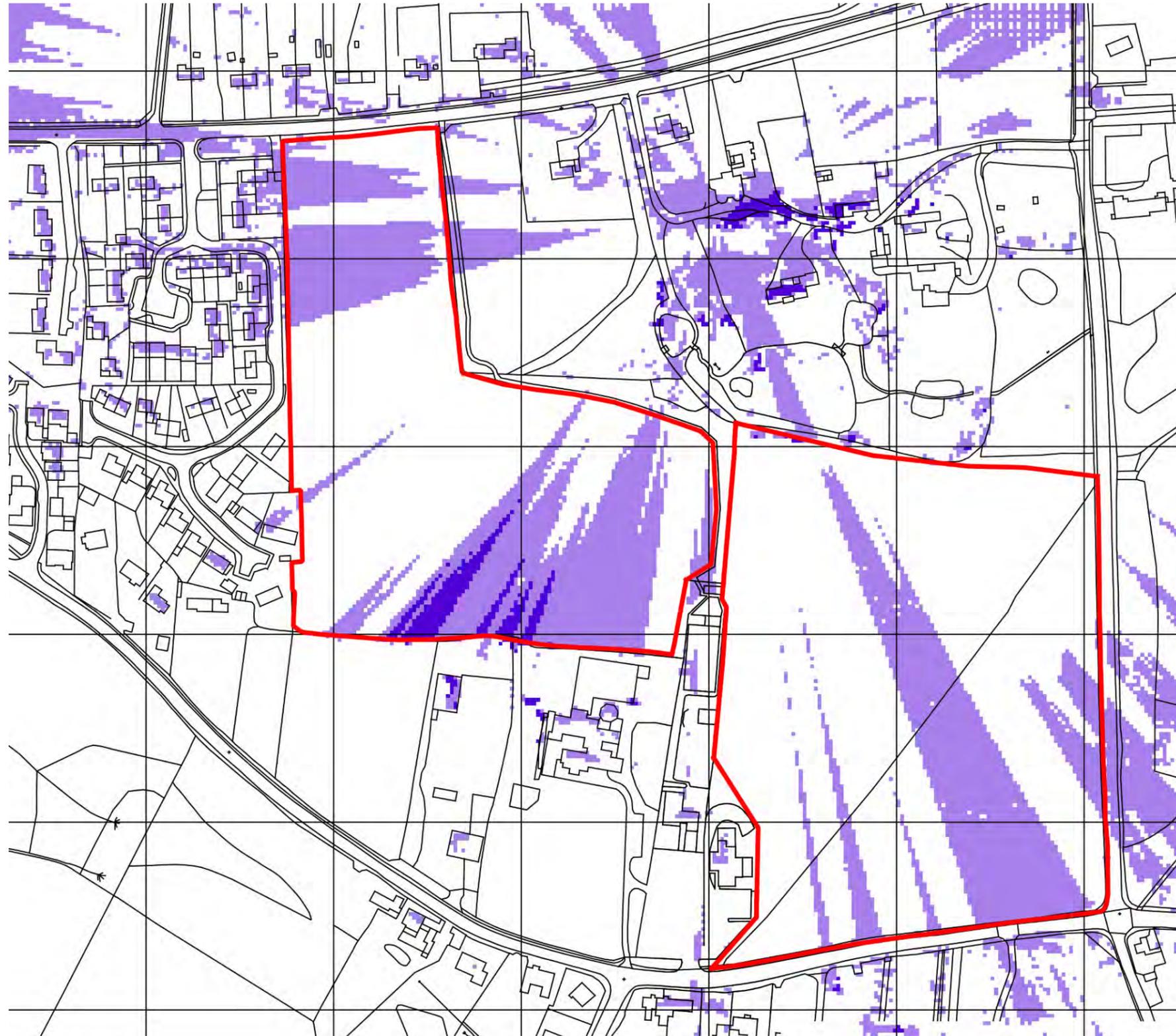


Figure 14: Current view from The Old Rectory, 1:2500 @ A3

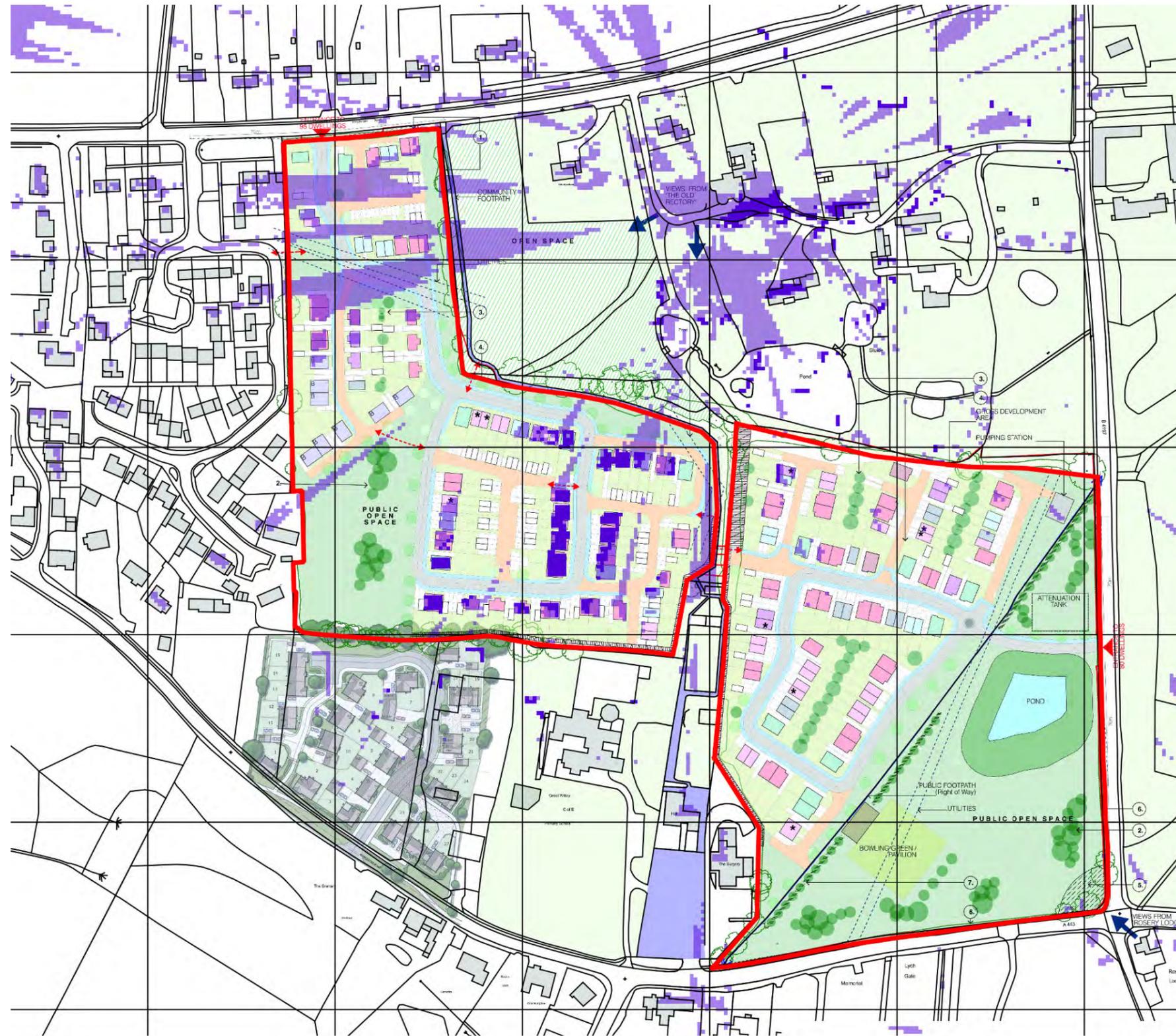


Figure 15: View of proposed development from The Old Rectory, 1:2500 @ A3

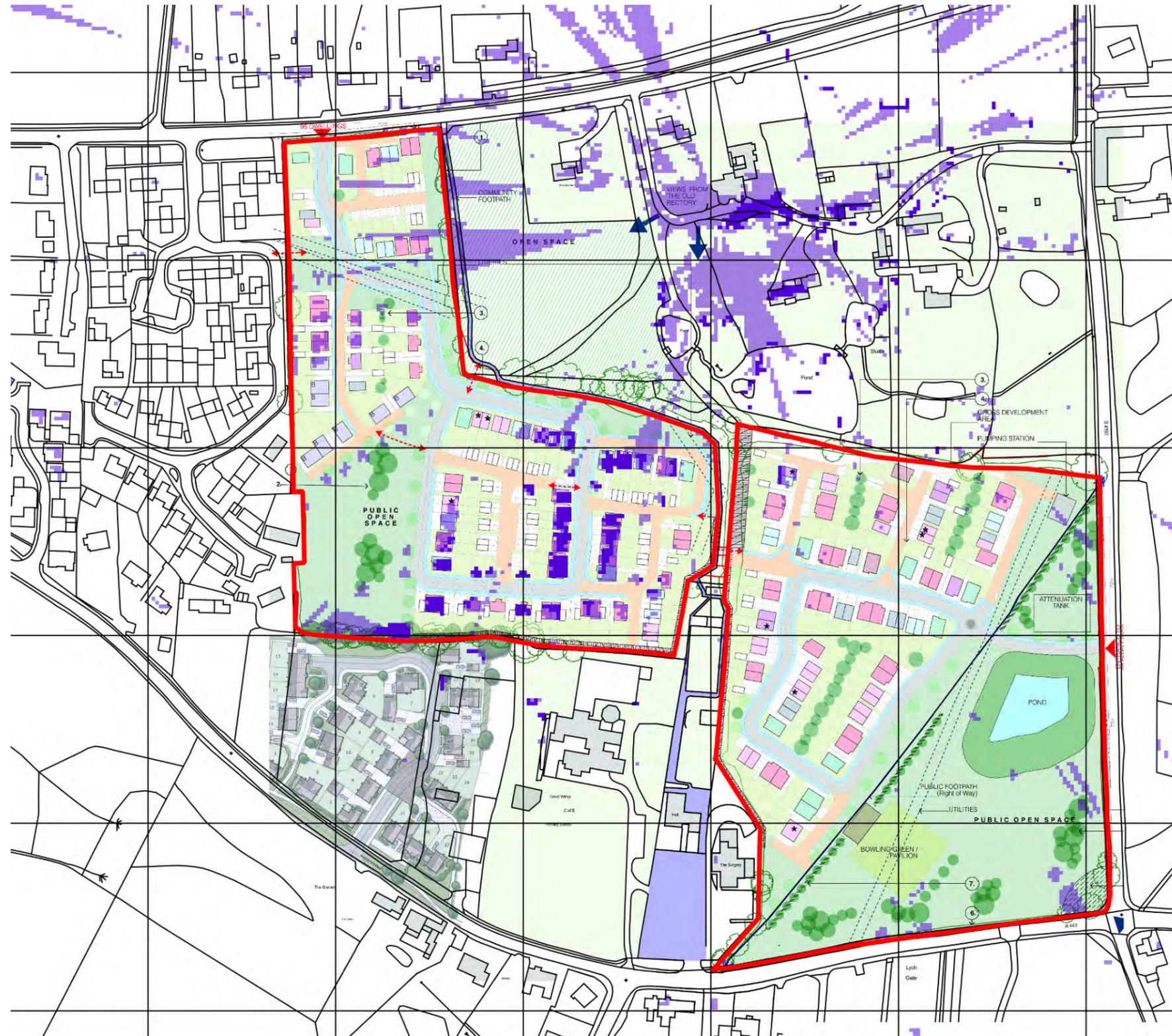


Figure 16: View of proposed development with proposed landscaping from The Old Rectory, 1:2500 @ A3

**13. Redmarley**

Building	Redmarley
Listing Grade	II
Original Function	Farmhouse
Current Function	House
Date of Building	17 <sup>th</sup>
Materials	Timber frame & brick
Storeys	2
Distance to Proposed Development	140
Theoretically visible?	No
Visible floor?	No
Reason for non-visibility	Views blocked by buildings and trees

**Plate 22: Redmarley****13.1 Listed Building Description**

Farmhouse, now house. C17 upper end, altered, C18 and 1940's extensions to lower end. Timber-framed with painted brick infill to upper end, painted brick to lower, tiled roofs, brick stacks. Formerly hall with projecting cross-wing, resited entrance and rebuilt stacks; right projecting gabled wing of 2 framed bays and inner gabled framed bay to right of entrance, later brick extension and alterations echo this arrangement to left forming symmetrical elevation. Two storeys with attic and cellar. Irregular C20 fenestration: earlier house with single casement in attic of projecting gable, 1 window to gabled bay and 2 to projecting gable of first floor, ground floor has 3-light window right of entrance and 2-light window to projecting wing. Heavy ledge door. Framing almost complete though altered. Five panels from sill to wall-plate to inner gable, 4 to outer; diagonal bracing from sill to posts, and short brace at wall-plate of right gable, 3 queen struts to collar and V-strut to outer gable, 2 queen struts to collar and V-struts to inner gable. Interior contains a resited early C18 glazing bar sash window in a later partition wall; 16-pane with thick glazing bars, possibly oak.

Listing NGR: SO7603366126

**13.2 The Importance of the Asset**

<b>Date</b>		17 <sup>th</sup> C
<b>Rarity</b>		Common
<b>Architectural Interest</b>		
	<b>Architect</b>	Unknown
	<b>Type</b>	House
	<b>Innovation</b>	None apparent
	<b>Virtuosity</b>	None apparent
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		Low-fair
<b>Group Value</b>		None
<b>Contribution of Setting</b>		The setting of Redmarley lies within its own grounds. It cannot be experienced from outside
<b>Evidential</b>		Low importance
<b>Historical</b>		
	<b>Illustrative</b>	Low importance
	<b>Associative</b>	Low importance
<b>Aesthetic</b>		
	<b>Design</b>	Low importance
	<b>Detailing &amp; Craftsmanship</b>	Low importance
<b>Communal</b>		Not relevant

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

**13.3 Discussion of Impact**

The screen of trees present across the western boundary of Redmarley means that the proposed development will not be visible from the premises and will therefore have no impact on the property.

**13.4 Visibility**

The detailed Digital Surface Model ends approximately at the centre of the B4197, 130m south of Redmarley. There is a row of dense mature trees to the east of this, forming the boundary between Redmarley and the B4197. These trees are not shown on the surface model and the visibility from Redmarley cannot, therefore, be examined by GIS.

## 14. Robin's Croft

Building	Robin's Croft
Listing Grade	II
Original Function	Residential
Current Function	Residential
Date of Building	18 <sup>th</sup> C
Materials	Timber framed, brick infill
Storeys	1 + attic
Distance to Proposed Development	145m
Theoretically visible?	Yes
Visible?	Partially
Reason for non-visibility	Vegetation and buildings



Plate 23: Robin's Croft

### 14.1 Listed Building Description

Cottage. Probably C18, altered, C20 accretions at rear. Timber-framed with painted brick infill, tiled roof, formerly thatched, brick stacks, rear brick extension. Formerly straight range of 3 framed bays with end stacks and further ridge stack left of centre. Single storey and attic. C20 fenestration; three eyebrow dormers with 2-light casements to each framed bay, similar windows on ground floor, 2 to right of entrance; later open porch, plank door. Framing fairly complete with brick gable ends, 3 panels from sill to wall-plate, lower 2 irregular, diagonal braces from sill to posts.

Listing NGR: SO7571265717

**14.2 The Importance of the Asset**

<b>Date</b>		18 <sup>th</sup> C
<b>Rarity</b>		Common
<b>Architectural Interest</b>		
	<b>Architect</b>	Unknown
	<b>Type</b>	House
	<b>Innovation</b>	None apparent
	<b>Virtuosity</b>	None apparent
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		Low-fair
<b>Group Value</b>		None
<b>Contribution of Setting</b>		The setting of Robin's Croft lies within its own grounds. It cannot be experienced from outside
<b>Evidential</b>		Low importance
<b>Historical</b>		
	<b>Illustrative</b>	Low importance
	<b>Associative</b>	Low importance
<b>Aesthetic</b>		
	<b>Design</b>	Low importance
	<b>Detailing &amp; Craftsmanship</b>	Low importance
<b>Communal</b>		Not relevant

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

**14.3 Discussion of Impact**

Owing to the surrounding topography, buildings and vegetation, the land can barely be seen from Robin's Croft. Projected views of the visibility of the proposed buildings also shows this is negligible. There is considered to be little or no impact to Robin's Croft.

14.4 Visibility



Figure 17: Current view from Robin's Croft, 1:2500 @ A3

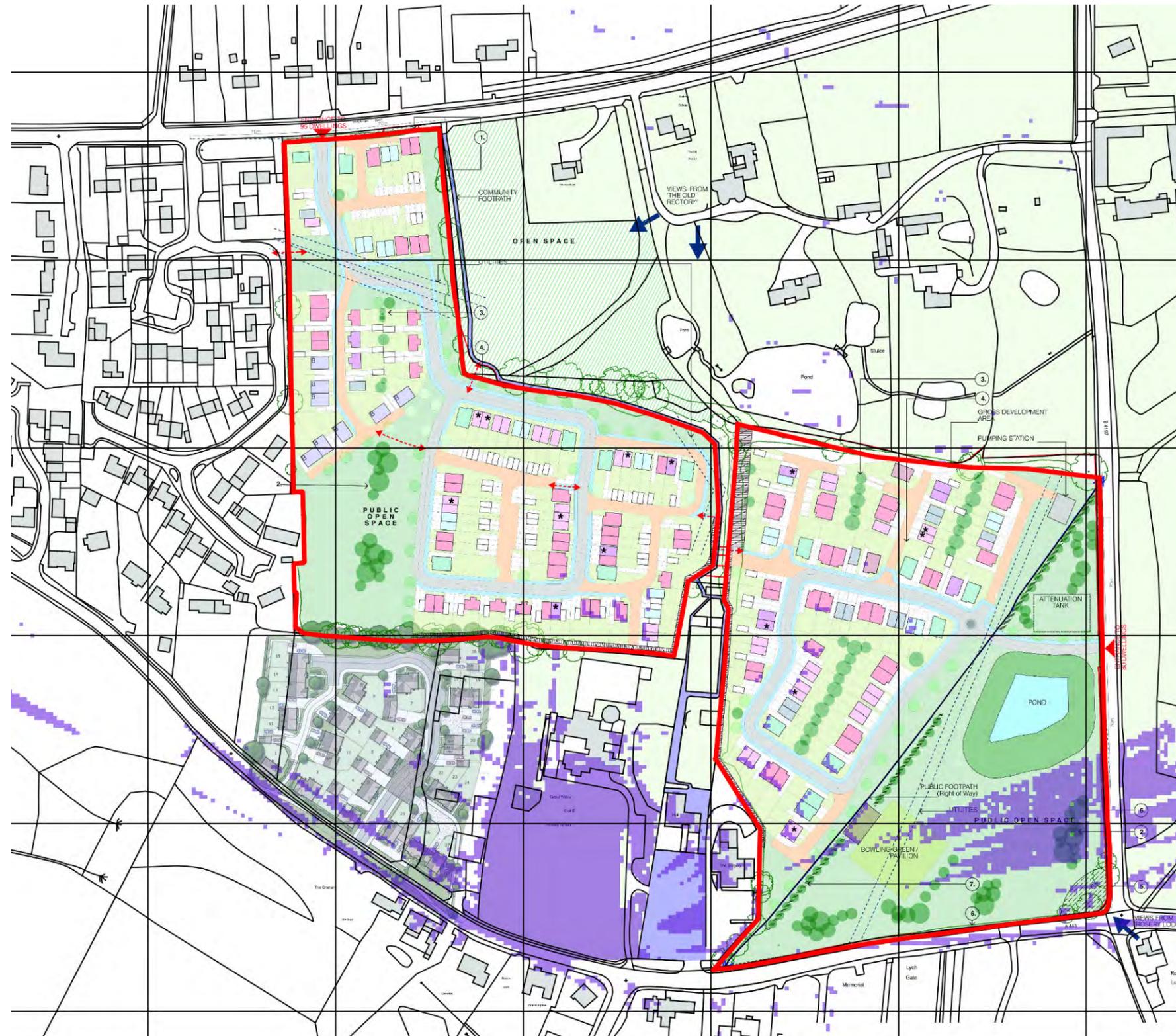


Figure 18: View of proposed development from Robin's Croft, 1:2500 @ A3

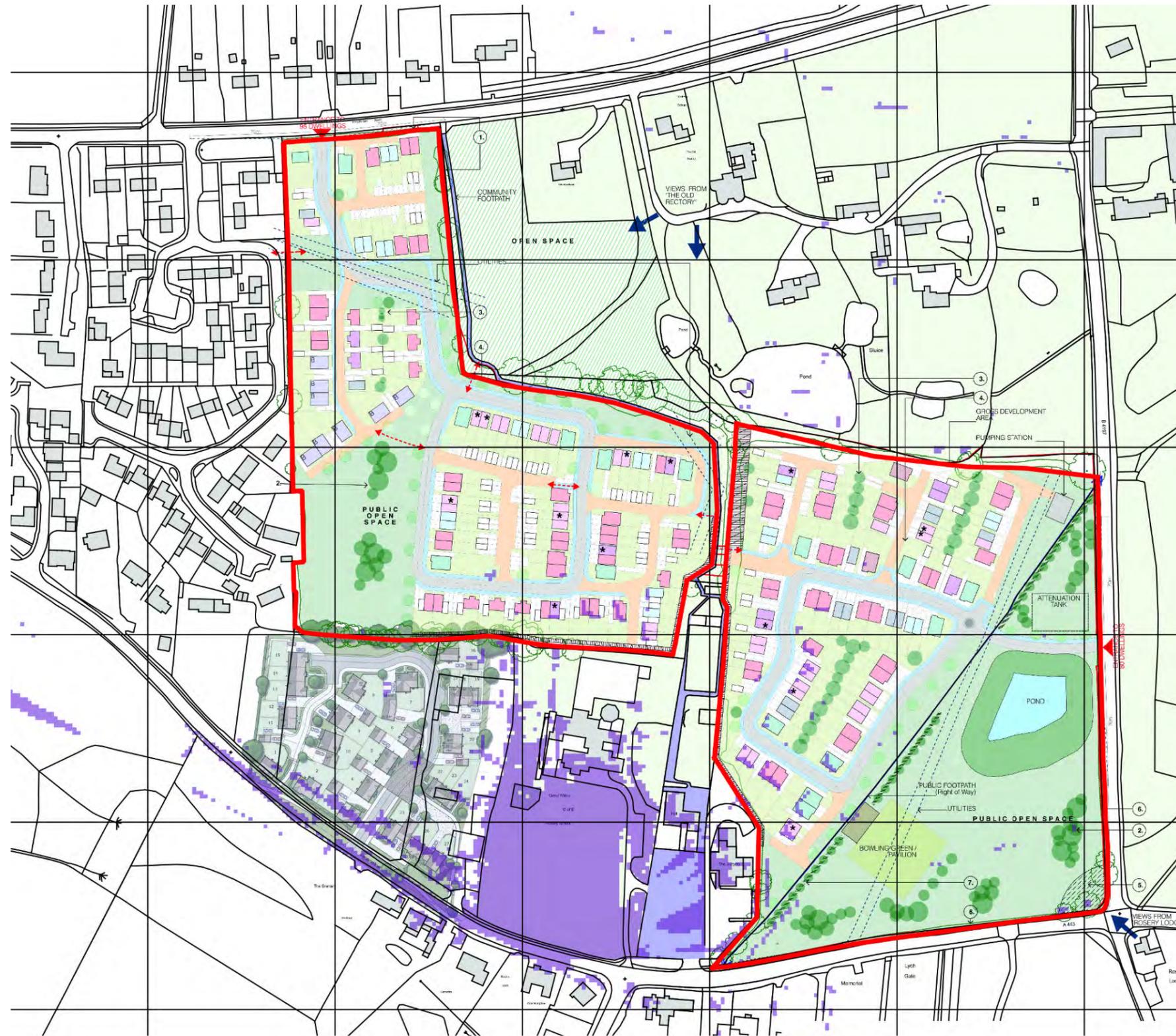


Figure 19: View of proposed development with proposed landscaping from Robin's Croft, 1:2500 @ A3

## 15. The Dairy

Building	The Dairy
Listing Grade	II
Original Function	House and Butcher's Shop with livestock pen and slaughter house
Current Function	House and former Butcher's Shop with livestock pen and slaughter house
Date of Building	Late 18 <sup>th</sup> – early 19 <sup>th</sup> C
Materials	Red brick, tiled roofs
Storeys	2
Distance to Proposed Development	160m
Theoretically visible?	Yes
Visible?	No
Reason for non-visibility	Landform, vegetation and buildings



**Plate 24: The Dairy**

### 15.1 Listed Building Description

House and former Butcher's Shop with livestock pen and slaughter house. Late C18 or early C19 house, mid C19 shop complex. Red brick, tiled roofs. House with shop complex adjoining to left; L-plan house with end stacks to front range, central entrance; adjoining shop has livestock pen and slaughter house projecting at rear. House: 2 storeys with gable-lit attics, and basement, gables have raised verges, unusual bonding, modillion eaves cornice; C19 glazing bar casements with cambered brick lintels, 2 windows framing entrance and blind panel in centre of first floor, central doorway has 4-panelled door and gabled porch supported on wooden brackets. Single storey shop, coggled brick eaves cornice, 2-light glazing bar casement to right central door and second door to left. Interior of shop complex retains some former fittings, slaughterhouse retains wooden winching mechanism with wheel, rope and hooks in working order.

Listing NGR: SO7564665747

### 15.2 The Importance of the Asset

<b>Date</b>		18-19 <sup>th</sup> C
<b>Rarity</b>		Common

<b>Architectural Interest</b>		
	<b>Architect</b>	Unknown
	<b>Type</b>	House and outbuildings
	<b>Innovation</b>	None apparent
	<b>Virtuosity</b>	None apparent
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		Low-fair
<b>Group Value</b>		None
<b>Contribution of Setting</b>		The setting of The Dairy lies within its own grounds. It cannot be experienced from outside
<b>Evidential</b>		Low importance
<b>Historical</b>		
	<b>Illustrative</b>	Low importance
	<b>Associative</b>	Low importance
<b>Aesthetic</b>		
	<b>Design</b>	Low importance
	<b>Detailing &amp; Craftsmanship</b>	Low importance
<b>Communal</b>		Not relevant

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

### 15.3 Discussion of Impact

Owing to the surrounding topography, buildings and vegetation, the land can barely be seen from The Dairy. Projected views of the visibility of the proposed buildings shows this is also negligible. There is considered to be little or no impact on The Dairy.

15.4 Visibility



Figure 20: Current view from The Dairy, 1:2500 @ A3

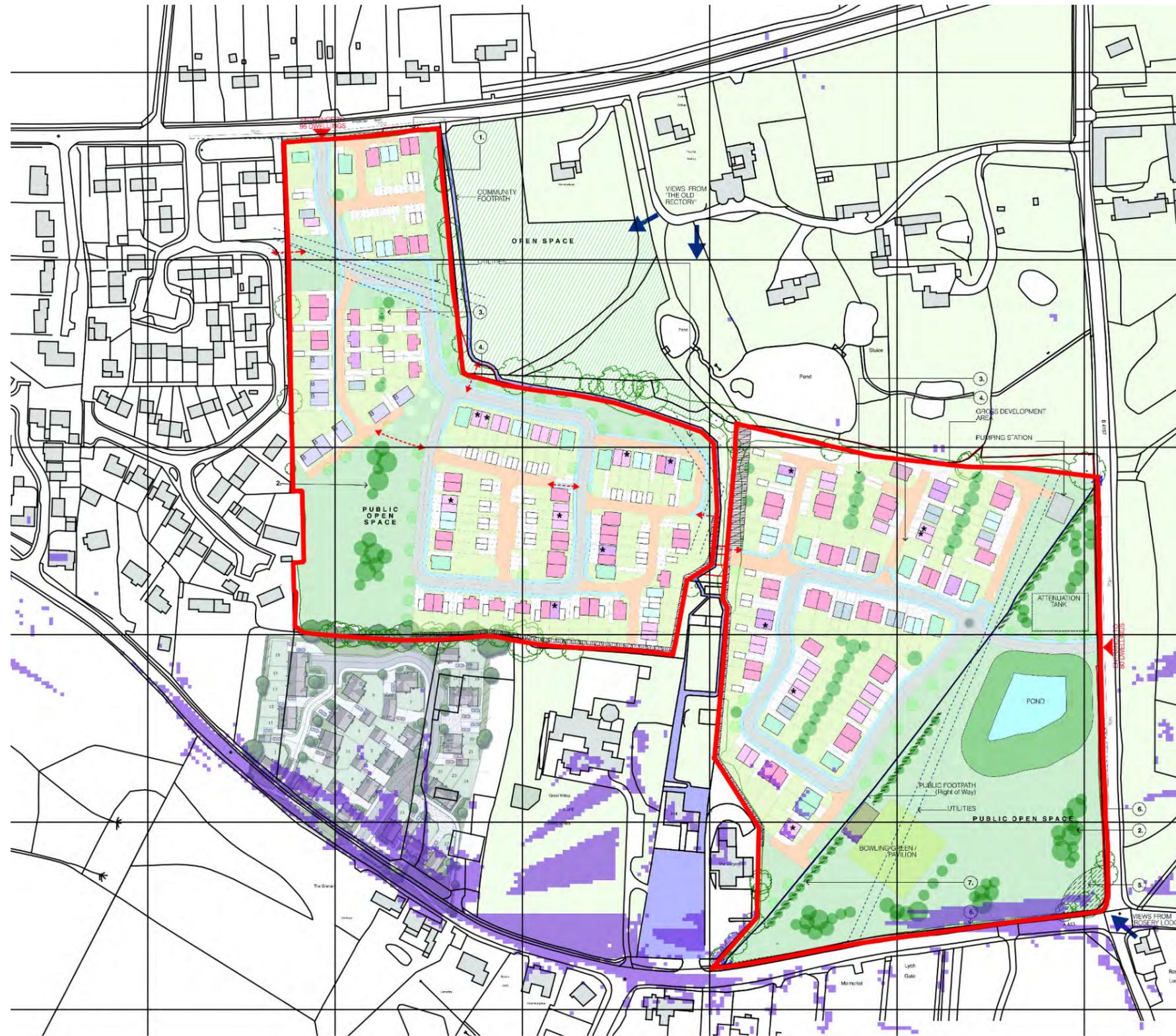


Figure 21: View of proposed development from The Dairy, 1:2500 @ A3

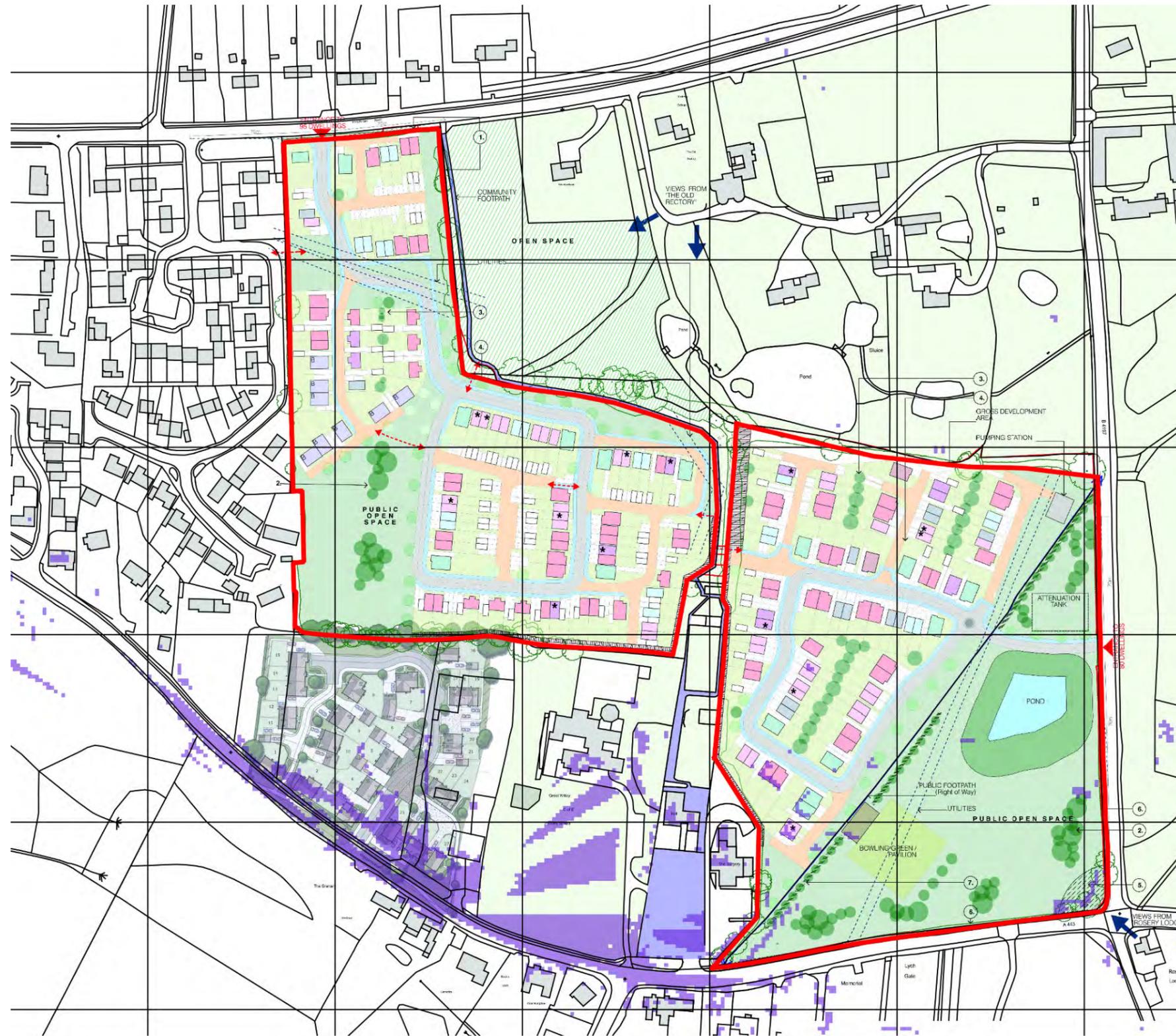


Figure 22: View of proposed development with proposed landscaping from The Dairy, 1:2500 @ A3

## 16. Abberley Clock Tower

Although not in the immediate vicinity of the development area, it is noted that the land can be seen from the Grade II\* listed clock tower.

Building	Abberley Clock Tower
Listing Grade	II*
Original Function	Clock tower
Current Function	Clock tower
Date of Building	1883-4
Materials	Stone
Storeys	4
Distance to Proposed Development	1.25km
Theoretically visible?	Yes
Visible from ground level?	No
Visible from balcony?	Yes
Reason for non-visibility	Tree cover obscures views from below balcony level



**Plate 25: Abberley Clock Tower ([http://www.abberleyhall.co.uk/clock\\_tower](http://www.abberleyhall.co.uk/clock_tower))**

### 16.1 Listed Building Description

SO 76 NW ABBERLEY CP ABBERLEY PARK

2/18 Clock Tower, to north of Abberley Hall 18.6.76

GV II\*

Clock tower. 1883-84 by J P St Aubyn for John Joseph Jones of Abberley Hall (qv). Coursed and squared rubble, red to the lower part and buff ashlar to the upper part, battered, distressed ashlar plinth and quoins, freestone dressings. In a fantastic mixture of C13 and C14 Gothic styles. 3 main stages and bell stage with spire. The lowest stage has a moulded, pointed doorway and a large, round hoodmould which continues around as a band over the plinth: panel of arms over the door and single plain light window above: plan, paired and single round-head lights to intermediate levels at sides. 1:2:1 light oriel windows corbelled out on second stage with transoms and trefoil heads to each light: sundial over and plain pointed lights above. The third

Heritage Statement Land between Stourport Rd & Worcester Rd, Great Witley stage is further corbelled out and supported on brackets; octagonal corner turrets with blank arcaded upper part surmounted by spirelets; clock face to each side with straight, crocketed and enriched hoodmould; paired trefoil headed lights above. Bracketed cornice and parapet with gar- goyles, behind which is set the octagonal bell chamber stage with 2-light mullion and transom lights under gablets alternating with single lights all with trefoil heads. Squat spire with lucarnes and quatrefoils in alternate bays. Semi-circular stair-tower attached to lower stages of right-hand elevation. Of high landscape and picturesque value. (BoE, 1968).

Listing NGR: SO7447166652

## 16.2 The Importance of the Asset

<b>Date</b>		1883-4
<b>Rarity</b>		Fairly uncommon
<b>Architectural Interest</b>		
	<b>Architect</b>	J P St Aubyn
	<b>Type</b>	Clock tower
	<b>Innovation</b>	Moderate
	<b>Virtuosity</b>	Fair – moderate
	<b>Plan form</b>	Unknown
<b>Historic Interest</b>		High
<b>Group Value</b>		Fair
<b>Contribution of Setting</b>		The setting of the clock tower has been compromised with the division of the original estate and conversion of some buildings to school use
<b>Evidential</b>		Negligible
<b>Historical</b>		
	<b>Illustrative</b>	Fair
	<b>Associative</b>	Fair – high
<b>Aesthetic</b>		
	<b>Design</b>	High
	<b>Detailing &amp; Craftsmanship</b>	High
<b>Communal</b>		Fair - high

*Adapted from Understanding Heritage – Values Conservation Principles Policies and Guidance 2008*

## 16.3 Discussion of Impact

Only a very small percentage of what can be seen from the clock tower will be affected by the development which would, when seen from the tower, merely provide a small extension of an already built-up area. There will therefore be no impact on the views of the clock tower.

### 16.4 Visibility

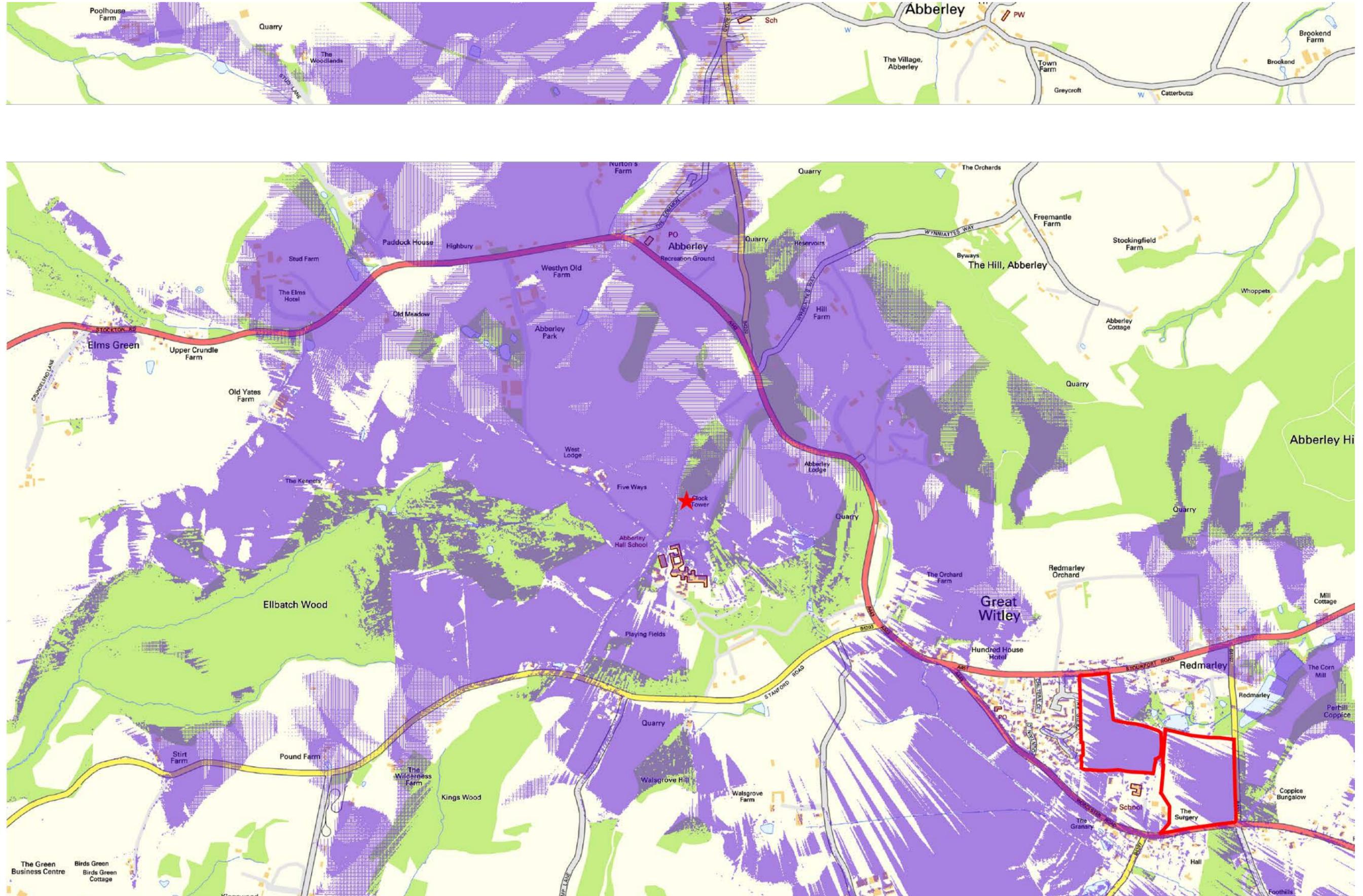


Figure 23: Visibility from balcony level of clock tower, land outlined in red 1:10,000 @ A3



**Plate 26: The Clock Tower viewed from the west field**



**Plate 27: The Clock Tower viewed from the east field**

## **17. The Non-Visual Impact of the Development**

The non-visual impact of the development on the heritage assets can be considered to be the same in each case.

Once constructed, the nature of a housing development is one of low noise and low movement. No fumes, smells or dust will be created.

Some disturbance will occur during construction, with noise and dust levels likely to increase whilst the land is prepared and houses are built. This is considered to be a short-lived period and will only affect the assets immediately surrounding the land and is considered likely to be barely noticeable from those assets further afield.

## **18. Conclusions**

It is concluded that the proposed development will have no long term impact on the actual designated heritage assets located in its vicinity.

It is noted that there is no impact on the heritage assets themselves and thus in all eventualities the proposals are below the threshold of “substantial harm”.

It is noted that:

5. No key views are affected
6. No Heritage Assets are isolated
7. The proposal does not affect the economic and social viability of the heritage assets
8. The proposal does not affect the communal use and social viability of the heritage assets

The proposed design means that no building is located within 100m of a heritage asset and includes restoring the historic boundary of the Historic Park by tree planting to match that shown on the 1885 OS plan.

The proposed buildings will be largely not visible to those experiencing the assets themselves and will not affect the way they are experienced. Once the landscape mitigation measures are considered the impact will be glimpses of newer buildings at distance in a few places.

This impact has to be weighed against the positive effects of the application.

## 19. Appendix: Map Regression Analysis

### 19.1 Saxton's Map of 1577



**Figure 24: Extract of Saxton's Map of 1577, 1:50,000 @ A4**  
The village of Witley is present at the edge of a park.

19.2 John Speed's Map of 1608



**Figure 25: Extract of John Speed Map of 1608, 1:50,000 @ A4**  
The village of Witley is present at the edge of a park.

19.3 Jansson's Map of 1646



Figure 26: Extract of Jansson's Map of 1646, 1:50,000 @ A4  
The village of Witley is present at the edge of a park.

19.4 Robert Morden's Map of 1695



Figure 27: Extract of Robert Morden's 1695 Map, 1:50,000 @ A4  
Witley Magna is shown as a minor village adjacent to parkland.

19.5 Moll's Map of 1727

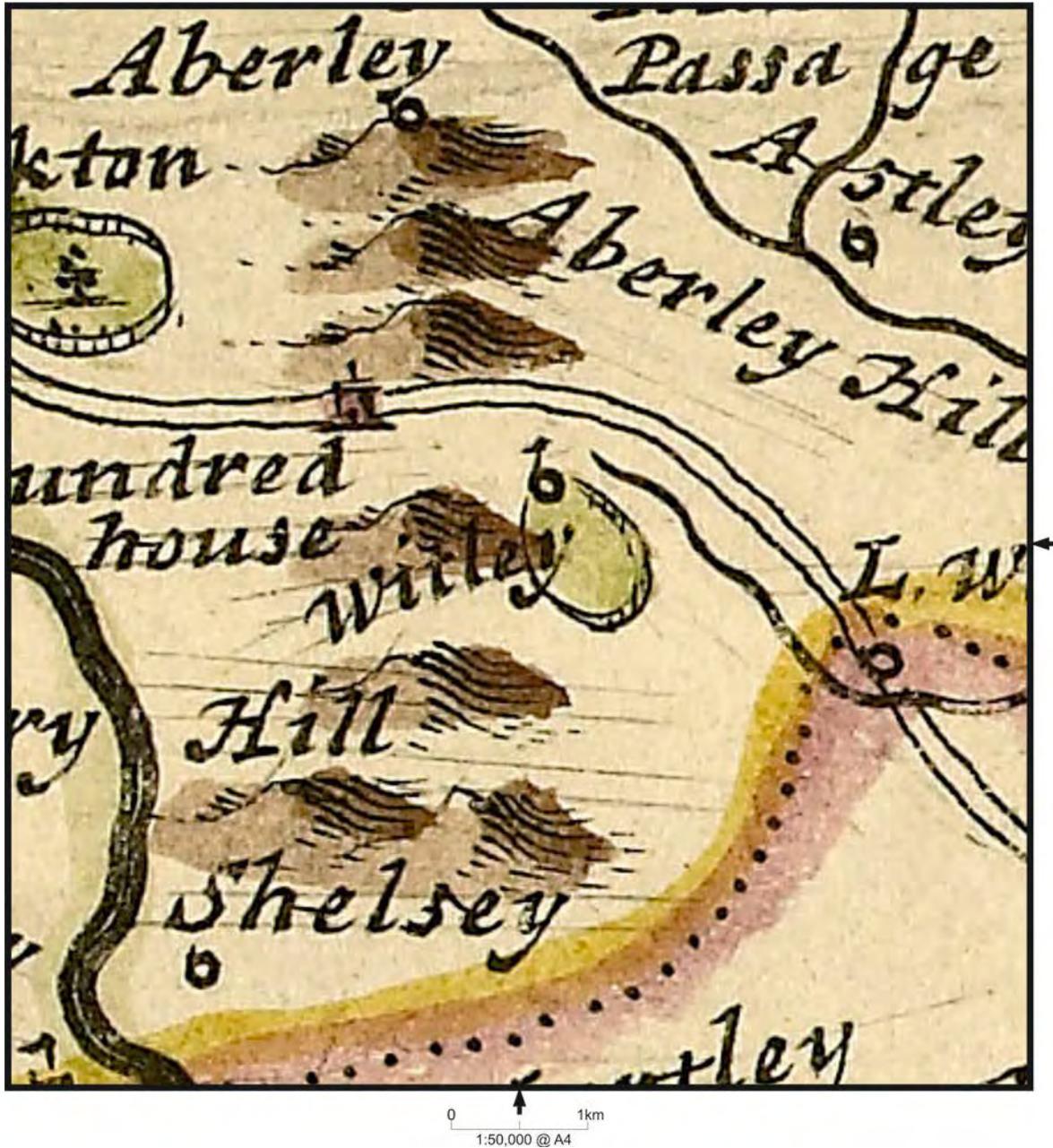


Figure 28: Extract of Moll's 1727 Map, 1:50,000 @ A4  
Witley is shown adjoining a park.

19.6 Bowen's Map of 1788



Figure 29: Extract of Bowen's Map of 1788, 1:50,000 @ A4  
Witley is labelled 'Witley mag'. A church is depicted adjacent to the park.

19.7 1832 1 Inch to 1 Mile Ordnance Survey Map



Metres 1:10,000 @ A4

Figure 30 1810 1 inch to 1 mile Ordnance Survey Map enlarged to 1:10,000  
The land is shown as open.

19.8 Moule's Map of 1837

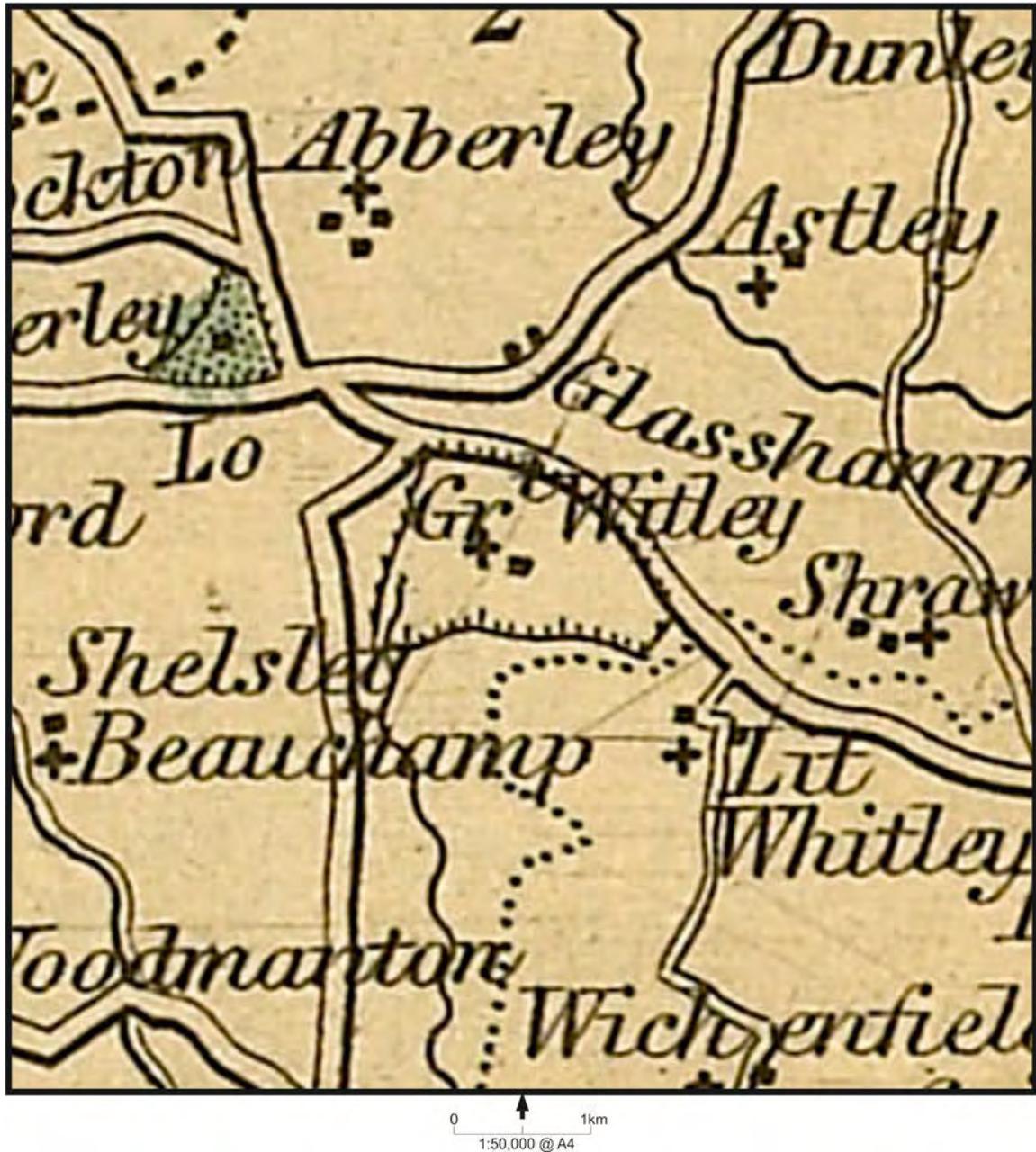
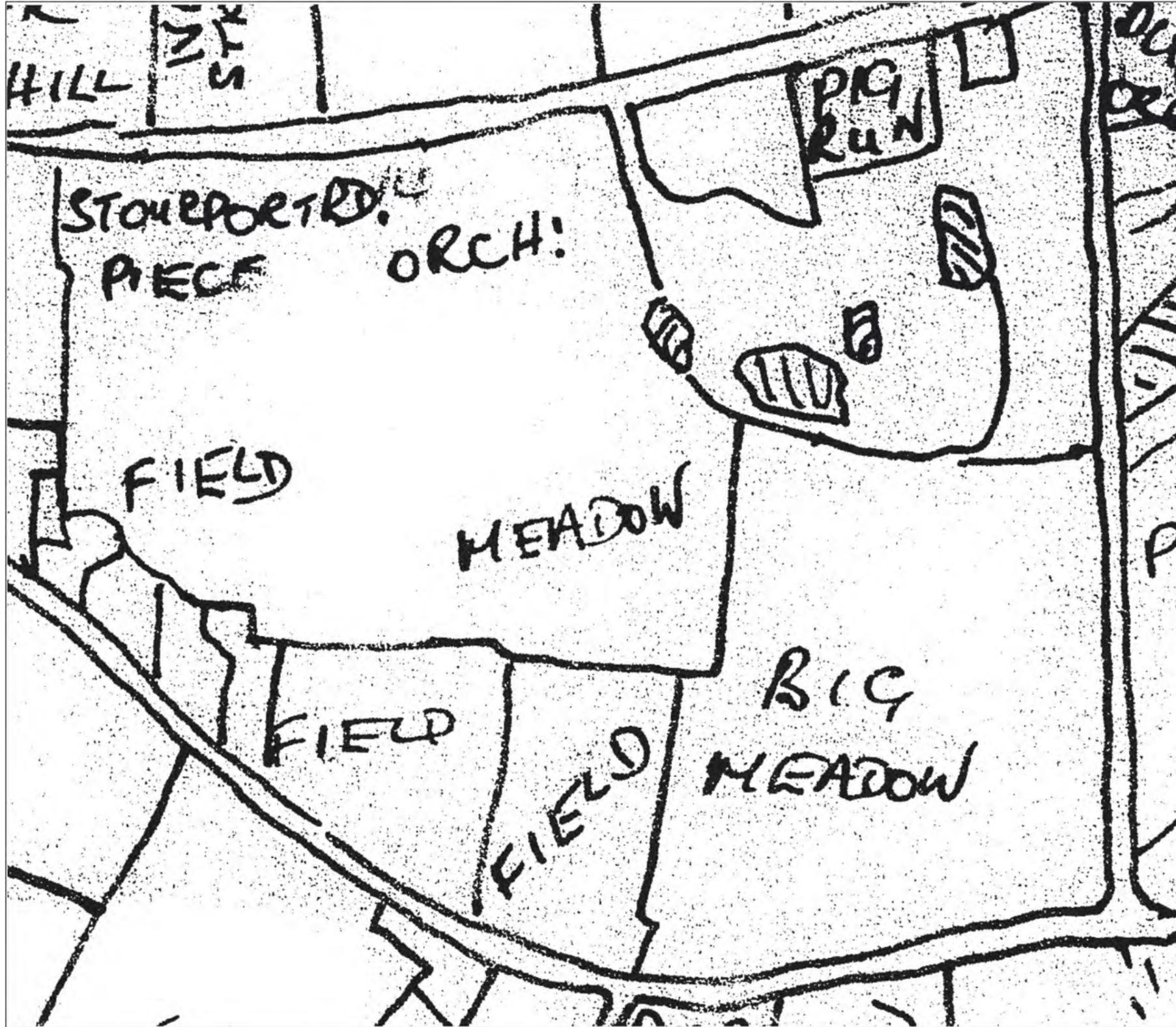


Figure 31: Extract of Moule's Map of 1837, 1:50,000 @ A4  
Great Witley is shown as being located within a park.

19.9 Tithe Map of 1839



0 500m  
1:2500 @ A3

Figure 32: Tracing of 1839 Tithe Map

The west field is part of a larger area of land labelled 'Stourport Rd Piece'. The land contains a field, orchard and meadow although the boundaries between are not shown.

The east field is known as Big Meadow.

19.10 1840 Ordnance Survey Plan

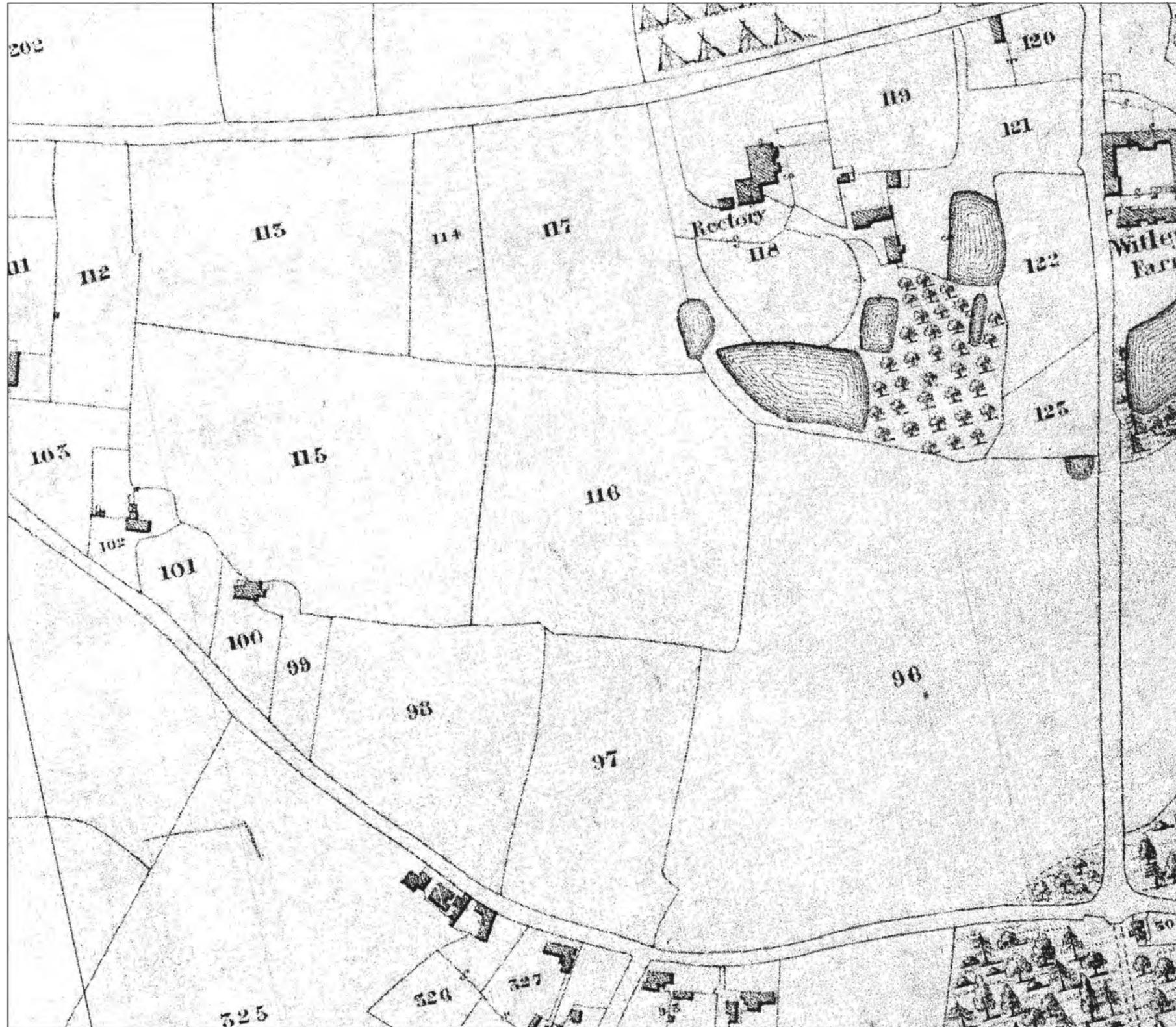


Figure 33: 1840 Ordnance Survey 1:2500 Plan

The land is open fields.

The west field comprises the eastern part of field 113, field 114, the eastern part of field 115 and field 116.

The east field comprises field 96.

No features are noted.

0 500m  
1:2500 @ A3

19.11 1885 Ordnance Survey 1:2500 Plan

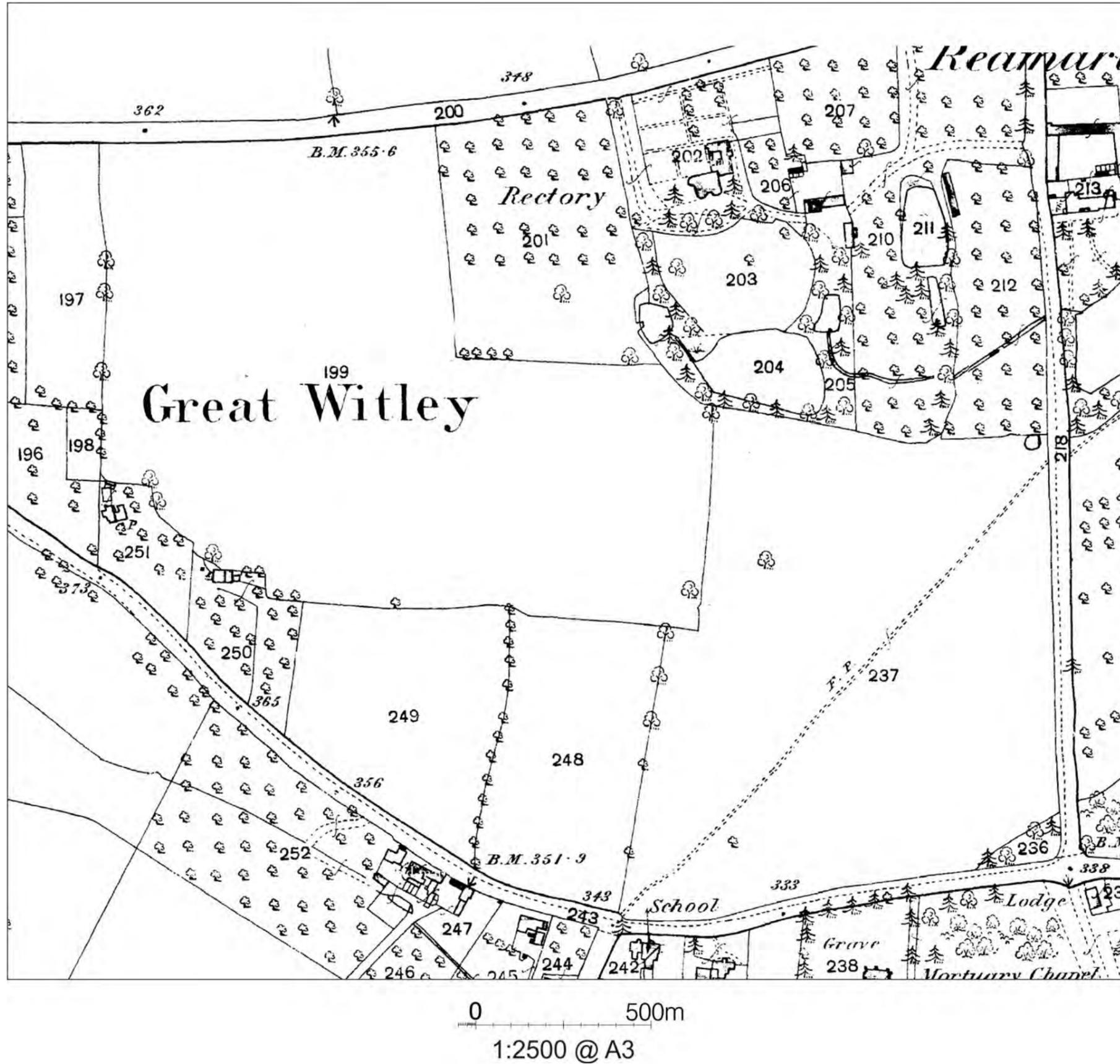


Figure 34: 1885 Ordnance Survey 1:2500 Plan

The piece of land to the northeast of the west field has been labelled 'Rectory'.

The land is now two open fields.

19.12 1903 Ordnance Survey 1:2500 Plan

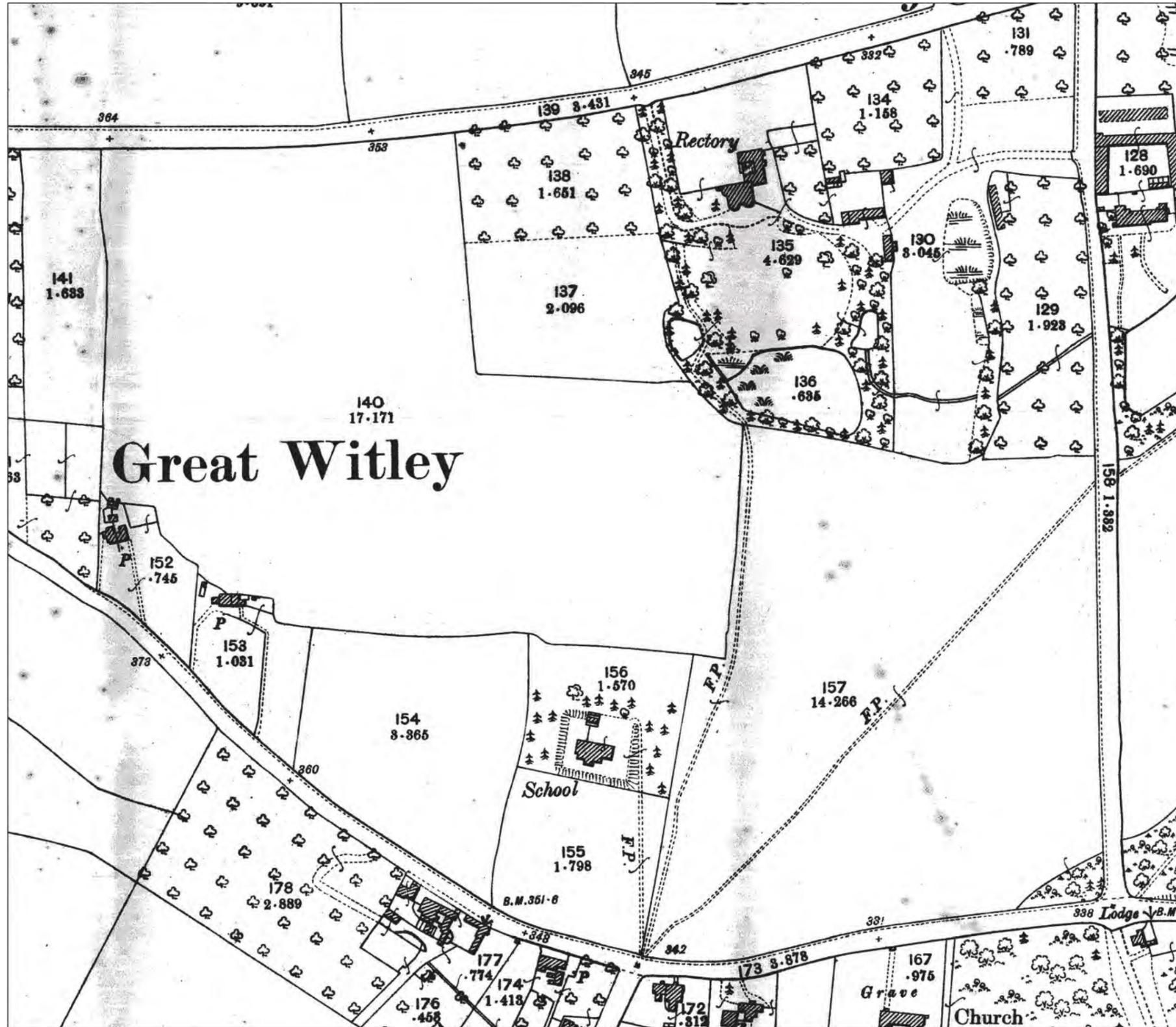


Figure 35: 1903 Ordnance Survey 1:2500 Plan

There is no change to the layout of the land.

0 500m  
1:2500 @ A3



19.14 1920 Sales Plan

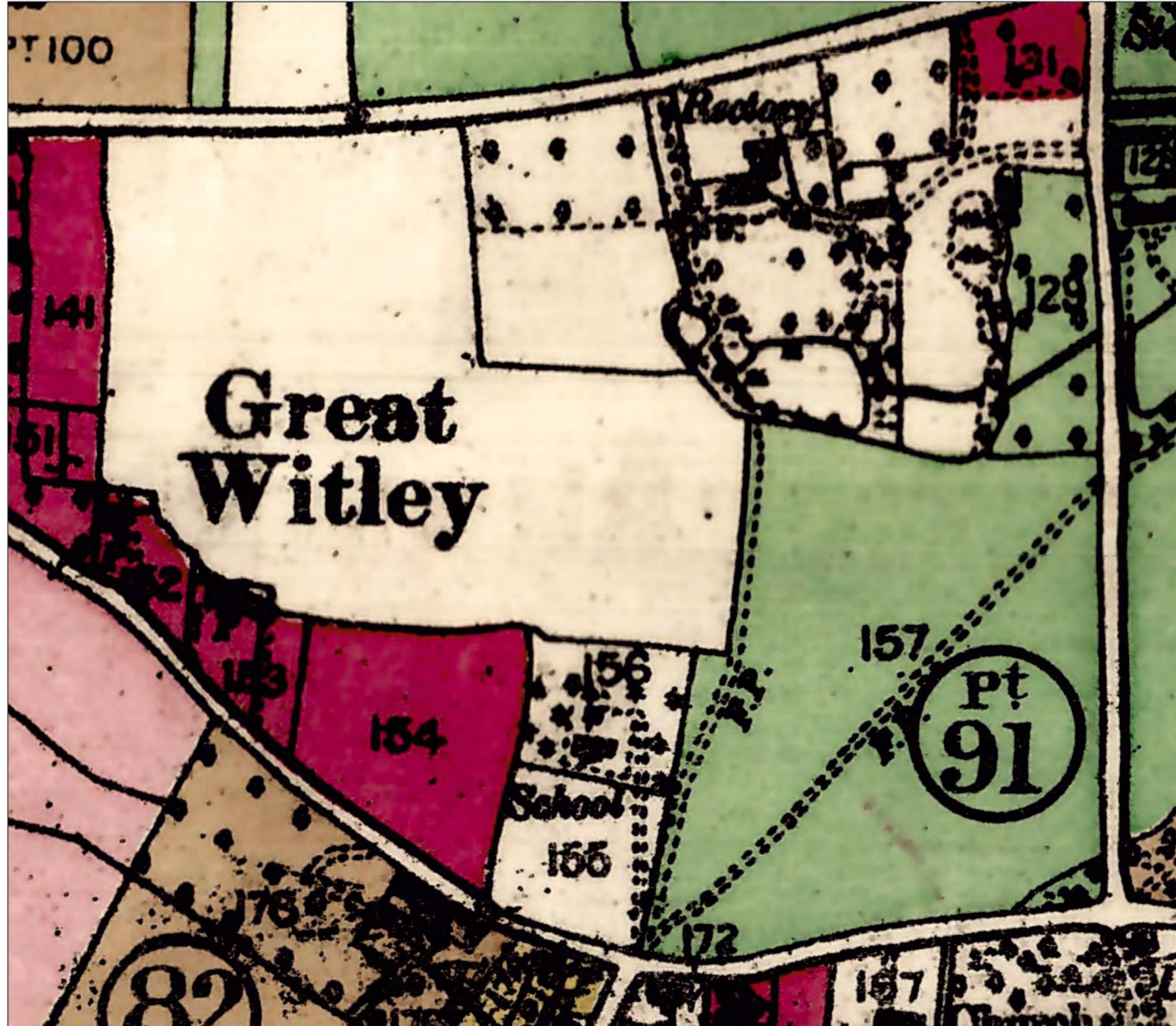


Figure 37: 1920 Sales Plan Reproduced at 1:2500  
There is no change in the layout of the land.

0 500m  
1:2500 @ A3

19.15 1954 Ordnance Survey 1:10,000 Plan

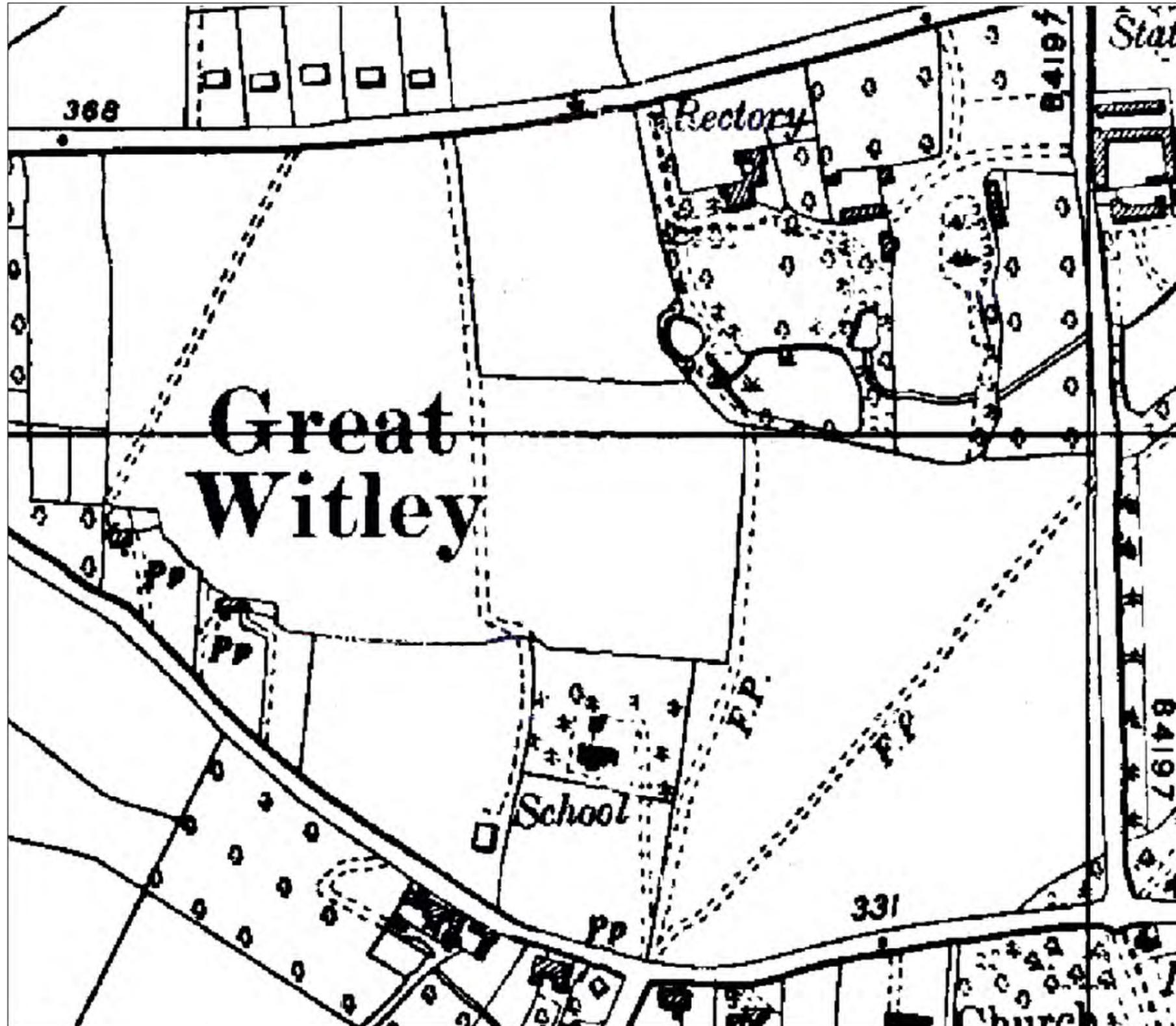


Figure 38: 1954 Ordnance Survey 1:10,000 Plan Enlarged to 1:2500

Trackways are present running through the west field to the south from Stourport Road.

0 500m  
1:2500 @ A3

19.16 1973 Ordnance Survey 1:2500 Plan



Figure 39: 1973 Ordnance Survey 1:2500 Plan

The Glebe has been constructed to the west of the west field leaving the land in its current form.

19.17 Modern Ordnance Survey Plan



Figure 40: Modern Ordnance Survey Plan

The land is in its current form.

0 500m  
1:2500 @ A3

## 20. Appendix: English Heritage Analysis of the Impact of the Proposals on:

The impact of the proposals on the setting of the building can be summarised as follows using the English Heritage tables:

### The Assets Physical Surrounding

Topography	Is it a Factor	Comment
Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)	Yes	
Definition, scale and 'grain' of surrounding streetscape, landscape and spaces	Yes	
Formal design	No	
Historic materials and surfaces	Yes	
Land use	No	
Green space, trees and vegetation	Yes	
Openness, enclosure and boundaries	Yes	
Functional relationships and communications		
History and degree of change over time	Yes	
Integrity	Yes	
Issues such as soil chemistry and hydrology	No	
<b>Experience of the asset</b>		
Surrounding landscape or townscape character	Yes	
Views from, towards, through, across and including the asset	Yes	
Visual dominance, prominence or role as focal point		
Intentional intervisibility with other historic and natural features	No	
Noise, vibration and other pollutants or nuisances		
Tranquillity, remoteness, 'wildness'	No	
Sense of enclosure, seclusion, intimacy or privacy	No	
Dynamism and activity	No	
Accessibility, permeability and patterns of movement	No	
Degree of interpretation or promotion to the public	No	
The rarity of comparable survivals of setting	No	
<b>The asset's associative</b>		

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attributes		
Associative relationships between heritage assets		
Cultural associations	No	
Celebrated artistic representations	No	
Traditions	No	

Location and siting of development	Applicable	Comment
Proximity to asset	Near/Distant	
Extent		
Position in relation to landform	No	
Degree to which location will physically or visually isolate asset	No	
Position in relation to key views		
<b>The form and appearance of the development</b>		
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)	No	
Materials (texture, colour, reflectiveness, etc)	No	
Architectural style or design		
Introduction of movement or activity	No	
Diurnal or seasonal change	Yes	
<b>Other effects of the development</b>		
Change to built surroundings and spaces	No	
Change to skyline	No	
Noise, odour, vibration, dust, etc		
Lighting effects and 'light spill'		
Change to general character (eg Suburbanising or industrialising)		
Changes to public access, use or amenity	No	
Changes to land use, land cover, tree cover	No	
Changes to archaeological context, soil chemistry, or hydrology	No	
Changes to communications/accessibility/permeability	No	
<b>Permanence of the development</b>		
Anticipated lifetime/temporariness	No	The proposal will be long term
Recurrence	No	
Reversibility	No	

<b>Longer term or consequential effects of the development</b>		
Changes to ownership arrangements	No	
Economic and social viability	No	
Communal use and social viability	No	
Enhancement may be achieved by actions including:		
removing or re-modelling an intrusive building or feature;	Yes	
replacement of a detrimental feature by a new and more harmonious one;	Yes	
restoring or revealing a lost historic feature;		
introducing a wholly new feature that adds to the public appreciation of the asset;	Yes	
introducing new views (including glimpses or better framed views) that add to the public experience of the asset; or	Yes	
improving public access to, or interpretation of, the asset including its setting.	No	

## 21. English Heritage Policy on Setting

### 21.1 Definition of Setting

The Planning (Listed Buildings and Conservation Areas) 1990 Act states:

*7 Restriction on works affecting listed buildings*

*Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.*

*16 (2) In considering whether to grant listed building consent for any works the local planning authority or 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.*

**66.**—(1) *In considering whether to grant planning permission 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.*

However, the Act is silent on what the definition of setting actually is and thus precisely what is being referred to and thus protected.

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The National Planning Policy Framework defines setting as follows:

**Setting of a heritage asset:** *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.*

The following statements in the National Planning Policy Statement are relevant:

*128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

*137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

The PPS 5 Practice Guide paragraphs 113-114 adds these key points:

- Setting is not just a matter of views
- The contribution a setting makes does not depend on public access
- All heritage assets have a setting.

However this statement contradicts the most recent court judgement on the definition of setting: "*in that setting is a visual concept*" paragraph 98 R. (on the application of K. Miller) v. North Yorkshire County Council [2009] EWHC 2172 (Admin).

## 21.2 History in The View

English Heritage have recently published "History in The View: A method for assessing heritage significance within views" (Written 2008 Published 2011). This document is largely concerned with considering the visual impacts from formal viewpoints, rather than assessing the impact on setting which encompasses other matters and the view from a heritage asset.

It also considers the impact on established viewpoints which are designated as such in the London Development Framework. Indeed their worked example would be classed as "iconic" in the above grading. The method for Part 1 of the assessment has been tested on the Townscape View from City Hall to the Tower of London (designated view 25 in the LVMF 2007). This worked example was chosen because it is a designated view in the London Plan, it has particular heritage significance associated with it, and is a view of a World Heritage Site that is currently subject to change.

They suggest the following methodology:

1. Baseline Analysis which locates viewpoints and what heritage assets are within them
2. Assessment of the significance of the heritage assets within the setting

### 3. Assessment of the impact of the development proposal.

There are no designated views so this methodology is not considered further

## 21.3 English Heritage Policy on Screening

The Setting of Heritage Assets states on page 22:

*Options for reducing the harm arising from development may include the relocation of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements.*

*Where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection. Management measures secured by legal agreements may be helpful in securing the long-term effect of screening*

## 21.4 The Setting of Historic Assets

In October 2011 English Heritage published the document "The Setting of Heritage Assets". This detailed their views as set out in the PPS 5 Good Practice Guide. In particular they give a methodology for assessing the implications of development proposals. They suggest the following process:

*Step 1: identify which heritage assets and their settings are affected;*

- *Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);*
- *Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;*
- *Step 4: explore the way maximising the benefits*

In addition they state the key principles which include

*The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group. (121)*

- *A proper assessment of the impact on setting will take into account, and be proportionate to, the significance of the asset and the degree to which proposed*

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*changes enhance or detract from that significance and the ability to appreciate it.*  
(122)

## 21.5 Case Law

Of importance is a recent (2011) judicial review and subsequent appeal of a planning application where setting of a heritage asset, Hampton Court, was a key issue. The relevant cases are:

Garner v Elmbridge Borough Council, Neutral Citation Number: [2011] EWHC 86 (Admin)  
Case No: CO/10474/2009

Garner vs. Elmbridge: decision by Mr Justice Ouseley

This case is now authority for the position that if a scheme is neutral with regard to a listed building it does not harm it. The test is somewhat similar to development in conservation areas: if it does not harm then it preserves or enhances the conservation area.

In addition as this was a borderline case it also coincidentally defines the standard of tree screening needed for the impact to be considered neutral.



**Plate: 1 The view from Hampton Court Station towards Hampton Court**

In the above photograph the Hampton Court Station is just visible through the trees that are present – that is the tree screen does not have to block out the view of something entirely.

In addition in 2009 a recent court judgement on the definition of setting concluded that: “*in that setting is a visual concept*” paragraph 98 R. (on the application of K. Miller) v. North Yorkshire County Council [2009] EWHC 2172 (Admin).

It is thus suggested that this judgement can only be overturned by a change in the law not Government or English Heritage Policy.

## **22. Appendix: National Planning Policy**

### **22.1 The National Planning Policy Framework**

The National Planning Policy for the Historic Environment is given in:

National Planning Policy Framework Section 12 - *Conserving and enhancing the historic environment* pages 30-31 paragraphs 126-141 which state:

#### *12. Conserving and enhancing the historic environment*

*126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment,<sup>29</sup> including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- 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.*

*127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.*

*128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

*129. 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.*

*130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.*

*29 The principles and policies set out in this section apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking. Achieving sustainable development | 31*

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

133. *Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. *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 securing its optimum viable use.*

135. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

136. *Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*

137. *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

138. *Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm*

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*under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

*139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.*

*140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

*141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.<sup>30</sup> However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

## **22.2 Relevant Sections of Glossary**

**Archaeological interest:** *There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.*

**Conservation (for heritage policy):** *The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.*

**Designated heritage asset:** *A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.*

**Heritage asset:** *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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*

**Historic environment:** *All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.*

**Historic environment record:** *Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.*

**Setting of a heritage asset:** *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.*

**Significance (for heritage policy):** *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.*

### 22.3 Interpretation of National Planning Policy

Paragraph 132 states that:

*Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 133 states that:

*133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

Paragraph 134 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 securing its optimum viable use.*

There are thus six thresholds of harm:

1. Total Loss
2. Substantial Harm
3. Less than Substantial Harm
4. Harm
5. Non Harmful but requiring listed building consent
6. Non Harmful ie things which do not need listed building consent.

Substantial Harm has to be

1. Things which mean that the heritage asset would no longer merit the designation ie replacing all the historic fabric
2. Things that make the asset unrecognisable.

Substantial Harm can be:

1. The cumulative effect of many minor harmful actions.

Substantial Harm is not:

1. Things that English Heritage suggest can be done to buildings in their policy documents, for example extending a building or sub-dividing a building
2. Something that most authorities allow.

The Harm has to be weighed against:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;* paragraph 126

The following is justification for substantial harm (Paragraph 133):

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- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

## **22.4 Public Benefit**

The National Planning Policy Frameworks suggest that there must be “public benefit” to justify less than substantial harm to a heritage asset and that this can include *securing its optimum viable use*.

In addition the PPS 5 Practice Guide paragraph 37 lists other public (Heritage) benefits as follows:

1. *The social value of heritage assets to the community.*
2. *The potential for heritage-led regeneration.*
3. *The wider public benefits of the conservation of historic landscapes, parks and gardens. For example, in providing opportunities for recreation, the preservation of natural habitats and improved environmental quality.*
4. *The potential for heritage assets to improve quality of life and sense of place.*
5. *Creating opportunities for the optimum viable re-use of heritage assets at risk.*
6. *The role of traditional building materials and patterns of land use in local distinctiveness.*
7. *How heritage assets contribute to the attractiveness of streets and public spaces and how this contribution might be enhanced by, for example, reducing street clutter.*
8. *How to increase accessibility to and participation in the historic environment.*
9. *The economic potential of heritage assets.*
10. *The possible impacts of heritage tourism on the historic environment and wider community.*
11. *Opportunities to increase housing supply or meet other priorities by re-using and adapting heritage assets.*
12. *Ways that new development might complement and enhance existing settlements and heritage assets.*

Further relevant paragraphs of the Practice Guide state:

*78. Local authorities are advised to take into account the likely longevity of any public benefits claimed for a proposed scheme. Speculative, ill-conceived or short-term projects will not compare so favourably when considering an irreversible harm to the significance of a heritage asset.*

*79. There are a number of potential heritage benefits that could weigh in favour of a proposed scheme:*

*It sustains or enhances the significance of a heritage asset and the contribution of its setting.*

*It reduces or removes risks to a heritage asset.*

*It secures the optimum viable use of a heritage asset in support of its long term conservation.*

*It makes a positive contribution to economic vitality and sustainable communities.*

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*It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.*

*It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.*

*87. Where a proposal causes minor harm there will still be a loss of value to society caused by that harm. This is a loss of public benefit that needs to be weighed against any other public benefits the proposal will bring, including, possibly, the conservation benefit of the proposal being part of realising the optimal viable use of the asset. Flexibility and imagination in the design process is crucial to minimising conflict. Some works may seem individually to be of little importance but can cumulatively be destructive of a heritage asset's significance.*

*93. Keeping land in active use is a public benefit. It will be very rare that a decision has to be made between keeping a designated heritage asset and returning the site to active use but in such cases a balance still has to be struck between the loss to society of the significance of the designated asset and the benefits of returning the site to use. Loss of the highest graded assets will only be on wholly exceptional grounds.*

In addition the English Heritage website states:

<http://www.english-heritage.org.uk/professional/advice/hpg/decisionmaking/NPPF/>  
(10/10/2012)

*Public benefits in this sense will most likely be the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF, provided the benefits will endure for the wider community and not just for private individuals or corporations. It is very important to consider if conflict between the provision of such public benefits and heritage conservation is necessary.*

*The NPPF seeks economic, social and environmental (including historic environmental) gains jointly and simultaneously. The planning system should actively guide development to sustainable solutions. Pursuing sustainable development involves seeking positive improvement in the quality of the built environment. Substantial harm or loss should be refused unless it is demonstrated that it is necessary to deliver substantial public benefits that outweigh that harm (paragraphs 8, 9 and 133). The public benefits may be achieved with less or no harm by alternative design or location.*

*Sometimes harm is necessary to enable change of use of the asset to its optimum viable use. The optimum viable use is either the sole viable use of the asset or, if there is more than one viable use, the use most consistent with its ongoing conservation. Enabling such a change of use can be a public benefit that outweighs the harm done.*