

Heritage Statement:
Pheasant Inn
Duke Stret
Welland
Worcestershire
WR13 6LP
2017

Dr Peter Wardle

Document Reference Number 2019/1487
Version 0.5

Heritage Statement: Pheasant Inn Welland
Dr Peter Wardle and Colin Lacey

Table of Contents

1. Summary.....	1
2. Introduction	2
2.1 The Client	2
2.2 Copyright	2
2.3 Location	2
2.4 Site Visit.....	2
2.5 The Proposals & The Application Area	2
3. Setting	3
3.1 Legislative Background.....	3
3.2 Definition of Setting.....	3
3.3 Historic England The Setting of Heritage Assets 2015	4
3.4 History in The View 2011 Methodology	4
3.5 The Setting of Historic Assets 2011 Methodology	5
3.6 2015 Historic England The Setting of Heritage Assets 2015 Methodology	5
3.7 The Contribution Setting Makes to the Significance of a Heritage Asset	5
3.8 Setting and the Significance of Heritage Assets	7
3.9 Other Factors.....	7
3.10 Setting Check List.....	8
3.11 Case Law	9
3.12 Historic England Policy on Screening.....	10
4. Baseline Survey	12
4.1 Designated Heritage Assets	12
5. Historic Background	13
6. Building: The Parish Church of St James, Duke Street Welland	13
6.1 The Location of The Building	13
6.2 The Building.....	13
6.3 The Listed Building Description	15
6.4 The Architect.....	16
6.5 The Plan form of Parish Churches.....	17
6.6 The Importance of the Building	17
6.7 Summary of “Significance HE”	19
6.8 The Importance of The Parish Church.....	19
6.9 The Setting of Parish Churches.....	20
6.10 Who Experiences The Building	21
6.11 Where can the Building be Experienced.....	21

6.12	Other Factors – Noise Smell and Dust	21
6.13	The Setting	21
7.	Conclusions.....	22
8.	Appendix - Legislative and Policy Background.....	29

Table of Figures

Figure 1	Detailed Location Plan. Scale 1:2500	2
Figure 2	The Location of Nearby Designated Heritage Assets	12

Table of Plates

Plate 1	North Elevation	14
Plate 2	The Steeple North Elevation.....	15
Plate 3	The Steeple West Elevation	15
Plate 4	Looking towards the Church from the position of the proposed building.....	23
Plate 5	The detracting pub function room	24
Plate 6	Detracting ancillary Structure within the Church yard	24
Plate 7	The detracting road due to the noise of traffic	25
Plate 8	The detracting road with the clutter of street furniture.....	25
Plate 9	This recent building has totally removed views of the Malvern Hills. The BT advertising hoarding is an eyesore.	26
Plate 10	The area of decking used for serving afternoon teas will not have views of the proposed building	26
Plate 11	Trees mask views of the chancel on the north elevation	27
Plate 11	Trees mask views of the chancel on the north elevation	27
Plate 11	Trees mask views of the chancel on the north elevation	28

Version Control

Version No	Draft	Content Added/Omitted	Date
0.5	Client Draft		5/July 2019
0.7	LPA Draft	Client Comments	
1	Issued Report		

1. Summary

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

The proposals must be seen in perspective and in particular public benefit from the restoration of a community asset. All increases in the number of dwellings will increase the number of people who use the Church. It must be recalled that closure of this church was considered a few years ago (2001). There is this considerable public benefit from the proposals.

Public Houses near or next to Parish Churches are extremely common. The church has always been near to the public house and thus any impact in noise will be a neutral change.

The Parish Church landmark qualities will be unchanged – the spire will still be visible along the road network for the same distances.

It is suggested that there is little or no harm to listed buildings. If there is any harm it is clearly at the end of the spectrum of less than substantial harm and is clearly outweighed by the public benefits.

2. Introduction

2.1 The Client

This report was commissioned by Nick Carroll of Nick Carroll Architects for and on behalf of Jim George Ltd who are the building's owners.

2.2 Copyright

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:	Pheasant Inn Duke Street Welland Worcestershire
Post Code	WR13 6LP
Grid Reference:	SO 7974 4000

The detailed location is shown in Figure 1.

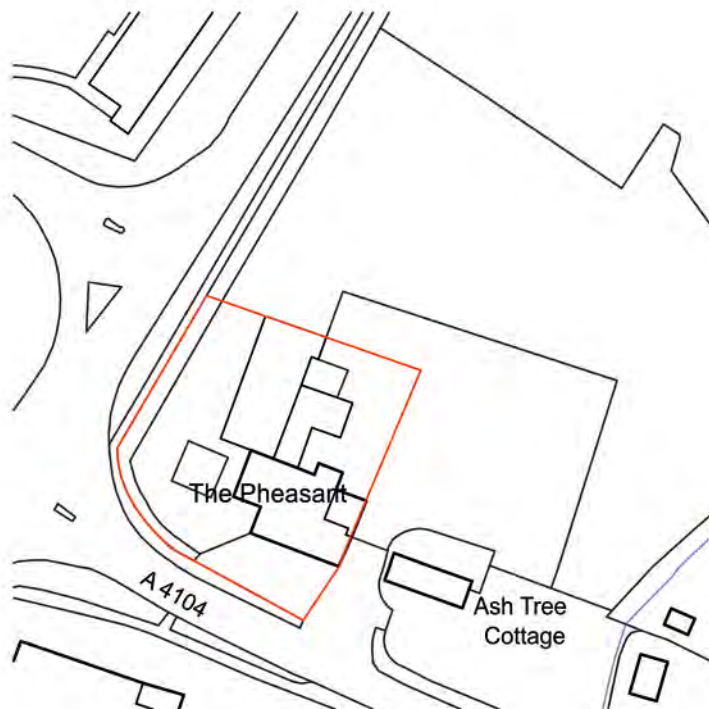
2.4 Site Visit

The Site was visited by Dr Peter Wardle on 2/July/2019.

2.5 The Proposals & The Application Area

The planning application is for "Conversion of public house into 4 no. dwellings and erection of extension to form a new public house with access, car parking and landscaping".

The building is not listed and not located in a conservation area.



OS PLAN 1:1250

Figure 1 Detailed Location Plan. Scale 1:2500

3. Setting

3.1 Legislative Background

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

*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.

It is noted that Conservation Areas are not similarly protected

3.2 Definition of Setting

PPS 5 defined “setting” for the first time and 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.*

It is noted that setting is not just a matter of views.

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 added these key points which have been carried over into the framework:

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

However this statement contradicts a 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).

3.3 Historic England The Setting of Heritage Assets 2015

Historic England 2016 produced the following document:

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

This replaced two English Heritage documents which are:

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 principal difference is that it notes a number of different methods of analysis are suitable as opposed to just those set out in the previous advice. In particular the most recent advice advocates the uses of Geographic Information Services to analyse setting.

Therefore the methods outlined in History in the View and The Settings of Heritage Assets are still applicable.

3.4 History in The View 2011 Methodology

English Heritage 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.

3.5 The Setting of Historic Assets 2011 Methodology

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

Part of the 2011 Methodology was a check list of factors which may be relevant to consideration of setting. They however noted that what was key was a statement of what is important and why.

3.6 2015 Historic England The Setting of Heritage Assets 2015 Methodology

This adopted the methods outlined in the 2011 documents but added a step 5 “make and document the decision and monitor outcomes”. The 2015 documents also adopted the check list of the 2011 document. (Appended)

3.7 The Contribution Setting Makes to the Significance of a Heritage Asset

The NPPG definition Significance (for heritage policy) is:

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.

Historic England qualify this in GPA2 para 4. When they say “The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.”

Listed Buildings have to be special and Ancient Monuments have to be Nationally Important before they are designated.

Setting is not a factor in assessing the criteria for scheduling for example the criteria for scheduling has been tested by the Courts – *Ex parte v Rose Theatre Trust*.

The DCMS 2010 document Principles of Selection for Listing Buildings states the statutory criteria for listing as being:

The statutory criteria for listing are the special architectural or historic interest of a building. Many buildings are interesting architecturally or historically, but, in order to be listed, a building must have “special” interest.

The general principles outlined below take precedence over the Selection Guides, which are published as supplementary information.

When making a listing decision, the Secretary of State may take into account the extent to which the exterior contributes to the architectural or historic interest of any group of buildings of which it forms part. This is generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between a group of buildings.

This document sets out the core criteria for listing as follows:

1. Age and Rarity
2. Aesthetic
3. Selectivity
4. National Interest

Thus setting is not one of the core factors for designating a building and is rarely mentioned in the designation guides. In contrast group value and associations are key factors and often in such cases setting and group value are in effect the same thing. For example consider Newton Park, Newton St Loe, Bath BA2 9BN (see the Photograph on the Front Cover of Historic England Good Practice Advice (GPA3)). Here there are a number of Heritage Assets:

1. Historic Park (Designated II*)
2. Lodges to the Park
3. Georgian Mansion Grade I
4. Stable Block Grade II*
5. Dairy & Laundry Grade II
6. Gate House
7. Castle Keep/Fortified Manor
8. Garden Walls Grade II*
9. Wansdyke (Prehistoric Scheduled Monument)
10. Medieval Fish Ponds

The totality of the association of these heritage assets forms the “setting” of each individual asset and gives an added significance to each individual asset because they show the evolution of housing for the well to do from:

1. Castle to
2. Fortified Manor then
3. Mansion

In the case of a specialised industry such as pottery or jewellery a clear criteria for listing is the fact that the building is located in one of those specialist areas (See Industrial Buildings Designation Guide).

It is thus in general difficult to reconcile the Framework with the statutory and established criteria for listing in any event.

3.8 Setting and the Significance of Heritage Assets

Historic England go on to say

Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated (see Designed settings below). Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings. The following paragraphs examine some more general considerations relating to setting and significance.

This document stated the key circumstances for setting which are as follows:

Views which contribute more to understanding the significance of a heritage asset include:

those where relationships between the asset and other historic assets or places or natural features are particularly relevant

those with historical associations, including viewing points and the topography of battlefields

those where the composition within the view was a fundamental aspect of the design or function of the heritage asset,

and

those between heritage assets and natural or topographic features, or phenomena such as solar and lunar events

7 Assets, whether contemporaneous or otherwise, which were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons include:

military and defensive sites

telegraphs or beacons

prehistoric funerary and ceremonial sites

historic parks and gardens with deliberate links to other designed landscapes, and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary

It is noted that for some buildings such as telephone kiosks setting is a decisive factor in determining if a building should be listed see Historic England *Designation Guide for Street Furniture*.

3.9 Other Factors

PPS 5 Introduced the concept that setting is not just a matter of views and noted that things such as:

1. Noise
2. Smell
3. Dust
4. Movement

are factors to be taken into account.

In addition in 2009 a 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.

The Historic England 2015 document added other factors which includes for example soil chemistry and hydrology. In addition they have included a number of subjective adjectives - the “sense of”

1. Tranquillity,
2. Remoteness,
3. ‘Wildness’
4. Sense of enclosure,
5. Seclusion,
6. Intimacy or privacy

3.10 Setting Check List

The Historic England check lists are as follow:

The Asset’s Physical Surrounding

- a. Topography
- b. Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- c. Definition, scale and ‘grain’ of surrounding streetscape, landscape and spaces
- d. Formal design
- e. Historic materials and surfaces
- f. Land use
- g. Green space, trees and vegetation
- h. Openness, enclosure and boundaries
- i. Functional relationships and communications
- j. History and degree of change over time
- k. Integrity
- l. Issues such as soil chemistry and hydrology

Experience of the Asset

- a. Surrounding landscape or townscape character
- b. Views from, towards, through, across and including the asset
- c. Visual dominance, prominence or role as focal point
- d. Intentional intervisibility with other historic and natural features
- e. Noise, vibration and other pollutants or nuisances
- f. Tranquillity, remoteness, ‘wildness’
- g. Sense of enclosure, seclusion, intimacy or privacy
- h. Dynamism and activity
- i. Accessibility, permeability and patterns of movement
- j. Degree of interpretation or promotion to the public
- k. The rarity of comparable survivals of setting

The Asset’s Associative Attributes

- a. Associative relationships between heritage assets

- b. Cultural associations
- c. Celebrated artistic representations and Traditions

Location and Siting of Development

- a. Proximity to asset
- b. Extent
- c. Position in relation to landform
- d. Degree to which location will physically or visually isolate asset
- e. Position in relation to key views

The Form and Appearance of the Development

- a. Prominence, dominance, or conspicuousness
- b. Competition with or distraction from the asset
- c. Dimensions, scale and massing
- d. Proportions
- e. Visual permeability (extent to which it can be seen through)
- f. Materials (texture, colour, reflectiveness, etc)
- g. Architectural style or design
- h. Introduction of movement or activity
- i. Diurnal or seasonal change

Other Effects of the Development

- a. Change to built surroundings and spaces
- b. Change to skyline
- c. Noise, odour, vibration, dust, etc
- d. Lighting effects and 'light spill'
- e. Change to general character (eg Suburbanising or industrialising)
- f. Changes to public access, use or amenity
- g. Changes to land use, land cover, tree cover
- h. Changes to archaeological context, soil chemistry, or hydrology
- i. Changes to communications/accessibility/permeability

Permanence of the Development

- 1. Anticipated lifetime/temporariness
- 2. Recurrence
- 3. Reversibility

Longer Term or Consequential Effects of the Development

- a. Changes to ownership arrangements
- b. Economic and social viability
- c. Communal use and social viability

Enhancement may be achieved by Actions including:

- a. removing or re-modelling an intrusive building or feature;
- b. replacement of a detrimental feature by a new and more harmonious one;
- c. restoring or revealing a lost historic feature;
- d. introducing a wholly new feature that adds to the public appreciation of the asset;
- e. introducing new views (including glimpses or better framed views) that add to the public experience of the asset; or
- f. improving public access to, or interpretation of, the asset including its setting.

3.11 Case Law

Of importance is a (2011) judicial review and subsequent appeal of a planning application where the 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 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.

3.12 Historic England 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

4. Baseline Survey

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

1. The Historic Context
2. The Heritage Assets that are present

4.1 Designated Heritage Assets

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

	Asset	Type	Status Listing Grade	Distance m	Visible	Considered in detail
1	Church of	Building	II	38	Yes	Yes
2	Milestone	Building	II	230	No	No
3	Lawn farm House	Building	II	410	No	No



Figure 2 The Location of Nearby Designated Heritage Assets

Taken from <http://list.english-heritage.org.uk/mapsearch.aspx> on 4/July/2019

5. Historic Background

Welland is not mentioned in the Domesday book. The manor was bestowed to the Priory of Little Malvern before being confiscated by the crown at the dissolution.

(Parishes: Welland', in *A History of the County of Worcester: Volume 3* (London, 1913), pp. 554-557. *British History Online* <http://www.british-history.ac.uk/vch/worcs/vol3/pp554-557> [accessed 4 July 2019])

The medieval nucleus was located circa 800m to the east and south at the end of Welland Court Road where the Old Church of St James was located. A few Jacobean and Georgian Houses survive.

In the Victorian period the nucleus shifted to the road junction of the road from Upton to Malvern Wells and a route from Worcester to Hereford. In 1870-72, John Marius Wilson's Imperial Gazetteer of England and Wales described Welland like this:

***WELLAND**, a parish, with a village, in Upton-upon-Severn district, Worcester; 3 miles WSW of Upton r. station. It has a post-office under Worcester. Acres, 2,027. Real property, £3,678. Pop. in 1851, 582; in 1861, 802. Houses, 163. The manor belongs to the Bishop of Worcester. Seatstone and Stuarts Lodge are chief residences. The living is a vicarage in the diocese of Worcester. Value, £378.* Patron, the Lord Chancellor. The church is old. There are a national school, and charities £26.*

This records an almost doubling of the number of houses in the Victorian period. The Ashchurch, Tewkesbury and Malvern branch railway line passed through the parish which opened in 1864. The nearest station however was at Upton on Severn 10 km away.

The first edition OS plans show that most of the land was given over to orchards.

6. Building: The Parish Church of St James, Duke Street Welland

6.1 The Location of The Building

Distance to Proposed Building	
Grid Reference	
National Co-ordinates	379697 239972

The location of the Parish Church and the proposed building is shown in the following plan.

Figure 1 The Location of St James, Duke Street Welland

6.2 The Building

Listing Reference Number	1078233
Listing Grade	II
Conservation Area	None
Use Class	Place of Worship Parish Church
Function	Parish Church
Historic Function	Parish Church
Building Date	

Period	Victorian
Century	C19
Approximate Date	
Precise Date	1875
Single/Multi phase building	
Architect	JW Hugnall
Architectural Style	Neo-Gothic - decorated
Plan Form	Nave and chancel. North & South Aisles. SW steeple. Apse to south aisle
Number of Storeys	Tall single storey
Materials	Dressed stone
Dressings	Ashlar dressings
Roof Material	Slate



Plate 1 North Elevation



Plate 2 The Steeple North Elevation



Plate 3 The Steeple West Elevation

6.3 The Listed Building Description

CHURCH OF ST JAMES

List Entry Number: 1078233

Location

CHURCH OF ST JAMES, B 4208

County: Worcestershire District: Malvern Hills

Parish: Welland

Grade: II Date first listed: 23-Feb-1987

WELLAND CP B 4208 SO 73 NE 4/176 Church of St James - II

Church. 1875 by J W Hugall. Rubble with slate roofs and shingle spire.

Comprises a nave, north and south aisles, south-west tower, and lower chancel.

In the west wall of the nave are 3 stepped trefoiled lights under pointed heads with trefoil.

The tower has angle buttresses. The bell openings have 2 pointed openings with stone louvres under a pointed head. The broach spire has lucarnes. A clock face on the west side below the bell stage is dated "1897".

The lower stage of the tower contains a porch with pointed south doorway. Above it is a blind arcade of 3 pointed arches. The south aisle has windows of 3, 2 and 2 trefoiled pointed lights. A curved wall at the east end of the aisle links it to the chancel. It contains 3

pointed lights. The south chancel window is of 3 lights. The north aisle window are of 3, 2, 2 and 2 lights. The north chancel window is of 3 cusped lights under a pointed head. The east window is of 3 foiled lights with a foiled circle over. A crypt is let by a 3-light pointed window.

Interior: arcades of 4 bays to north and 3 to south. Arches are pointed with edge roll mouldings and spring from round piers banded with alternate grey and yellow stone which have foliated capitals. Roof trusses have arch-braced collars supporting king-posts turned to a round section braced to the ridge. The inner order of the pointed chancel arch springs from corbelled responds.

At the north end of the south aisle is a chapel with curved outer wall. A pointed arch in the north wall of the chancel contains an organ. There are double sedilia and a piscina. The east window contains good late C19 glass probably by Hardman. A decorated wall tablet in memory of Thomas Evans (died 1671) is re-set on the wall of the north aisle.

Listing NGR: SO7969739972

6.4 The Architect

The architect of Victorian Churches is known in 90% of cases of listed Parish Churches. To qualify as a prominent architect the following are taken as indicators:

1. A published biography, including an internet biography
2. Is the architect the designer of more than 25 listed buildings, most being listed at Grade I or Grade II*?

https://en.wikipedia.org/wiki/John_West_Hugall describes John West Hugall as follows;

Hugall's works span the period 1848–78.^[4] He was elected a Fellow of the [Royal Institute of British Architects](#) in 1871.^[4]

*Hugall spent an early part of his career in [Pontefract](#), Yorkshire.^[5] While there he was Secretary of the Yorkshire Architectural Society^[5] (now the Yorkshire Architectural and York Archaeological Society).^[6] In 1848 he co-wrote a book, *The Churches of Scarborough, Filey, And The Neighbourhood and An Historical and Descriptive Guide to York Cathedral and Its Antiquities.*(1850) with the Rev. G.A. Poole.^[5]*

Hugall seems to have moved his practice to [Cheltenham](#) by about 1850^[7] and to [Reading](#) and [Oxford](#) by 1871.^[4]

The Listed Buildings Descriptions describe 7 Parish Churches as being attributed to him, all but one at Grade II, and him being responsible for the restoration of a further 9.

6.5 The Plan form of Parish Churches¹

Most people think of parish churches as being fairly standard, either being:

- Tower, nave and chancel with aisles, or
- Cruciform

with the steeple being at the west end. The reality is actually very different. Care must be taken in deciding if the plan form is actually unusual, for example ambulatories clearly are.

Cruciform churches are relatively uncommon nationally only 7% of pre 1800 churches are cruciform and 14% have no steeple. It is clear however from the Late Georgian period onwards there is a much greater variety. For example towers not in a central or west position are unusual prior to 1800 - 5%, but this figures rises to 25% post 1800. Spires are relatively common prior to 1800 -15% of parish churches have them, but again this rises to 32% post 1800. The calculations for these statistics are presented below for completeness.

Plan form	Pre 1800	Post 1800
Cruciform	656	777
No steeple	1265	1103
Aisles	5889	1994
Total	9193	4274
Plan form	Pre 1800	Post 1800
Cruciform	7%	18%
No steeple	14%	26%
Aisles	64%	47%
Towers Type	Pre 1800	Post 1800
Spire	1200	1124
Total	8096	3482
	15%	32%
Worcestershire	Pre 1800	Post 1800
Spires	9	7
	128	52
	7%	13%
Position of tower Worcestershire	Pre 1800	Post 1800
West or central	122	39
Other	6	13
Position of tower Worcestershire	Pre 1800	Post 1800
West or central	95%	75%
Other	5%	25%

6.6 The Importance of the Building

¹ This analysis is taken from the first quantitative analysis of Parish Churches currently being undertaken by Dr Peter Wardle see www.theparishchurch.co.uk. He has recorded 2802 Parish Churches including 103 in Worcestershire.

The importance of the building is summarised in the following table using the DCMS criteria for listing.

Criteria		Factor
Date		The date of the building is not a factor.
Rarity of Building Type		Parish Churches are a common type of building
Work of Prominent Architect		The architect is not a prominent architect
Architectural Interest		
	Architectural Style	The architectural style adds to the interest but neo-gothic is the commonest style for Victorian Churches.
	Architectural Design	The designs adds to the interest
	Aesthetic Interest	The building has aesthetic qualities.
	Decoration	The building has decorative elements. The internal columns are constructed with bands of different coloured stone.
	Craftsmanship/Virtuosity	Most parish churches have a high degree of craftsmanship.
	Innovation	None
	Significant Plan Form	The plan form is fairly standard for a Victorian church. The apse adds interest. Victorian spires are common in Worcestershire.
Historic Interest		
Group Value		There are a few other Victorian buildings nearby.
Other Factors		
Example of Regional Specialism		None
Degree of Alteration		There is a high degree of alteration internally but this does not devalue the architectural or historic interest
Contribution of Setting		The setting does not add to the significance of the building.
Reason Building is Listed		The building is a better example of a Victorian parish church - with a spire and some decorative elements. Both the exterior and interior meet the criteria. It is not exceptional however and therefore does not merit a high grade of listing.

6.7 Summary of “Significance HE”

The Significance of the Building is summarised below using the criteria outlined in English Heritage 2008 *Understanding Heritage Values Conservation Principles Policies and Guidance*.

Criteria		Factor
Evidential		There is little evidential value to a Victorian Parish Church
Historical		
	Illustrative	There is little illustrative value
	Association	This building has no known historic associations
Aesthetic		
	Design	The designs adds to the interest
	Detailing & Craftsmanship	The building has decorative elements. The internal columns are constructed with bands of different coloured stone. Most parish churches have a high craftsmanship.
	Architectural style	The architectural style adds to the interest.
	Innovation	None
		The building has aesthetic qualities.
Communal		All parish churches have a high communal value

6.8 The Importance of The Parish Church

The Parish Church is listed at Grade II which is the second highest grade. While only 2.5% of listed buildings are listed at Grade 1, that is 8,915 buildings in total, 48% of these are Parish Churches. It must be recalled that Parish Churches are virtually the only Saxon Buildings that survive and account for 31% of all Medieval Buildings. In many locations the Parish Church is the oldest Building. There are in total 8,887 Medieval Parish Churches most of which, 87%, are listed at Grade I or II*. There are 13,339 Listed Parish Churches.

Often Parish Churches are listed for the artistic merit of their interiors or are given a higher grade for this reason. The most extreme example is Christchurch Southwark built in 1956 and listed because of the artistic merit of the stained glass in it (see <http://www.christchurchsouthwark.org.uk/index.html>), but the exterior has a much lower value.

In fact Parish Churches make 48% of all Grade I listed buildings and 21% of all Grade 2* listed building.

For this reason The Church of England has adopted the following grading system for the importance of Churches. There are five levels of importance for Parish Churches (see the document *Guidance Note Statements of Significance 2014* published by ChurchCare website)

High – important at national to international levels

Moderate-High - important at regional or sometimes higher levels

Moderate – usually of local value but of regional significance for group or other value (e.g. vernacular architecture)

Low-Moderate – of local value

Low – adds little or nothing to the value of a site or detracts from it.

In this report the following discriminators of level of importance are used:

Importance	Designation	Other Indicator
High	World Heritage Site designated for Heritage reasons Grade 1 or Grade 2* Listed	
		Included in Simon Jenkins 1000 Best Churches
		Early Introduction of Architectural Styles pre Victorian period
		Little Victorian alteration
Moderate to High	Grade 2* or 2 sometimes Grade I	
		Pre Georgian single phase buildings
		All Saxon Fabric
		Pre Victorian Gothic Revival Style
Moderate	Grade 2* or Grade 2 rarely Grade I	Has a key feature which is not common in that particular area ie an Octagonal Tower outside of Norfolk
Low-Moderate	Grade 2* or Grade 2	
Low	Locally Listed Mentioned as a key building in a conservation area appraisal	

Thus this Church has a low-moderate importance:

6.9 The Setting of Parish Churches

Thus when considering the setting of a Parish Church consideration has to be given to the importance of the external form of the building, however this is not necessarily the reason for listing or being listed at a particular grade. Often Parish Churches are listed for example for the Artistic Merit of the Stained Glass.

In this case the external appearance is part of the reason for listing and therefore setting is important.

Over 75% of parish churches are located in villages. Thus parish churches are located in the full range of nucleated settlement. Most but not all are located at the current or earlier nucleus of the settlement if the village is not a linear to dispersed type. The setting is a function of how the village developed, many parish churches are surrounded by houses of a much later date.

The settings of all rural Parish Churches have a number of things in common not least:

1. The building is looked at frequently and visited by most members of the community. While about 20% of a village population regularly attend services, most members of

the community will attend events such as weddings, funerals and christenings as well as displays, flower festivals, concerts and similar.

2. Virtually all Parish Churches receive visitors from near and far.
3. Parish Churches are a key part of the character of any village.
4. Often the only part of the Church visible from a distance is the Steeple.
5. Trees, particularly yew trees, are a key part of a Churchyard and can be considered to be permanent features – some trees have been present for a thousand years.
6. Views from within a parish church are unusual due to the height of windows and the presence of stained glass

6.10 Who Experiences The Building

The “settings” of Parish Churches have to be considered from a number of points of view these are:

1. The congregation who draw spiritual inspiration from the building and attend social events at the Church (Christian services are often followed by the serving of Tea and Coffee which can be a key part of attending)
2. Attending celebratory rituals such as weddings and christenings
3. Attending Acts of Remembrance such as Remembrance Day or funerals where the Church is a solemn backdrop
4. Learned Visitors whose ability to “Read” the Church is a key part of the experience
5. Non Learned visitors whose experience is an aesthetic one
6. Local Residents who experience the Church as a local focus point and as a symbol of permanence and longevity.
7. As a backdrop to social events on nearby open spaces

6.11 Where can the Building be Experienced

It has to be recognised that many Churches, say 25% of rural churches, have long distance views and are visible for some considerable distance and from many locations. The desirability of preserving the settings of Parish Churches cannot be interpreted as meaning that nothing can be built within these views.

XX In this case trees reduce the visibility on the North side of the nave, chancel and north aisles.

6.12 Other Factors – Noise Smell and Dust

Rural churchyards are not invariably places of quiet contemplation or remembrance. At a weekend they are often very noisy due the use of machinery for the upkeep of the churchyard or use of the churchyard for events. Church bells are rung every 15 minutes, before services and for campanology. Conversely at 11 am on the 11th of November they are totally silent.

Similarly villages are not silent places there is noise pollution from traffic, aircraft, farm animals and people enjoying themselves. The noise however is very different from the hum of a town.

Dust and smell are often a problem from agricultural activity in rural areas. The application makes little difference.

It is thus suggested that the impact on the setting of a parish church varies and this must be considered in this context.

6.13 The Setting

Setting Type	Non historic village centre
Are non visual factors important?	Yes - noise discussed in detail
Date of Surrounding Buildings	Most buildings are recent. There are a few Victorian buildings.
The current Setting	The immediate setting is the churchyard which is sunken on the north side with a number of tall trees. The spire of the church is visible from a distance along the approach roads and is a minor landmark.
Detractors to the Setting	Recent buildings in the churchyard. Noise from the adjoining road detracts from enjoyment of the churchyard. The function room of the Pheasant public house is a clear detractor
The Contribution the Setting makes to the Importance of the Building	There is no contribution to the importance of the building. There are minor landmark qualities.
Statement of What is Important & Why	Both the internal and external character are equally important. There is nothing exceptional to the setting.

7. Conclusions

The proposals must be seen in perspective and in particular public benefit from the restoration of a community asset. All increases in the number of dwellings will increase the number of people who use the Church. It must be recalled that closure of this church was considered a few years ago (2001). There is this considerable public benefit from the proposals.

Public Houses near or next to Parish Churches are extremely common. The church has always been near to the public house and thus any impact in noise will be a neutral change.

The Parish Church landmark qualities will be unchanged – the spire will still be visible along the road network for the same distances.

It is suggested that there is little or no harm to listed buildings. If there is any harm it is clearly at the end of the spectrum of less than substantial harm and is clearly outweighed by the public benefits.



Plate 2 Looking towards the location of the proposed building at the point of maximum visibility



Plate 4 Looking towards the Church from the position of the proposed building.



Plate 5 The detracting pub function room



Plate 6 Detracting ancillary Structure within the Church yard



Plate 7 The detracting road due to the noise of traffic



Plate 8 The detracting road with the clutter of street furniture



Plate 9 This recent building has totally removed views of the Malvern Hills. The BT advertising hoarding is an eyesore.



Plate 10 The area of decking used for serving afternoon teas will not have views of the proposed building



Plate 11 Trees mask views of the chancel on the north elevation



Plate 12 Trees mask views of the chancel on the north elevation



Plate 13 Trees mask views of the chancel on the north elevation

8. Appendix - Legislative and Policy Background

8.1 Word Definitions

There is a difference between the meaning of the word significance in Government Documents and its meaning in Historic England (formerly part of English Heritage) documents. **Significance** is defined by the pocket Oxford Dictionary as *noun importance; meaning*.

In this report when the word **Significance** is used as having the meaning as indicated in Government documents it is denoted as **Significance**. When significance is being used in the manner suggest by Historic England it is denoted *Significance (HE)*.

8.2 The Historic Environment System

It has to be accepted that there is a hierarchy of Legislation; Government Planning Policy issued by the Department of Communities, Government Heritage Policy issued by the Department of Culture Media and Sport, and advice issued by Historic England; to be followed when making a planning decision.

This has led to a complex system which is sometimes contradictory. This has been made worse because a new Heritage Act was planned but never presented to Parliament. Instead the existing legislative framework was supplemented by changes to Planning Policy to reflect what was intended to be in the new Act.

The Key reform of the proposed Act was a unified designation system for all Historic and Archaeological entities ranging from half a million year old habitation sites to post 1980s offices, including parks and shipwrecks and aircraft.

8.3 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 for the formal designation of these which remained in the hands of the relevant minister. 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 1st April 2015 English Heritage was split into two organisations:

- English Heritage Trust which took over the management of Historic Properties owned or operated by the state.
- 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 backlog](#)

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

8.4 Planning (Listed Buildings and Conservation Areas) Act 1990 Listed Buildings

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)

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 section states that it is **DESIRABLE** to protect the setting of listed buildings but crucially “setting” is not defined.

8.5 Planning (Listed Buildings and Conservation Areas) Act 1990 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. The Act (Section 72 paragraph 1) instead places the following duty:

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

That is the 1990 Act does not protect the Setting of Conservation Areas.

8.6 The 2007 Heritage White Paper and English Heritage 2008 Document Conservation Principles, Policies and Guidance

The Government’s Intent for Heritage Reform was set out in the White Paper: Heritage Protection for the 21st Century (March 2007). This proposed a single national Register of historic buildings and sites of special architectural, historic or archaeological interest, which will include all those places currently on the statutory list of buildings of special architectural or historic interest and the schedule of monuments, and the non-statutory registers of historic Parks and Gardens.

The 2007 White Paper defined “Heritage Assets” for the first time. The 2008 *Draft Heritage Protection Bill* defined

2 Heritage structures *(a) a registrable structure in England which English Heritage considers to be of special historic, archaeological, architectural or artistic interest*

Open Space

(a) a registrable open space in England which English Heritage considers to be of special historic, archaeological, architectural or artistic interest; or

The Bill also noted that other factors could not be taken into account.

Conservation Areas were not included in the draft bill. Of importance is the fact that there were two different types of Heritage Assets which recognised the difficulty in having a single definition of Heritage Asset.

In 2008 English Heritage published the document 2008 Conservation Principles, Policies and Guidance For the Sustainable Management of The Historic Environment.

In the foreword is the following statement:

Our main purpose in producing the Principles, Policies and Guidance is to strengthen the credibility and consistency of decisions taken and advice given by English Heritage staff, improving our accountability by setting out the framework within which we will make judgements on casework. Our success will also be measured by the extent to which this document is taken up more widely in the sector. Over time, and in conjunction with legislative reform and improving capacity in the sector, we hope that the document will help to create a progressive framework for managing change in the historic environment that is clear in purpose and sustainable in its application – constructive conservation.

It is noted that this document was produced on the basis that Heritage Law would be changed.

It was not intended as Government advice on Heritage Management it was a guide to how English Heritage would make decisions in their role as advisors to Government.

This document introduces the concept of “Heritage Value”. The document also suggests, in para 25:

We have therefore deliberately avoided the specialised terminology of current law and public policy relating to heritage designations,

In the proposed new national system of cultural heritage protection, ‘reasons for designation’ will set out why each ‘historic asset’ is above the threshold for designation for its ‘architectural, historic or archaeological interest’. Grounds for designation will necessarily be confined to specific values under these headings, directly related to published selection criteria. The statutory basis of designation will, however, be sufficiently broad to embrace the range of values which the Principles identify as desirable to take into account in the management of significant places.

Paragraph 74 recognises the incompatibility of their own methodology with English Law which states:

The contribution of such objects and archives, including evolving collections, should be articulated, even if they are currently held elsewhere, and regardless of whether their contribution falls within the scope of statutory protection.

8.7 2010 DCMS Circular - Principles of Selection for Listing Buildings

This document remains in force and was not superseded by the Framework. Of importance is the statement in para 1

The Secretary of State cannot take any other factors into account when considering his decision

Para 9 states

The Secretary of State uses the following criteria when assessing whether a building is of special interest and therefore should be added to the statutory list:

- *Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;*
- *Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.*

8.8 2010 Planning Policy Statement 5 - Non Designated Heritage Assets

When the Government decided it was not going to take forward the New Act, it decided that 95% of its objectives could be achieved by a reform of planning advice. A new integrated Planning Policy Statement was issued replacing:

1. PPG15 Planning and the Historic Environment
2. PPG16 Planning and Archaeology

8.9 Heritage Assets

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
7. Conservation Area

Heritage Assets were defined more broadly as:

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).

8.10 Above Ground Undesignated Heritage Assets

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:

1. Locally Listed Buildings
2. Identified as Heritage Assets in other Local Planning Authority documents
3. Other buildings suggested to be Heritage Assets by the Local Authority during consultations about this proposal
4. Buildings recorded as making a positive contribution to the special historic or architectural character or appearance of a conservation area.

Mention of a building in the Historic Environment Record does not make a building a Heritage Asset 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.

8.11 2018 The National Planning Policy Framework

The 2018 National Planning Policy Framework was designed to simplify planning policy and in particular make it clear that there was a presumption in favour of sustainable development. It also noted that the public benefit from job creation and economic wellbeing, as well as house construction and mineral extraction, should be taken into account.

8.12 DCMS 2014 document Planning Practice Guidance

The DCMS 2014 document Planning Practice Guidance contains the Document ***Conserving and Enhancing the Historic Environment***. The purpose of this document is to amplify and clarify the Framework.

8.13 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

8.14 Determining Importance and Significance

The Importance of Buildings is considered with reference to the 2010 DCMS *Circular - Principles of Selection for Listing Buildings*. This document remains in force and was not superseded by the Framework. The Historic England Designation Guides follow these guidelines and thus the importance of buildings is determined by Para 9 which states:

“The Secretary of State uses the following criteria when assessing whether a building is of special interest and therefore should be added to the statutory list:

- ***Architectural Interest.*** *To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and*

techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

• **Historic Interest.** *To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing."*

The Framework defines **Significance** as follows:

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.*

The Planning Practice Guide states:

Significance in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework. (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>)

*In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of the identified heritage asset's **significance**. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset. (Conserving and enhancing the historic environment - GOV.UK Page 3 of 24)*

In considering the importance or **significance** of a building this is the starting point, not that set out in the English Heritage Document 2008 *Conservation Principles, Policies and Guidance For the Sustainable Management of The Historic Environment* or more recent English Heritage or Historic England Documents.

The Historic England (2016) Document "Managing *Significance* in Decision Taking in the Historic Environment" contains the following important statement in paragraph 13:

The reason why society places a value on heritage assets beyond their mere utility has been explored at a more philosophical level by English Heritage in Conservation Principles (2008). Conservation Principles identifies four types of heritage value that an asset may hold:

- *aesthetic,*
- *communal,*
- *historic*
- *and evidential value.*

This is simply another way of analysing its significance. Heritage values can help in deciding the most efficient and effective way of managing the heritage asset so as to sustain its overall value to society.

This is clear statement that **Significance** in the framework has a different meaning to *Significance* in English Heritage and Historic England document. Indeed the organisation Civic Voice in 2010 commented:

Use of English Heritage Conservation principles

6. *We do not find it helpful that the draft guidance relates more to English Heritage's own conservation principles than the Government's spatial planning policy and urge much closer consideration of PPS1 and PPS5 in particular. We do not find the conservation principles helpful outside a small group of conservation experts*

7. *The conservation principles would need substantial rewriting into a more suitable language and approach if they are to integrate well with spatial planning – moving beyond being an almost academic discussion of conservation to become a practical tool for development management, place making and policy development.*

http://www.civicvoice.org.uk/uploads/files/Setting_of_heritage_assets_-_Civic_Voice_response_to_English_Heritage_-_October_2010.pdf

“Managing Significance in Decision Taking” 2016 goes onto to say:

What do we mean by 'significance' and 'heritage values'?

The idea of 'significance' lies at the core of these principles. Significance is a collective term for the sum of all the heritage values attached to a place, be it a building an archaeological site or a larger historic area such as a whole village or landscape.

'Conservation Principles' sets out a method for thinking systematically and consistently about the heritage values that can be ascribed to a place. People value historic places in many different ways; 'Conservation Principles' shows how they can be grouped into four categories:

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

<https://www.historicengland.org.uk/advice/constructive-conservation/conservation-principles>

8.15 The Degree of Harm

The framework established three degrees of harm:

1. Substantial Harm
2. Less than substantial harm
3. No Harm

The Framework, however, does not fully define what the criteria for each of these categories are. In paragraph 133 a distinction is made between “total loss of **significance**” and “substantial harm” to the **significance**.

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.

The DCMS 2014 document Planning Practice Guidance states:

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

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

This is to be compared with the statement in the Historic England 2016 document paragraph 27 which states that:

"Substantial harm is a high test which may not arise in many cases. In those cases where harm or loss is considered likely to be substantial (NPPF, Paragraph 132 & PPG 01-7), then the LPA will need to consider the relevant NPPF tests."

Clearly "total loss" means the total physical destruction. This is made clear in the document Historic England 2017 "Removing a Building from the List" which states

Extra care is needed with fire-damaged buildings. Experience shows that special interest may remain even when considerable damage has been done to the fabric, both by fire and by the use of water to put the fire out.

In contrast paragraph 52 states:

Opportunities to enhance assets, their settings and local distinctiveness

52 Sustainable development can involve seeking positive improvements in the quality of the historic environment. There will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be. Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development, while listed buildings may often have extensions or other alterations that have a negative impact on the significance. Similarly, the setting of all heritage assets will frequently have elements that detract from the significance of the asset or hamper its appreciation.

Thus a fourth degree of “harm” is introduced that is enhancement.

The framework makes it clear that harm to a Heritage Asset can be overcome by Public Benefits including the Long Term Preservation of the Building or Implementing the Optimum Viable Use of a Building compatible with the building’s conservation.

In fact, in the case of buildings, the situation is far more complex when other aspects of Legislation are taken into account. In particular account has to be taken of whether the harm is necessary for reasons of:

1. Health and Safety
2. To ensure the preservation and survival of the building

There are thus seven types 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.
7. Positive

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):

- *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.*

8.16 Public and Heritage Benefits and Harm justified by Other Non Public Benefits

The framework makes it clear that substantial and less than substantial harm can be outweighed by other Public Benefits. Consideration has to be given to if and when other factors mean that this planning balance does not have to be considered. It is also accepted that if it can be demonstrated that there is “no harm” then no justification is necessary.

8.17 Heritage Benefits

The National Planning Policy Framework suggests 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.*
- *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.*

8.18 Public Benefits

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.