TOWN AND COUNTRY
PLANNING ACT 1990 - SECTION 78

APPEAL BY
GLADMAN DEVELOPMENTS LTD.

LAND AT BATH ROAD, CORSHAM SN13 0QL

PROOF OF EVIDENCE
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Planning Inspectorate Ref. No: APP/Y3940/A/14/2222641

Beardmore URBAN

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1.00 SUMMARY

1.01 I am David Beardmore MSc MA Dip LD (Dist) Dip LArch (Dist) Dip UD Dip Bldg Cons FRTPi CMLI IHBC. This Inquiry relates to an appeal against the decision of Wiltshire Council to refuse an application for outline planning permission for the erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, open space with play facilities and landscaping on land at Bath Road, Corsham, Wiltshire. The Appellant’s case is being presented by a number of witnesses and my evidence relates to the impact of the proposed development upon designated heritage assets.

1.02 I have considered the relevant statutory requirements, central government policy relating to the historic environment, the guidance provided by English Heritage, the relevant policies of the Development Plan, and other Council documents.

1.03 Within my evidence I have considered in some detail the impact of the proposed development upon the following designated heritage assets that form the above ground, built environment:

- Guyers House, a Grade II listed building;
- Pickwick Conservation Area and its listed buildings;

I have also considered in less detail (for reasons that I will explain later) the following additional heritage assets:

- Three listed buildings to the north of the appeal site in and around Pickwick Lodge Farm and
- Four listed buildings to the north-east of the appeal site in Middlewick Lane

1.04 Any below ground archaeological features that may be referred to in the Historic Environment Record could be regarded as heritage (but not designated) assets and have been referred to the Archaeological report that accompanied the planning application – see the Core Document list. Any impact that may fall on them would be considered under paragraph 135 of the NPPF (the Framework) and is not referred to further in my evidence.

1.05 The setting of a heritage asset is defined in Annex 2 of the National Planning Policy Framework 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.

1.06 Whilst the setting of various heritage assets needs to be understood in assessing the impact of this proposal I consider that any attempt to closely define the precise extent of setting is of limited usefulness. Setting is not a heritage asset, nor is it a heritage designation – see paragraph 5.7 below which sets out paragraph 2.4 of the English Heritage document The Setting of Heritage Assets. The importance of setting lies in what it contributes to the significance of a heritage asset. Therefore, what is of primary importance is not whether a proposed development is within or beyond the setting but the impact of that development upon the significance of the heritage asset, including its setting.

1.07 Having assessed this proposal and the heritage assets identified I consider that there are no good reasons relating to the listed buildings in the vicinity of the Appeal Site or the Pickwick Conservation Area or the heritage value of the Appeal Site itself why this appeal should not be upheld.
2.00 QUALIFICATIONS AND EXPERIENCE

2.01 My name is David Beardmore. I hold the degrees of Master of Science from the School of Architecture of the University of Bath and Master of Arts in the History of Art and Design from the University of Bristol. In addition I hold Post Graduate Diplomas in Landscape Design (with Distinction) from the University of Plymouth and in Landscape Architecture (with Distinction) from the University of Gloucestershire (formerly the Cheltenham and Gloucester College of Higher Education). I also hold separate Post Graduate Diplomas in Urban Design and Building Conservation. I am a Fellow of the Royal Town Planning Institute, a Chartered Member of the Landscape Institute (Design Division) and a Member of the Institute of Historic Building Conservation.

2.02 I am currently the principal of Beardmore Urban having previously been head of Urban Design at the Development Planning Partnership. Before that I was the Landscape and Urban Design Director of GL Hearn, prior to which I was Managing Director of its Planning Department which is one of the UK’s leading planning consultancies. I also held a similar position with The Planning Practice of Bath. I have over 40 years’ experience in town and country planning, landscape planning and design, conservation of the built environment and urban design, both in private practice and local government. I have twice been a member of a Government Gateway Review Team advising on the progress of the proposed development associated with the Stonehenge World Heritage Site. I have also published a number of articles, lectured on a variety of urban design, planning and landscape matters and am a visiting lecturer in landscape design at the University of Plymouth. I am a past Convenor of the Consultancy Panel of the Royal Town Planning Institute.

2.03 Since I commenced private practice I have appeared at a large number of planning appeals, local plan inquiries and examinations in public associated with important housing proposals, many involving sensitive heritage and urban design issues. Throughout my career I have considered the effects of many potential housing sites, throughout the country involving the application of planning policies with special reference to design and heritage issues. For the last twenty years I have specialised in heritage, urban design and landscape matters as they relate to planning, particularly the promotion of major development proposals.. Through the 1980’s and 1990’s I acted as master plan consultant for the NHS in relation to eight former Victorian Lunatic Asylums, six of which included major listed buildings and conservation areas. I have also been involved for many years in submissions for proposals to list (and de-list) buildings. I led a team that carried out two major conservation area reviews for the London Borough of Bromley and in recent years have prepared a very large number of heritage assessments to accompany planning applications. The latter projects have sometimes required me to give evidence to explain my conclusions that support the proposed development in question.

2.04 In relation to this proposal, I was appointed in September 2014, following the refusal of the application by Wiltshire Council, to give evidence at this Inquiry on the likely impact of residential development of the Appeal Site on designated heritage assets. The earlier work in this field at the application stage was undertaken by CgMs Consulting who has also prepared the relevant Archaeological report that accompanied the planning application. I have nevertheless carried out my own assessment of the appeal proposals.

2.05 The evidence which I have prepared and provide for this appeal in this evidence, is true and has been prepared and is given in accordance with the guidance of my professional institutions, the Royal Town
Planning Institute, the Landscape Institute and the Institute for Historic Building Conservation and I confirm that the opinions expressed are my true and professional opinions.
3.0 **SCOPE AND METHODOLOGY**

3.01 This Inquiry relates to an appeal against the decision of Witshire Council (the ‘Council’) to refuse an application for the erection of up to 150 dwellings, up to 1,394sqm B1 offices, access, parking, open space with play facilities and landscaping on land at Bath Road, Corsham, Wiltshire.

3.02 The Appellant’s case is being presented by a number of witnesses. My evidence relates to the impact of the proposed development upon designated heritage assets. Landscape issues are considered within the evidence of Mr. Rech. In a case such as this it is important to provide a structured framework for objective analysis and, particularly, to disaggregate likely significant effects on landscape from those which relate to heritage assets. The overall planning evaluation of the proposed development is provided within the evidence of Mr. Barnes.

3.03 The application was considered by the Council’s Planning Committee on 30 May 2014. Five reasons for refusal have been provided and my evidence relates principally to the third reason. All five reasons are set out in full in the Core Documents.

3.04 It is reasonable to assume from the third reason for refusal which refers only to paragraph 134 of the Framework that the Council considers that the proposed development would cause ‘less than substantial harm’ to Pickwick Conservation Area. Although no listed buildings are referred to within the third reason for refusal, Guyers House, a Grade II listed building adjoins the site and there are other listed structures further to the north and north-east that are also other listed buildings that may, despite their considerable distance from the appeal site, need to be considered in terms of possible impact upon them. Nevertheless bearing in mind the need to pay “special regard” to the setting of listed buildings under Section 66 and of the **Planning (Listed Building and Conservation Areas) Act 1990** I consider it prudent as part of this evidence the impact of the proposed development upon the following designated heritage assets, including those statutorily listed buildings that are located in the surrounding area:

- Guyers House, a Grade II listed building;
- Pickwick Conservation Area and its listed buildings;
- Three listed buildings to the north of the appeal site in and around Pickwick Lodge Farm and
- Four listed buildings to the north-east of the appeal site in Middlewick Lane.

3.05 The site lies outside the Pickwick Conservation Area and is not therefore subject to the need to pay “special attention” to the character and appearance of the conservation area under section 72 of the **Planning (Listed Building and Conservation Areas) Act 1990**. However there is a need in government advice (notably in the Framework, section 12 and elsewhere) to have regard to the need to ‘preserve or enhance’ the character and appearance of a conservation area and I therefore address the issues that this advice imposes in this evidence.

3.06 I have found no record of the site forming part of a registered Park or Garden in the HER and do not therefore regard it as being (in whole or in its entirety) part of a heritage asset, whether designated or not. I therefore can find no reason to include this consideration in my analysis.

**Scope**

3.07 My evidence is intended to meet that part of the **National Planning Policy Framework** (the ‘Framework’ - paragraph 128) that local planning authorities should require applicants 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 asset’s importance.

3.08 In the preparation of this evidence the application site and its surroundings have been visited and use made of the material submitted with the application. The Historic Environment Record for the area has been examined and reference made to it here where appropriate - again as required by paragraph 128 of the Framework.

Methodology

3.09 The site is not itself a designated heritage asset (no part of it is listed or is part of a scheduled monument) nor does it constitute an element within a conservation area so the proposed development would not have any direct impact upon either of the designated heritage assets recognised in the Framework. In other words the application proposal would not have any direct physical impact on either sort. Due to the proximity of the appeal site to the Pickwick Conservation area it is nevertheless appropriate to determine whether the proposal has the potential to impact indirectly upon (by virtue of its presence) the setting of any of the listed buildings within it. Many of the listed buildings in question however (such as Beechfield House) are already surrounded by extensive modern - often recent – development which has a far greater impact on their setting than that proposed on the appeal site. Therefore while I acknowledge the possibility of cumulative effect on such buildings I am of the view that in reality the difference that would be made by new houses on the appeal site would be negligible and I therefore do not regard it as necessary to consider those listed buildings (ie those already embedded in the main body of the conservation area) further.

3.11 Nevertheless there are two buildings on the western edge of the conservation area (south of Bath Road) whose setting, simply by proximity, are likely to be affected by the proposed development to some degree. These are St Patrick’s Roman Catholic Church and an unnamed cottage that is attached to the former school which is now used as offices and both lie directly opposite the appeal site.

3.12 The concept of the setting of a heritage asset is defined in Annex 2 of the ‘Framework’ and has already been referred to in paragraph 1.05 above while ‘Significance (for heritage policy)’ is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

3.13 Whilst the setting of various heritage assets needs to be understood in assessing their significance any attempt to closely define the extent of their setting is of limited usefulness. Setting is not a heritage asset in itself, nor is it a heritage designation; its importance lies in what it contributes to the significance of a heritage asset. Therefore, what is of primary importance is not whether a proposed development is within or beyond the setting but the impact of that development upon the significance of the heritage asset, including its setting.

3.14 While I have not attempted to define the geographical extent of the setting of the various heritage assets I have sought to identify whether and to what extent elements of the setting of a heritage asset contribute to the significance of that asset. I have then assessed the impact of the proposed development on the significance of the various heritage assets is, including any impact on those elements of their settings that
contribute to their significance. In assessing significance I have used the four categories (archaeological, architectural, artistic and historic) listed in Annex 2 of the Framework have been used in preference to those suggested on pages 27 to 32 of the English Heritage document, Conservation Principles, Policies and Guidance, as the Framework is a central government document and post-dates the English Heritage publication. Nonetheless I have had regard to some degree to this and to the English Heritage advice document “The Setting of Heritage Assets” which was published in October 2011. Whilst these predate the Framework they may still be regarded as being of general relevance and have not been withdrawn. However both EH advice notes mentioned mean that in the event of any conflict between the two documents the Framework takes precedence.

3.15 Whist EH advice document “The Setting of Heritage Assets” advises against being too prescriptive or restrictive in attempting to define setting I have used the general concept of ‘immediate’ and ‘wider’ setting for the purposes of analysis. This is useful shorthand and not intended to assume that the former is necessarily more important than the other.

3.16 Finally, I acknowledge that in July 2014 English Heritage published a consultation document entitled HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING. Note 3: The Setting of Heritage Assets. The object was stated to be to “provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG).” It was not however clear whether it was intended (when eventually adopted) to replace the 2011 publication of the same name but it is reasonable to assume that it eventually will since the consultation draft repeats much of that earlier document. For the purposes of this evidence the draft advice is noted but has not been used since it has not yet been adopted although the period for consultation has ended.

4.0 STATUTORY REQUIREMENTS AND THE DEVELOPMENT PLAN
Statutory requirements

4.1 All policies relating to listed buildings and conservation areas need firstly to be understood in the context of the requirements of primary legislation. In this context these are: Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 which states that ‘special regard’ shall be paid to the desirability of preserving the setting of listed buildings and Section 72 that requires that ‘special attention’ shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The latter part of the primary legislation only affects sites within a conservation area which the appeal site is not and this statutory duty does not apply. As stated earlier however there is a need in government advice (notably in the Framework, section 12 and elsewhere) to have regard to the need to ‘preserve or enhance’ the character and appearance of a conservation area and I therefore address the issues that this advice imposes in this evidence.

4.2 The Courts have held that the overarching duty in respect of listed buildings (section 66 of the 1990 act) establishes a strong presumption against the grant of planning permission if any harm (even if ‘less than substantial harm’ – see 5.4 below) would be caused to the setting of listed buildings or to the character or appearance of conservation areas. This has been reinforced recently (March 2014) where the Secretary of State disagreed with his Inspector’s findings on heritage matters in the case of a refusal of permission by Melton Borough Council (appeal reference APP/Y2430/A/13/2191290) in the following terms:

“the Secretary of State takes the view that the Inspector’s conclusion with respect to that building means that, under the terms of S66 of the LB Act and paragraph 133 of the Framework, he must give that matter considerable importance and weight.”

4.3 This decision by the Secretary of State was taken in the light of the Barnwell Manor Judgment (March 2013) by Mrs Justice Lang which concerned (in part) the degree to which the statutory provisions of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 should have been taken into account in an Inspector’s decision. The Judgment is a Core Document. The Court of Appeal has subsequently upheld (February 2014) the earlier Judgment.

4.4 Nonetheless it should also be noted that, in relation to conservation areas, the Courts have held that the objective of “preserve” or “preserving” (Sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) can be achieved by development which leaves character and appearance unharmed. This aspect needs to be considered here because while the proposed development is not within the Pickwick Conservation Area it is nevertheless claimed by the local planning authority (in the reason for refusal) to have an adverse impact on it. While Guyers House is not directly referred to the reason for refusal (or indeed any other listed building) I nevertheless consider that it would be appropriate for my evidence to consider whether its setting might be affected by the appeal proposal. By the same token, I also examine whether any other listed building might reasonably said to be affected by the proposed development and if so to what extent when applying the policy tests contained (in particular) in the Framework.

4.5 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
Development Plan

4.6 The Development Plan currently comprises general development control policies that were adopted by Wiltshire Council as part of the ‘saved’ policies inherited from its predecessor authority, ie North Wiltshire District Council. These include the following heritage policies have been referred to in the reasons for refusal, namely HE1 and HE3. This is somewhat puzzling since HE1 refers to development within (my emphasis) conservation areas which the appeal site is not. Similarly HE3 concerns the protection of Historic Parks and Gardens without naming which historic park or garden is claimed to be adversely affected. No Park or Garden is referred to in the local Historic Environment Register although it is known from local sources that the appeal site was once part of Hartham Park, the truncated grounds of which now lie further to the north and east.

4.7 All these policies are set out more fully in the Core Documents. They predate the adoption of the Framework and therefore in the event of any conflict between the two documents the Framework will prevail.

4.8 The Emerging Wiltshire Draft Core Strategy 2012 is referred to in the third reason for refusal in terms of Policies CP51 and 58. These are set out in full in the Core Documents. Mr Barnes deals in his evidence with the weight to be attached to this document.

4.9 The Local Plan ‘saved’ policies are in any event criteria based and add little of substance to the provisions of the Framework. Given the primacy of the Framework it is this that will principally be relied upon in this assessment and in the event of any conflict between the Local Plan and the Framework the latter will take precedence.

5.0 CENTRAL GOVERNMENT POLICY AND GUIDANCE
5.1 Central government policy on planning issues is set out in the National Planning Policy Framework (the 'Framework'). In addition, the advice from English Heritage in Understanding Place: Conservation Area Designation, Appraisal and Management; The Setting of Heritage Assets and Conservation Principles, Policy and Guidance for the Sustainable Management of the Historic Environment are also of relevance but these predate the Framework which was published in 2012. Regard should also be had to the National Planning Policy Guidance which was published in March 2014 and is intended to periodically update and if necessary amend the government’s interpretation of the Framework.

Framework

5.2 Paragraph 14 of the Framework makes it clear that there is a presumption in favour of granting permission for sustainable development unless specific policies in the Framework (see footnote 9) indicate that development should be restricted. These could include where land is subject to the specific designations listed (such as Green Belts) as well as where the site of the development includes or is an element within a designated heritage asset. The application site is not within such a designation nor does it form part of a designated heritage asset and therefore reliance has to be placed upon those policies within the Framework that are relevant including those relating to heritage assets in general and the potential effect of development upon them. The general effect of the provisions of paragraph 14 of the Framework is set out in more detail in Mr Barnes’s evidence.

5.3 One of the twelve core planning principles set out in paragraph 17 of the Framework is to, ‘Conserve heritage assets in a manner appropriate to their significance ….’ Further details are provided in Section 12 (paragraphs 126 to 141), which is specifically concerned with conserving and enhancing the historic environment. Paragraph 129 states that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including 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.”

5.4 Paragraphs 133 and 134 make a distinction between proposed developments that will lead to ‘… substantial harm to or total loss of significance …. ’ of a designated heritage asset (paragraph 133) and proposals which will have ‘… less than substantial harm …. ’ (paragraph 134). Both of these paragraphs require that any harm should be weighed against the public benefits of the proposed development or, in the case of paragraph 133, that other criteria apply.

5.5 Similar advice is contained within the National Planning Practice Guidance published in March 2014. Under ‘Conserving and enhancing the historic environment’, Section 3, which deals with ‘Decision-taking: historic environment’, states (under the heading, ‘How to assess if there is substantial harm’):

“In general terms, substantial harm is a high test, so it may not arise in many cases.”

5.6 With regard to heritage considerations therefore the Framework starts with the presumption (paragraph 14) in favour of sustainable development. The decision maker is then required to see whether “specific policies in this Framework indicate that development should be restricted.” In this context paragraphs 133 and 134 of the Framework (see paragraph 5.4 above) are particularly relevant. This requires an assessment to be made
as to whether any harm to a designated heritage will arise and if so whether the ‘harm’ would be “substantial” or “less than substantial”. If no harm arises then the policy is not breached but if ‘harm’ is judged to result then if it is “less than substantial” it may be outweighed by the other factors described. This then is the balanced judgment that has to be taken if “less than substantial harm” is thought to arise. None of these considerations however detract from the parallel need to also meet the statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

The Setting of Heritage Assets

**The Setting of Heritage Assets**

5.7 The English Heritage document *The Setting of Heritage Assets* makes it clear in Section 2.4 that:

“Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset.”

5.8 It also indicates (page 16) that:

“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)"

*Taken from paragraphs 118 to 122 of PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide with relevant paragraph number cited.*

I have borne this in mind when carrying out my assessment of the likely impact of the appeal proposal on the relevant heritage assets.

5.9 This document also provides a five step approach for assessing the implications of a development proposal (pages 15 to 24), namely:

- Step 1: Identifying the heritage assets affected and their settings;
- Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: Assessing the effect of the proposed development on the significance of the asset(s);
- Step 4: Maximising enhancement and minimising harm; and
- Step 5: Making and documenting the decision and monitoring the outcomes.

This assessment has adopted this approach although the fifth step is outside its scope.

*Conservation Principles, Policy and Guidance for the Sustainable Management of the Historic Environment*

5.11 This document was published in April 2008, ie sometime before the Framework of 2012. This earlier document may be helpful if it helps to further interpret the Framework but not if it introduces issues not addressed in it. For the avoidance of doubt the Framework refers to setting as:

“**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.”
5.12 In *Conservation Principles, Policy and Guidance for the Sustainable Management of the Historic Environment* reference is made to ‘Understanding Heritage Values’ these then being examined under the headings of evidential, aesthetic, historic and communal value. This is similar but not identical to the definition of significance in the Framework that mentions “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.”

5.13 In the context of the historic and archaeological value of the site (which is an open field and therefore without any artefacts to discuss) these issues were dealt with in the separate archaeological report prepared by CgMs consultants.

5.14 Architectural and artistic values relate principally in this context to matters of setting and are addressed here but without direct use of those headings which are not appropriate or helpful in this case, because the site contains no buildings and there are no structures or above ground artefacts to be considered.

6.0 IMPACT ON HERITAGE ASSETS

Site Description
The site extends to 10.01ha and is located to the north of Bath Road, Corsham within the administrative county of Wiltshire. Corsham is a market town located within the northern part of Wiltshire and has a range of community facilities and services. The site is situated to the north west of the town centre and north of Bath Road (A4) which is the main east - west road link between Chippenham and Bath.

The site is currently in agricultural use with the eastern boundary abutting the residential development within Academy Drive. The southern boundary has a low stone wall and is directly adjacent to Bath Road which has a footpath on both edges of the carriageway. To the west of the site is the former Ministry of Defence site and buildings which has recently been granted planning permission for a mixed use residential led development. To the north via Guyers Lane are several farms. Guyers House (now a Hotel) is the nearest heritage building which is grade II listed and was also originally part of the farming complex in this part of north Wiltshire. The northern and eastern boundaries are heavily screened by trees and hedgerows. The boundaries to the west and south are more exposed and bounded by a stone wall enabling views into the site from the roadside. A public right of way crosses the site in a south east to north west direction. The land levels evenly fall west to east across the site with a 7m difference in ground levels.

**Heritage Assets**

As indicated above, the proposed development would not have any direct impact on any designated heritage assets and would not (according to the reasons for refusal) have any impact on any listed building. The same decision notice does however allege harm to the setting of the Pickwick Conservation Area which immediately adjoins the appeal site.

In order to inform this assessment general use has been made of the methodology set out in the English Heritage document *The Setting of Heritage Assets*. It should be noted however that both that document and *Conservation Principles Policy and Guidance (for the Sustainable Management of the Historic Environment)* – published by EH in April 2008 – predate the Framework. They also do not have the force of central government policy. It would therefore be unreasonable to criticise any heritage assessment for not using the format suggested in these documents provided the issues set out in the Framework are properly addressed.

**Step 1 – Identify the heritage assets**

The only heritage asset specifically referred to in the reasons for refusal is the Pickwick Conservation Area that lies immediately to the east so clearly the impact of the appeal development on this should be assessed. However in addition Guyers House, a grade II listed building (which is described in the statutory list description set out in Appendix DB2 to my evidence) adjoins the appeal site to the north and should also be examined insofar as the proposed development may have an impact upon its significance. In addition two listed buildings lie to the south of the appeal site on the opposite side of Bath Road, namely St Patrick’s Roman Catholic Church and an unnamed cottage. All of these assets may be said to include the appeal site within their ‘immediate setting.’

Heritage assets which may include the appeal site within their wider setting include three listed buildings to the north of Guyers House, namely: Pickwick Lodge Farmhouse, Pickwick Lodge Farm Cottages (62-64 consecutive) and a barn at Pickwick Lodge Farm. There are four further listed buildings to the north east of the appeal site along Middlewick Lane that may (again to a limited extent) be affected if it is considered that
the appeal site forms part of their ‘wider’ setting, namely: Middlewick House, two unnamed houses and Mermaid Cottage. Again these are described in the statutory list description set out in Appendix DB2 to my evidence. I would reiterate that I have not considered any other listed building within the conservation area because I regard their setting has being heavily reliant on the immediately surrounding development with very little from the appeal site.

*Step 2 – Assessment of setting*

6.07 The relevant heritage assets (mentioned above) that may be affected by the development of the appeal site and whose setting needs to be assessed are the Pickwick Conservation Area, Guyers House and the additional more distant seven listing buildings to the north and east to which reference has already been made. The (non-exhaustive) checklist on page 19 of *The Setting of Heritage Assets*, include (among others) the following possible attributes of the setting of heritage assets which may make some contribution to experiencing their significance:

- Surrounding landscape or townscape character
- Views from, towards, through, across (and including) the asset
- Intentional intervisibility with other historic and natural features
- Tranquillity, remoteness, ‘wildness’
- Sense of enclosure, seclusion, intimacy or privacy

The degree to which these apply to the appeal site varies and while the fourth point does not it may be claimed that it contributes to the tranquillity or remoteness of the identified assets as part of their ‘wider’ setting.

**Setting of the Pickwick Conservation Area and its listed buildings**

6.08 The reasons for refusal allege an adverse impact arising from the proposed development on the Pickwick Conservation Area but not explicitly any of its listed buildings. Nonetheless the provisions of section 72 of the 1990 Planning Act do not apply in this instance as the appeal site is not within the conservation area.

6.09 The eastern and (in part) southern sides of the appeal site abut the conservation area. Almost all of the area within the immediately adjoining conservation area is built up. The eastern boundary of the appeal site consists of a hedgerow and mature deciduous trees, through which even in summer, it is possible to see the modern housing development beyond which lies within the conservation area. The southern boundary of the appeal site where it adjoins the conservation area (south of Bath Road) consists of a low dry stone wall but no vegetation thus allowing views across the site to its heavily tree lined northern boundary with Guyers House. The openness of the land on the north side of Bath Road (including the appeal site) has however been considerably reduced by the presence of the Navy Department’s site at Copenacre (to the west) which is now redundant and where permission has been granted for redevelopment.

6.10 That part of the conservation area to the south of Bath Road was historically an outlier of the main historic settlement to the east, separated from it by Park Lane. The land between Park Lane and Bath Road has however been extensively developed for housing in the second half of the twentieth century and this sense of separation from the main settlement no longer exists. It is clear that the historic core of the conservation area lies around the junction of Pickwick Road and Bath Road with most of the more significant heritage
assets being located on the southern side of Bath Road east of this junction. The influence of the appeal site on this part of the conservation area is negligible due to distance and lack of intervisibility.

6.11 Bearing these factors in mind the attributes contributing to the setting (and therefore the significance) of the conservation area may be summarised as follows:

- The form of the historic settlement pattern particularly around and to east of the junction of Pickwick Road and Bath Road
- Traditional, sometimes vernacular, appearance;
- Historic material and surfaces – particularly the materials used for the walls and roofs;
- Mature trees and vegetation particularly along the north side of Bath Road

St Patricks Roman Catholic Church and unnamed Cottage on the south side of Bath Road

6.12 As far as these two listed buildings are concerned they were originally beyond the built up area of Pickwick. The cottage dates from the eighteenth century but was attached to the school when it was built. What is now the Roman Catholic Church was constructed 1858 but at this time was probably part of the school premises since it is not noted separately as a church in the 1886 OS plan (see the CgMs report in the Core Documents). This plan clearly indicates that the then school was isolated from the town and only adjoined by one other building. The openness of the appeal site (with the exception of Guyers Cottages to the west and north) has always therefore been part of their setting but an incidental not an essential part of it.

6.13 Moreover the setting of these assets has changed significantly since their construction due to the extensive built development around them on the south side of Bath Road which now extends west beyond Bradford Road and south and west along Park Lane. The attributes contributing to the setting (and therefore the significance) of these listed buildings may be summarised as follows:

- The obvious communal purpose for which the church/school was built
- Traditional, in part, vernacular, appearance;
- Historic material and surfaces – particularly the materials used for the walls and roofs;
- Giving ‘depth in time’ to what is now largely a modern housing development that adjoins them to the south and west

Setting of listed buildings outside the Pickwick Conservation Area

Guyers House

6.14 As far as this designated asset is concerned I believe the following conditions and attributes can be identified as contributing to its significance:

- Traditional, partially vernacular, appearance;
- Historic material and surfaces – particularly the materials used for the walls and roofs;
- Trees and vegetation both within and around the curtilage of the listed building which helps to frame and enclose it and in particular the very substantial tree and hedgerow belt around the southern edge which defines it and substantially separates it from the appeal site,
- Strong, well defined (principally trees and underplanting) boundaries along the southern and north eastern boundaries.
By way of contrast few of these attributes can reasonably be said to apply to the appeal site, save again for the shared boundary with the Guyers House.

6.15 What should also be noted however are the matters that have **not** (my emphasis) been included in this list of positive attributes. No mention is made of any direct or positive relationship between the appeal site and Guyers House because in reality there is not one. The 1838 Tithe map and even the 1886 OS map suggest that the house was part of a wider farming landscape but whether the appeal site was farmed in association with it is difficult to say. At some in the more recent past however Guyers House became a 37 bed hotel and conference centre with extensive car parking, spa facilities and a tennis court.

6.16 The effect of the commercial use of Guyers House and its severance from the surrounding agricultural land has had a profound effect on its setting. While much of the original gardens close to the house have been maintained it has severed both its working and its visual link with the adjoining land. It now forms an historic ‘oasis’ within the wider landscape to which it no longer has any strong connections either visual or in terms of use and activity. This is the reality today (and was probably the case in August 1986 when it was listed) – not its original purpose in the eighteenth century and any assessment has to deal with the current situation and not some reimagined pre enclosure landscape. In my view the contribution of the appeal site to its setting is now very limited in heritage terms. I am strengthened in that opinion by the reasons for refusal which do not allege harm (of any kind) from the appeal development to the setting of Guyers House.

*Three listed buildings in and around Pickwick Lodge Farm off Guyers Lane*

6.17 These three buildings lie to the north and slightly west of the appeal site at a distance of about 0.7 kilometre. They are reached via Guyers Lane which is a footpath (although with rights of vehicular access) from the point north of the entrance to Guyers Houses. They comprise a small group of surviving farmsteads from the time when this was the pattern of agriculture that prevailed in this part of north Wiltshire which lies around the southern edge of the Cotswolds. Farm amalgamations and mechanisation from the late nineteenth century onwards led to the disconnection of many from the wider agricultural landscape. Their principal attributes which contribute greatly to their character are:

- A compact group of buildings around a farmstead
- Traditional, partially vernacular, appearance;
- Historic material and surfaces – particularly the materials used for the walls and roofs;
- Trees and vegetation around the curtilage of the listed buildings which help to frame and define the group in a generally open farming landscape

*Four listed buildings in and around Middlewick House off Middlewick Lane*

6.18 These four buildings lie to the north and east of the appeal site at a distance of about 0.5 kilometre. They are reached via Middlewick Lane which becomes a footpath (although with rights of vehicular access) from the point north of these buildings. They were also originally agricultural in origin although the presence of Middlewick House suggests that this was the grander and more important one of the group. Today they
appear less associated with agriculture, judging by the extensive evidence of equestrian activity in the immediate area. Their setting is contained to the north and east by extensive, regular belts of dense woodland. This suggests that they owe more to the surviving parkland of Hartham Park than a scattered farming landscape. Their principal attributes, which contribute greatly to their character are:

- A semi-formal group of ‘grand’ farmhouses and agricultural buildings
- Traditional, partially vernacular, appearance;
- Historic material and surfaces – particularly the materials used for the walls and roofs;
- Trees and vegetation beyond but related to the listed buildings which help to frame and define the group in a partial parkland landscape

**Step 3 – Effect of the proposed development**

6.18 By far the most obvious effect of the proposal will be to introduce built development into a reasonably open and flat area which is visible from the main A4, Bath Road. The development proposed on the site is well illustrated and explained in the Design and Access Statement (DAS) that accompanied the application. This clearly indicates the form and layout of uses and built development intended. Without rehearsing this in great detail it is proposed to leave a substantial ‘green’ buffer of open space and trees along the entirety of the northern boundary. This part of the site is the nearest to Guyers House and will reinforce the visual separation between them.

6.19 It is appreciated that the advice of English Heritage (”The Setting of Heritage Assets” October 2011) does not to seek to interpret the concept of setting too narrowly and this approach is to some extent maintained in the NPPF definition of setting referred to in paragraph 1.05 above. Unlike the EH document however the NPPF makes clear that:

> “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.”

6.20 In my opinion it must be the case however that the ‘significance’ (again this my emphasis) of this ‘not fixed’ - or wider - setting, cannot be considered as being equally important as the ‘immediate.’ I take this view because it is a fundamental plank of the NPPF advice that the viewer is able to appreciate significance. If therefore one of the elements is hidden it is difficult to claim that is has the same significance as one where all the elements are in full view. If all aspects of setting were thought to be equally important this would contradict the underlying concept of proportionality that underpins the Heritage Section (12) of the Framework. This point is further reinforced by the NPPG (March 2014) where it states:

> “A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”

**Effect of the proposed development on the Pickwick Conservation Area and its listed buildings**

6.21 Travelling from west to east by far the greatest change would be that the open field in front of the western boundary of the conservation area (on the north side of Bath Road) would be developed and much of the view of the boundary trees lost. There are however two factors to be considered when assessing the impact of such development on the significance of the conservation area. The first is that this part (ie the north side of Bath Road) is modern - late twentieth century in origin - and not part of the historic core. Thus this open setting in the approach to the conservation area from the west is not critical to that part of the settlement
containing the vast majority of heritage assets. Secondly the overall approach to the conservation area, starting further west is one of development along the road corridor with the appeal site and a small parcel of land to the west being the last remaining areas of open land between the former MoD land at Copenacre (to be redeveloped) and the conservation area boundary.

6.22 Travelling in the reverse direction, ie out of the conservation area moving west, the effect of the appeal proposal will be negligible because its presence is not readily apparent until the junction of the A4 and Park Lane has been reached. This is due to a combination of built form, overhanging trees and the curve of the road.

6.23 Taking all of these factors into account I am of the view that while the effect of the proposed development will be apparent in terms of change to the physical appearance of the area its effect on the significance of the conservation area will overall be neutral. I take this view because I do not regard the current open character and appearance of the appeal site as important to the setting and therefore significance of the conservation area. Its role in contributing to that setting is coincidental. It is not and never has been (in design or historic terms) anything more than incidental to defining its setting and its character.

**St Patricks Roman Catholic Church and unnamed Cottage on the south side of Bath Road**

6.24 Very similar considerations apply to these buildings when assessing the effect of the proposed development on them. They originally stood well beyond the built up area of Pickwick but that isolation has since been ended as they became enveloped by development to the east, west and north east. Again their relationship to the appeal site is fortuitous and incidental. They are separated from the appeal site by the busy A4 road and this does little to create any real nexus between the two sides of the road.

6.25 The proposed development would nonetheless respond positively to this situation by the creation of a wide ‘green’ entry point to the development in this area between Guyers Cottages and the edge of the conservation area. This would have the effect of giving a clear and effective break in the development at this point and ensuring that these listed buildings have an appropriate setting. Overall I see no reason why change should be equated with harm. The setting and outlook for these listed buildings (as with the conservation area) would be substantially changed but in a way that does not diminish their heritage significance.

**Guyers House**

6.26 This listed building shares a common boundary with the appeal site but one that is heavily planted so that even in winter when leaf cover is reduced the effect of filtering and screening between the two sites would still be substantial. The proposed Framework Plan shows a substantial ‘green’ boundary treatment within the appeal site which would act to some degree as a ‘buffer’ between the proposed development and Guyers House. To safeguard against the possible (but unlikely) loss of trees along this boundary on the Guyers House side there is ample opportunity to reinforce it as part of the development should be that considered necessary. I therefore no reason to conclude that the appeal proposal would cause any adverse impact on the setting of Guyers House by virtue of its visibility from within the curtilage of the listed building.
6.27 It is however reasonable to consider the degree to which Guyers House relies (in heritage terms) on its distance from built development in order to maintain its setting and therefore significance as a designated heritage asset. This may also be included in any discussion about whether it has and relies upon ‘tranquillity’ as part of its setting. There is no doubt that originally, probably in the late eighteenth century, the original house on this site was a farmhouse directly related to the surrounding agricultural landscape. This link may well have continued well into the late twentieth century. Nevertheless the 1886 OS map clearly indicates that the encircling tree planting and reinforcement of field boundaries around the house on its southern and eastern sides was already well established. In common with many gentleman farmers of the period owners of Guyers House appear to have wanted to give themselves some degree of privacy and seclusion from the fields that they farmed, often establishing walled kitchen gardens in the process which seems to have happened here judging by publicly available images of Guyers House Hotel. Indeed the current use of the property indicates a degree of activity that is no longer consistent with that of an isolated and remote farmhouse.

6.28 Having regard to these considerations I find it difficult to regard the setting of Guyers House as it now is (and has been for probably over a 100 years as that of a remote farmhouse or country house. Successive owners have sought to reinforce the separation of the immediate curtilage of the house from the surrounding agricultural land as a way of maintaining privacy, at the very least, suggesting a desire to be separated – not directly connected to the surrounding fields. Providing this degree of separation is maintained as part of the proposed development) in the manner proposed I see no reason to conclude that the proposed development would adversely affect its setting or its heritage significance.

Three listed buildings in and around Pickwick Lodge Farm off Guyers Lane

6.29 There is no doubt that when compared to Guyers House this group of listed buildings does indeed form a remote farm complex set in a wide farming landscape. The group lies 0.7 of a kilometre to the north of the northern boundary of the appeal site beyond Guyers House whose heavily planted boundaries (especially to the south) reinforce the sense of separation of the group from the appeal site. Equally importantly, the appeal site and the group share no common boundary or means of access – other than the north south public footpath. In my view the distance and barriers (largely of trees and vegetation) between them means that the appeal proposal will have no impact on the setting of these listed buildings or their heritage significance.

Four listed buildings in and around Middlewick House off Middlewick Lane

6.30 This group of buildings is slightly nearer to the appeal site on its north eastern boundary at a distance of about 0.5 kilometre. The approach to them is from Middlewick Lane which passes between substantial modern housing to its east and west before the lane becomes more rural in nature and ends as a public highway where it reaches the group. As mentioned earlier there are established blocks of woodland planting to the south, north and east. I therefore regard the setting of this group of listed buildings as sufficiently separated both visually and locationally from the appeal site and that the appeal proposal will have no impact on their setting or their heritage significance.

Step 4 – Maximising enhancement and minimising harm

6.31 The DAS sets out clearly the proposals in this context. In particular the proposed open spaces on both the northern and southern boundaries of the site will enhance the proposed development and safeguard the
wider setting of the settlement. The development will have no adverse effect on the setting of the relevant heritage assets because the appeal site has a generally neutral effect on the setting of those assets at the present time so that there is no need maximise enhancement or minimise impact. While the setting of some of the assets will change significantly the change will not be adverse.

7.0 CONCLUSIONS
7.1 My evidence has set out the statutory requirements and the policies of the Development Plan that relate to the historic environment, together with the central government policy and the guidance that I consider to be relevant.

7.2 I have assessed the impact of the proposed development on the significance of the following designated heritage assets:
   - Guyers House, a Grade II listed building;
   - Pickwick Conservation Area and its listed buildings;
   - Three listed buildings to the north of the appeal site in and around Pickwick Lodge Farm and
   - Four listed buildings to the north-east of the appeal site in Middlewick Lane.

7.3 As a result of the assessments carried out in this evidence I conclude that the proposed development would cause no harm to the significance of any of the listed buildings or to the Pickwick Conservation Area. The current situation (where there are no existing buildings on the site) has a neutral effect on the setting of the designated heritage assets. Implementation of the proposed development will not change the situation to one of it being adverse.

7.4 I further consider that the proposed development will not cause “harm” (as defined in the Framework) of any kind to the setting of the relevant listed building(s) or the conservation area. The proposal also accords with the strong presumption in favour of the preservation of the setting of listed buildings established by Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. My conclusions have been reached after careful consideration of the statutory requirement to pay ‘special regard’ to the effect of the proposal on listed buildings.

7.5 Finally I conclude that the requirements of ‘saved’ North Wiltshire Local Plan Policies HE1 and HE3 or to the Emerging Wiltshire Draft Core Strategy 2012 and in particular Policies CP51 and 58.

7.5 Having assessed this proposal and the heritage assets identified I consider that there are no good reasons relating to the listed buildings in the vicinity of the Appeal Site or the Pickwick Conservation Area why this appeal should not be upheld.
### APPENDICES

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