



**Land at Lea Castle Farm  
Wolverley Road, Broadwaters  
Kidderminster  
Worcestershire**

*Summary Proof of Evidence – Rob Sutton: Heritage*



*Evidence prepared for:*  
NRS Aggregates Ltd

PINs ref.: APP/E1855/W/22/3310099

Application ref.: 19/000053/CM

October 2024



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## SUMMARY

### *Introduction*

- 1.1. My name is Robert Sutton. I am the Director of Heritage Consultancy at Cotswold Archaeology. I am a Member of the Chartered Institute for Archaeologists (MCIfA), and Cotswold Archaeology is a Registered Organisation with the Institute.
- 1.2. I have authored or provided the technical review of over 250 Cultural Heritage chapters of Environmental Statements and many hundreds of heritage assessments for planning applications. I have prepared over 50 expert witness statements for Public Inquiries, Hearings, Written Representations and planning committee meetings. I have appeared as an Expert Witness at NSIP examinations and planning and listed building appeal hearings and inquiries. I provide heritage advice to LPAs, developers, government agencies and interested third parties. I am at the forefront of developing best practice and industry guidance.
- 1.3. Heritage matters are not cited as within the reasons for refusal. The ES that accompanied the original application (CD 1.03; Chapter 14: Archaeology and Cultural Heritage) reported that the proposals would result in ‘minor adverse impacts’ (paragraph 14.5.3) to proximate Listed Buildings (namely the Grade II North Lodge and Gateway to Lea Castle) and ‘minor impacts’ on other non-designated heritage assets too.
- 1.4. In the Council’s Statement of Case (CD 13.28) the effects of the Appeal Scheme are referred to as “less than substantial harm to the setting of North Lodges and Gateway of Lea Castle .... but that sufficient public benefit would be identified to outweigh this harm”. While Appellant’s Statement of Case (CD 13.29) is not explicit in its assessment of harm, this matter is not in dispute and is agreed at paragraph 8.17 of the signed Statement of Common Ground (rID2).

### *North Lodges and Gateway of Lea Castle*

- 1.5. North Lodges and Gateway of Lea Castle was listed as a single entity and Grade II in 1987.
- 1.6. The heritage significance of North Lodges and Gateway is derived from the evidential (architectural) value embodied in its physical form and fabric, as well as its historical (illustrative) value relating to the development of the estate and parkland landscape in the 19th century, and the wealth being generated within the West Midland at this

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time.

- 1.7. The building is on the north-eastern edge of the former parkland estate and has direct associations with (shares 'group value' with) several other parkland / estate buildings (all non-designated assets) comprising: Keepers Cottage, Broom Cottage, Lea Castle Farm, the South Lodges and estate boundary wall (discussed further below).
- 1.8. When approaching from the east, the building provides for an eye catching and landmark entrance to the former parkland. It lies away from the edge of the village of Cookley and is experienced as separate and detached from other built form. Located at this prominent junction on the Wolverhampton Road and Castle Road (into the village), and framing views through the arch, it draws considerable significance when experienced from this location (as would have been the intention of the original designers).
- 1.9. Due to vegetation and landform, the buildings are less prominent from the west; however, as one approaches, along the track, from within the former parkland, the monumentality of the arch does become apparent.

#### *The impact of the Appeal Scheme on heritage significance*

- 1.10. The Appeal Scheme will have no impact on the physical fabric of the buildings. At over 200m distant (to south-west) from the buildings, the Appeal Scheme will not be discernible or interrupt any of the key experiences of the buildings (as referred to above); the views towards and through the arch will be completely unchanged.
- 1.11. However, the extraction works of the various phases of the Appeal Scheme will result in a change to the character of the wider associated former parkland landscape. As discussed in further detail below, very little original character of the former parkland survives, with this element of significance of the setting of the buildings being very limited (compared to those elements referred to above). The temporary nature of the extraction work minimises the scale of impact on this element of the building's significance.
- 1.12. Thus, the Appeal Scheme would result in a very limited quantum of impact on an element that lies on the very periphery of its heritage significance. This can be described as being at the very lowest end of 'less than substantial harm' (as per paragraph 208 of the NPPF).
- 1.13. This conclusion accords with that presented in the application documents, the Council's position and the conclusions of the Inspector in the original appeal.

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- 1.14. However, further to this, one needs to give due consideration and weight to the heritage benefits that would be delivered in the restoration of the landscape following the completion of the extraction work. The landscape would be returned, in part to the existing arable cultivation, but also return lost and poor surviving elements of the former parkland comprising but not limited to the avenue restoration. These are plainly long-term and permanent heritage benefits that affect the significance of North Lodge and the Gateway.
- 1.15. It is my position, one not explicitly taken up by those that had previously engaged with this matter, that these public (heritage) benefits in their own right easily outweigh the short-term / temporary adverse effects of the extraction work.

#### *Sion Hill House, Wolverley Court and the Staffordshire and Worcestershire Canal*

- 1.16. The location of these assets can be seen on Figure 1 above. Sion Hill House and Wolverley Court (both Grade II Listed Buildings) are two fine post-medieval houses lying within self-contained and extensive grounds 250m and 500m (respectively) beyond the Appeal Scheme. The Wolverley and Staffordshire Canal Conservation Area is also depicted on Figure 1 and is located closer to the edge of the Appeal Site, at c65m away.
- 1.17. The heritage significance of Sion Hill House and Wolverley Court is derived from the evidential (architectural) value embodied in its physical form and fabric, as well as its historical (illustrative) value relating to the prosperous development of this part of the West Midlands in post-medieval period. Both buildings are best experienced up close, framed within their gardens and estates, and from their principal approaches (drives).
- 1.18. The Canal Conservation Area is a very large expansive (landscape-scale) asset, which has many associated structures and buildings, such as the (non-designated) Upper Lea Cottages, on Lea Lane. It draws its significance as part of the late 18<sup>th</sup> and early 19<sup>th</sup> century heyday of canal construction. Like many sections of canal in the West Midlands, its importance as part of the transport infrastructure waned just a few decades after its opening, when other routes were deemed to be more viable. The canal, along its full section is best experienced when traveling along the waterway or along to the towpath.

#### *The impact of the Appeal Scheme on heritage significance*

- 1.19. The distance of the Appeal Scheme from these three designated assets, the intervening built form, vegetation and general landform means that there is no intervisibility between them. They draw no specific heritage significance from the

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character of the Appeal Site, and thus the temporary change will have no effect on their significance. Furthermore, the temporary extraction work will have no effect on the experience of three assets.

- 1.20. This is the same conclusion as was reported in the application documents, by the Council in their decision and by the Inspector in the original appeal.

#### *The former parkland and associated buildings*

- 1.21. The former 19<sup>th</sup> century parkland at Lea Castle can be seen depicted on early OS mapping with characteristic avenues, clumps, stands, shelterbelts and woodlands. The extent of the former parkland is recorded in the Worcestershire Historic Environment Record (HER) as depicted on Figure 2 below.

- 1.22. Very little original character of the parkland survives today. The avenue is just about discernible, passing along the track / footpath north from the South Lodges entrance. Occasional mature trees, lying within arable fields are the last clues or vestiges of what once was.

- 1.23. Within the former parkland lies the historic buildings of Broom Cottage, Keepers Cottage, Lea Castle Farm and South Lodges. Surrounding much of the former parkland is a brick perimeter wall.

- 1.24. Individually each of the buildings possess some limited architectural interest; collectively (along with North Lodges and the Gateway) they possess some greater historic interest, via their shared association with the former estate and parkland.

- 1.25. Each building is best experienced up close and while they have some group value they are not easily experienced together (from one location) and because of the poor survival of the wider former parkland, they are not easily read as a collection either.

- 1.26. Across the various previous reports by the Council, Applicant / Appellant and PINS these heritage assets have been referred to as undesignated or non-designated. By the definition of the NPPF (and supporting NPPG) it would be appropriate to refer to the boundary wall, Broom Cottage, Keepers Cottage, Lea Castle Farm (the main building) and South Lodges as non-designated heritage assets. The former parkland does not possess enough surviving elements or have a historic landscape character to warrant its identification as a non-designated heritage asset.

#### *The impact of the Appeal Scheme on heritage significance*

- 1.27. Much like the way the impacts are described in relation to North Lodges and

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Gateway, the Appeal Scheme will have no impact on the physical fabric of any of the buildings. The Appeal Scheme will not be discernible or interrupt any of the key experiences of the individual buildings; with all of the close-up views and key approaches materially unchanged.

- 1.28. However, again, as per North Lodges and Gateway, the extraction works of the various phases of the Appeal Scheme will result in a change to the character of the wider associated former parkland landscape (setting). However, very little original character of the former parkland survives, with this element of significance of the setting of the buildings being very limited. The temporary nature of the extraction work, and the screening between the assets and the Appeal Scheme, minimises the scale of impact on this element of each of the building's significance.
- 1.29. Thus, the Appeal Scheme would result in a very limited quantum of impact on an element that lies on the very periphery of their heritage significance. This can be described as being very limited harm (as per paragraph 209 of the NPPF).
- 1.30. This conclusion accords with that presented in the application documents, the Council's position and the conclusions of the Inspector in the original appeal.
- 1.31. Repeating the matter discussed above regarding North Lodges and Gateway, one needs to give due consideration and weight to the heritage benefits that would be delivered in the restoration of the landscape following the completion of the extraction work. It is my position, that these public (heritage) benefits in their own right easily outweigh the short-term / temporary adverse effects of the extraction work.

### **Conclusion**

- 1.32. The temporary and short-term impacts of the Appeal Scheme (extraction works) via changes to the wider former parkland setting will result in less than substantial harm to the Grade II Listed North Lodges and Gateway of Lea Castle. The scale of this harm is very much at the lowest end of the spectrum. Very limited harm would also be occasioned to other proximate non-designated heritage assets associated with the former parkland. However, this harm (individually or cumulatively) would be easily outweighed by the specific heritage (public) benefits of the Appeal Scheme that would come from the restoration of lost parkland features and enhanced historic landscape character.
- 1.33. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that *'.....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*

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*any features of special architectural or historic interest which it possesses'* (s.66(1)). While the temporary extraction works of the Appeal Scheme would not preserve the special interest of the Listed Building, these effects would be short-lived and the resultant restoration scheme would, using the words of the NPPG (paragraph 020 of the Historic Environment section) “enhanc[e] the significance of a heritage asset and the contribution of its setting”.

- 1.34. The same ‘enhanced setting’ benefits would apply to non-designated assets too.