



Cotswold  
Archaeology

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

*Proof of Evidence – Rob Sutton: Heritage*

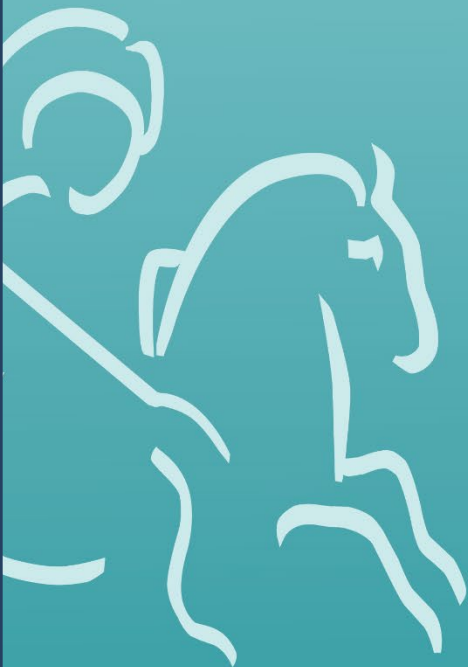


*Evidence prepared for:*  
NRS Aggregates Ltd

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

Application ref.: 19/000053/CM

October 2024



Andover Cirencester Milton Keynes Suffolk

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## 1. INTRODUCTION

### *Qualifications and experience*

- 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 am an archaeologist by qualification and have been practicing as a heritage consultant for over 20 years. A graduate of Bournemouth University, I worked as field archaeologist in London before spending nearly 10 years as a heritage consultant at Atkins. I have led the consultancy team of Cotswold Archaeology since 2011, growing the team from four to 20 professional consultants.
- 1.3. 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.
- 1.4. I have undertaken heritage assessment work on some of the largest infrastructure projects, in some of the most environmentally sensitive locations in the UK. These have comprised on-shore wind farm projects; a NSIP for an off-shore wind park; and solar farm schemes ranging from ½ha to 700ha. Rail projects have included HS2 London to Birmingham and the route optioneering assessment work on the 'y-route'. Road scheme assessments have included new 60-mile motorways to junction improvements projects. My experience undertaking assessments for residential and mixed-use schemes range from single building conversions to 300+ new homes. Specifically, I have acted as an Expert Witness for many different schemes where heritage and the setting of Listed Buildings was a reason for refusal.
- 1.5. I am at the forefront of developing best practice and industry guidance having devised, with acoustic experts, on behalf of Historic England, the methodology for assessing the effect of intrusive noise on heritage assets. I was also part of the team that developed the cultural heritage assessment methodology within the DfT's Design Manual for Roads Bridges guidance document. In early 2015, on behalf of the government (HS2 Ltd) I developed the scheme-wide historic building and historic

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landscape mitigation recording strategy and specification for HS2 (London to Birmingham). I am on the Advisory Panel that drafted the recently (July 2021) published *Principles for cultural heritage impact assessment* on behalf of IEMA, IHBC and ClfA. I am the author of cultural heritage topic chapter for the 2019, 3<sup>rd</sup> edition of the *EIA Handbook* (ed. Carrol and Turpin).

- 1.6. I visited the Appeal Site and the surrounding area in September 2024. This visit directly informed the evidence presented here. The photos included below are my own and were taken during this visit.
- 1.7. I was not involved in the original application of the first Appeal. I fully familiarise myself with all of the pertinent assessment reports, stakeholder comments, and decision-maker reports to inform the drafting of the relevant text for the ES Addendum (CD15.01) and my evidence presented here.
- 1.8. The evidence which I have prepared and provide in this Proof of Evidence is given in accordance with industry guidance and good practice. The positions expressed here are my true and professional opinions.

#### ***Scope of this evidence***

- 1.9. This evidence is solely concerned with matters associated with the assessment of the potential impact of the Appeal Scheme on heritage assets. Matters associated with landscape and amenity, and the planning balance can be found in the expert evidence presented by others.
- 1.10. This evidence comprises the following sections:
  - Section 2 – the documents that have been used to inform my evidence
  - Section 3 – a summary of supporting contextual discussion on the methodological approach to the impact assessment
  - Section 4 – statements of significance and impact assessment
  - Section 5 – response to the Council’s Statement of Case
  - Section 6 – a summary of this evidence
  - Section 7 – bibliography

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### *Background to decision-making*

- 1.11. 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. This matter is returned to in section 4, below.
- 1.12. The Councils Committee Report (CD10.01), at paragraphs 630 to 670 deals with heritage matters (referred to in the round as *Historic Environment*). In summary, the Councils position broadly concurs with that presented in the application documents, ultimately concluding that “the proposed development would not have an unacceptable adverse impact upon heritage assets....” (paragraph 670).
- 1.13. In determining the original Appeal, the Inspector noted that the reason for refusal did not raise “any concerns regarding the impact of the proposed development on designated heritage assets” but went on to state that they were “nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.” (paragraph 151). In the three pages of narrative that followed the Inspectors position can be summarised as:
- Due to no intervisibility between the Appeal Site and Listed Buildings of Wolverley Court and Sion House, and the Appeal Site and Wolverley and Staffordshire Canal Conservation Area, there would be no adverse impacts / no harm (paragraph 157).
  - That the Appeal Scheme “would lead to a temporary degree of harm to the setting of North Lodges and Gateway to Lea Castle, which should be considered as ‘less than substantial’.” (paragraph 164).
  - That the Appeal Scheme would result in “minor harm to the setting of the locally significant undesignated South Lodges, Lea Castle Farm, Broom Cottage and Keepers Cottage.” (paragraph 165).
  - And in all cases “the benefits ... would outweigh the less than substantial harm that would be caused to the setting of the heritage asset [North Lodges and Gateway]....” (\*paragraph 166).

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- 1.14. 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).
- 1.15. It is noted that the Rule 6 Party, at paragraphs 8.19 to 8.21 (CD 13.30), refer to the effect of the Appeal Scheme on heritage assets. This will be returned to below.

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## 2. INFORMING DOCUMENTS

### *Application documents*

- 2.1. The relevant documents that formed part of the planning application are the Archaeology and Heritage Chapter (14) of the ES (CD 1.03) and the Technical Appendix to the ES H.1, the Archaeological Desk-based Assessment (CD1.11). The ES Addendum (CD15.01), section 7 is also of relevance. My Proof of Evidence should be read alongside these documents. I do not seek to replicate the details provided in these documents but summarise their findings and cross-reference them as appropriate.

### *Guidance documents*

- 2.2. The documents that have informed the assessment methodology adopted in this statement are cited within section 7 (References) of this Proof of Evidence. The three key documents are:

- *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Historic England 2008;
- *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets* (Second Edition), Historic England 2017; and
- *Principles of Cultural Heritage Impact Assessment in the UK*, 2021, IEMA, IHBC and ClfA.

### *Relevant legislation*

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

- 2.3. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to have special regard to the desirability of preserving Listed Buildings and their settings (under Section 66(1)), when determining planning applications.

### *Policy framework*

#### **National Planning Policy Framework**

- 2.4. The paragraphs within section 16 (Conserving and enhancing the historic environment) of the NPPF (December 2023) that are of relevance to this Appeal are:
- Paragraph 200, in so far as it relates to “local planning authorities .... require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be



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proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”;

- Paragraph 201, in so far as “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...”;
- Paragraph 205, in so far as “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...”;
- Paragraph 208, in so far as “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...”;
- Paragraph 209, in so far as, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

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## 3. FUNDAMENTAL PRINCIPLES OF HERITAGE ASSESSMENT

### *Introduction*

- 3.1. This chapter sets out the fundamental principles within legislation and planning policy with regard to the safeguarding of the significance of heritage assets (including their settings). These themes are drawn out, into a narrative, to provide the contextual background of the methodology adopted in the impact assessment presented within the DBA and in chapter 4 of this statement, below. In the most part, these themes are already sufficiently well-articulated in legislation, policy and good practice guidance; however, in some cases, key points are given further elaboration to demonstrate the specific applicability to the key issues that are the subject of this Appeal.

### *A changed and changing historic environment*

- 3.2. Our historic environment tells a story of change. The buildings of today that have stood for hundreds of years would have, when first constructed, looked alien within their environments. The same can be said of landscape features such as designed parklands, so prevalent in parts of the English medieval and post-medieval countryside, which had no place in the farmed landscapes of the pre-Roman or Roman period. Or large, amalgamated arable fields, which do not resemble the patchwork landscape of enclosed fields characteristic of the post-medieval period. The transportation infrastructure of more recent times in the form of canal, rail and motorway often paid little respect or even acknowledgement of the grain of the landscape through which they pass. Our historic environment is one of change and creation. Our legislative and policy framework seeks to safeguard those elements that tell the most important stories of these changes.
- 3.3. Within our historic environment there are some special buildings and places that survive as an 'intact artefact', a time capsule; telling an important story of a specific event, presenting an unadulterated articulation of a designer's intention or the unaltered aftermath of a single occurrence. When in the presence of these buildings and places, one can be more easily transported to the past time in question, forming an integral part of the experience of their heritage significance. These buildings and places are extremely rare and are especially sensitive to changes that would interfere with the quality of this 'unaltered experience'.
- 3.4. Many of the historic buildings which survive within the landscape today continue to be used and have been adapted over the centuries to reflect the changing technology,

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needs and aspirations of their occupants and users. The buildings and their surroundings have been altered to ensure they have a viable use within the changing socio-economic environment. This change occurs constantly and forms part of the narrative of those heritage assets, from internal alterations to allow modern residential facilities, or extensions to provide extra space, to provision of amenities, or even conversion of former agricultural buildings when they become disused.

- 3.5. Therefore, most of our historic environment, even most of our designated heritage assets, tell stories of change. The designated and non-designated heritage assets that are the subject of this Appeal, are buildings and landscapes that tell stories of change too.

#### *Understanding heritage significance and setting*

- 3.6. The NPPF provides a definition of 'significance' for heritage policy (Annex 2). This states that heritage significance comprises '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'.
- 3.7. Regarding 'levels' of significance (or more properly 'importance') the NPPF (2023) provides a distinction between: designated heritage assets of the highest significance (including scheduled monuments); designated heritage assets not of the highest significance (including Grade II Listed Buildings); and non-designated heritage assets.
- 3.8. The 'setting' of a heritage asset comprises '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' (NPPF (2021), Annex 2). Thus, it is important to note that 'setting' is not itself a heritage asset: however, it may contribute to the significance of a heritage asset.
- 3.9. Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets', which has been utilised for the assessment presented here. To quote directly from this document "Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all." Therefore, understanding and articulating the relative

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significance of the component parts of the setting of a heritage asset is a critical component to the impact assessment (see below).

- 3.10. In summary, setting can contribute to heritage significance through associated attributes i.e., surviving elements within its surrounds that have a tangible association with the important stories of the asset itself (maybe lying well-beyond the experience of the asset); or at specific locations where the asset itself is experienced.
- 3.11. In the vast majority of cases heritage significance is experienced when one is looking towards (or simply 'looking at') the heritage asset. The sensory and intellectual stimulation drawn from the aesthetic and historic (illustrative) value of a building (such as a post-medieval farm complex) is obviously had from views towards it. It is highly relevant that there will be locations within the setting of a heritage asset where this is best or commonly experienced.
- 3.12. The importance of understanding and articulating the relative significance of an asset (or elements of an asset) is well-grounded in legislation, policy and good practice guidance. Historic England's *The Setting of Heritage Assets* mentions that by "considering the level of ... [the relative] contribution to significance, it is possible to gauge impact more transparently and more consistently".
- 3.13. To quote, again, from *The Setting of Heritage Assets* "Views, however, can of course be valued for reasons other than their contribution to heritage significance. They may, for example, be related to the appreciation of the wider landscape, where there may be little or no association with heritage assets". The guidance goes further on this point to state that "Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting".

#### ***Change does not necessarily result in harm***

- 3.14. For a proposal (a development) to cause harm to a heritage asset it must have the potential to impact its heritage significance or the way in which its significance is experienced. Change to the character of the asset's setting (relevant in this Appeal) does not necessarily result in harm to its significance.
- 3.15. As Historic England guidance states, 'Many places coincide with the setting of a heritage asset' and 'conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive'. Thus change, even that which is perceived by some as unwelcome and/or considerable in scale is

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not to be necessarily equated with harm to heritage significance. As such, the introduction of, say, a solar farm within a part of the setting of a heritage asset, and specifically a part that contributes little or nothing to its heritage significance, is not necessarily harmful. It is only when this change alters one or more of those elements that materially contribute to the asset's significance, or when it impinges on the experience of the asset's significance that harm can arise.

- 3.16. Therefore, the assessment presented here is solely concerned with identifying such instances of harm or benefits. Thus, identifying a change of character or an altered view is not, of itself, evidence of an impact (or harm) in heritage terms.

*The permanence of the development*

- 3.17. The matters of 'temporariness' and 'reversibility' are also of relevance to an understanding of change and to the effect of the development on heritage significance. The IEMA Principles of Cultural Heritage Impact Assessment acknowledge the importance of these matter (paragraph 8.4), as does the Setting of Heritage Assets guidance (assessment checklist on page 13). In both of these cases, harm can be avoided or minimised.

## 4. HERITAGE SIGNIFICANCE AND IMPACT ASSESSMENT

### *Introduction*

- 4.1. An assessment of the designated and non-designated heritage assets within the surroundings of the Appeal Site is provided in the ES (CD 1.03) and associated Appendix H.1 (CD1.11). This section does not therefore seek to reproduce this content but instead presents a summary of the significance of the key asset of the Grade II Listed Building North Lodge and Gateway, and of the way in which this significance may be affected by the Appeal Scheme. Narrative is also provided regarding the other proximate designated heritage assets, non-designated assets and the former parkland, as an area of historic landscape character.

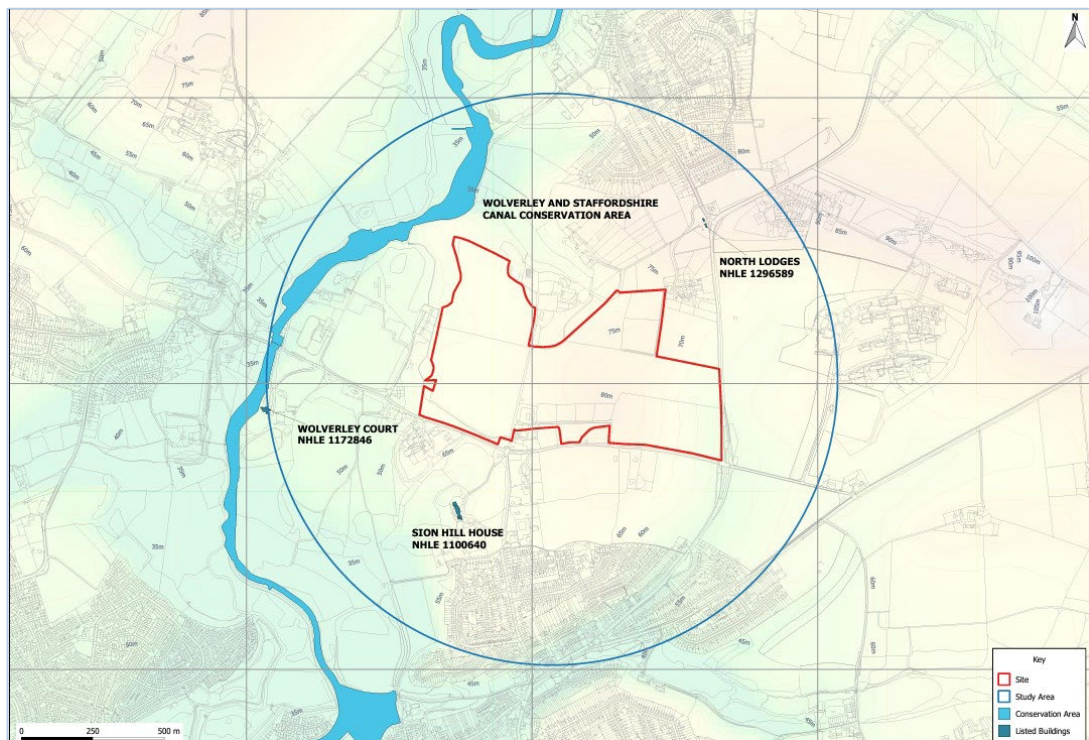


Figure 1: plan from the Archaeological Desk-based Assessment (CD 1.11) depicting the locations of designated heritage assets

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

#### *Description of the asset*

- 4.2. North Lodges and Gateway of Lea Castle was listed as a single entity and Grade II in 1987. The full listing description is as follows: *Two lodges and gateway. Early C19 with some mid-C20 alterations. Brick with tile roofs. The gateway has a crenellated parapet, tripartite entrance, large Tudor arch flanked by two small Tudor arches. Right-hand lodge: two-storey tower with angle buttresses, crenellated parapet, a pointed single-*

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*light window with label at first floor. Ground floor: window of two pointed lights under a square head with label; to right a single-storey block with a similar 2-light window. Left-hand lodge is a mirror image; entrance to houses are from the carriageway.*



**Photo 1: Listed Gateway, from Wolverhampton Road, looking south-west in the direction of the Appeal Site**

*Significance of the asset (including contribution made by setting)*

- 4.3. 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

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(illustrative) value relating to the development of the estate and parkland landscape in the 19<sup>th</sup> century, and the wealth being generated within the West Midland at this time.

- 4.4. 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).
- 4.5. 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).
- 4.6. 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*

- 4.7. 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.
- 4.8. 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.
- 4.9. 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).



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- 4.10. This conclusion accords with that presented in the application documents, the Council's position and the conclusions of the Inspector in the original appeal.
- 4.11. 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.
- 4.12. 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***

#### *Description of the assets*

- 4.13. 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.

#### *Significance of the assets (including contribution made by setting)*

- 4.14. 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).
- 4.15. 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

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canal, along its full section is best experienced when traveling along the waterway or along to the towpath.

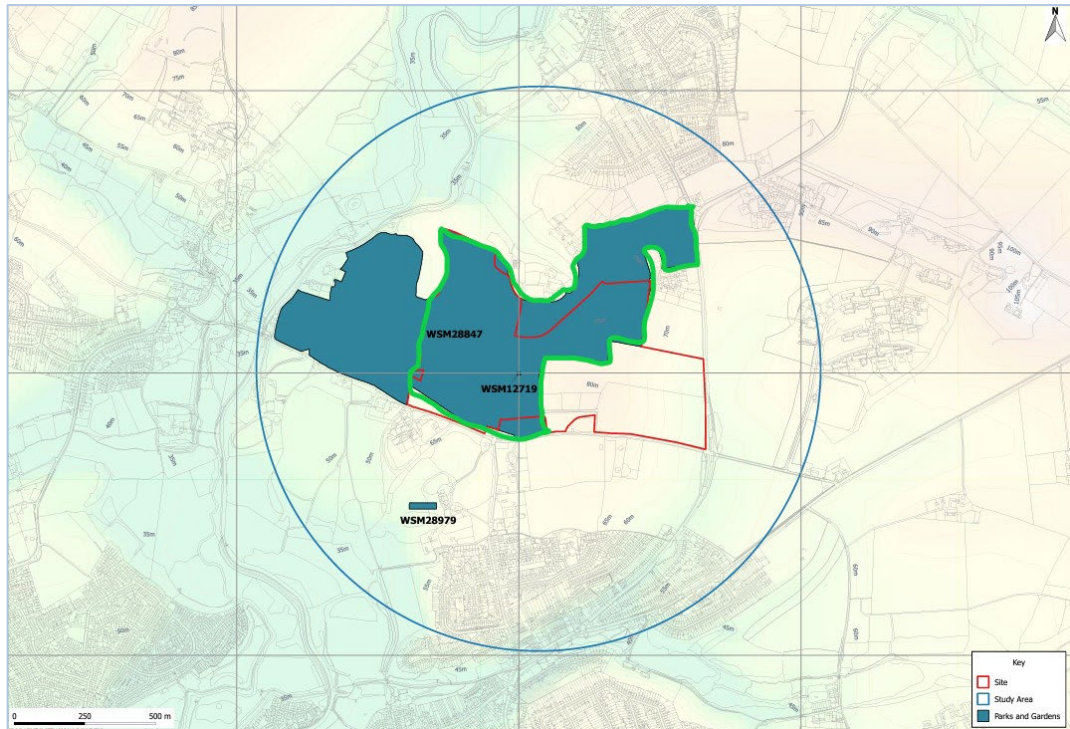
*The impact of the Appeal Scheme on heritage significance*

- 4.16. 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 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.
- 4.17. 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*

*Description of the assets*

- 4.18. 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.
- 4.19. 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.
- 4.20. 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.



**Figure 2: extract from Archaeological Desk-based Assessment; parkland outlined in green**

*Significance of the assets (including contribution made by setting)*

- 4.21. 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.
- 4.22. 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.
- 4.23. Across the various previous reports by the Council, Applicant / Appellant and PINS these heritage assets have been referred to as undesigned 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*

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

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the individual buildings; with all of the close-up views and key approaches materially unchanged.

- 4.2. 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.
- 4.3. 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).
- 4.1. This conclusion accords with that presented in the application documents, the Council's position and the conclusions of the Inspector in the original appeal.
- 4.2. 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.

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## 5. CONCLUSIONS

- 5.1. My Proof of Evidence has addressed the potential effects of the Appeal Scheme in relation to designated and non-designated heritage assets lying in proximity to the Appeal Site. The reason for refusal does not identify heritage assets as being ‘a concern’ in determining the original application, with the harm being outweighed by the public benefits.
- 5.2. My analysis presented here is informed by the Archaeological Desk-Based Assessment, the ES chapter, my own site visit and consideration of the Council’s position and those presented by other stakeholders.
- 5.3. 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.
- 5.4. 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 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”.
- 5.5. The same ‘enhanced setting’ benefits would apply to non-designated assets too.

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## 6. REFERENCES (NOT INCLUDED AS CORE DOCUMENTS)

Chartered Institute for Archaeologists 2020 *Standard and Guidance for Historic Environment Desk-Based Assessment*

Historic England 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

Historic England 2015 *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment*

Historic England 2017 *Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (Second Edition)*

Historic England 2019 *Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets*

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