

# Planning Inquiry

Land West of Bradmore and north of Wysall Road

Heritage Proof of Evidence

CD8.5.2

Expert Witness: Adam Partington MSc BA (Hons)

On behalf of Rushcliffe Borough Council

February 2026

LOCUS

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## DECLARATION

I give evidence to this Inquiry on behalf of Rushcliffe Borough Council for the appeal reference APP/P3040/W/25/3375110. I am familiar with the Application, which is the subject of this appeal, and have visited the Site and its locality. I confirm that this Proof of Evidence is true and has been prepared, and is given, in accordance with the prevailing professional guidance. I further confirm that the opinions expressed in my evidence are my true and professional views.

# 1. INTRODUCTION

## WITNESS' QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Adam Partington and I am Director and co-owner of Locus Consulting Ltd.
- 1.2 I was previously Partner and Heritage lead at Marrons, a position I took up in December 2022 until July 2025. Prior to this, I was Director and owner of Locus Consulting Ltd, a heritage consultancy which I established in early 2012 having working in local authority and for Historic England prior to this.
- 1.3 I hold a First-Class Bachelor of Arts Degree with Joint Honours in Geography and Archaeology from Nottingham University (2002) and a Master of Science with Distinction in Professional Archaeology from Oxford University (2006).
- 1.4 I have worked exclusively in the heritage sector since 2006, initially employed on the English component of a European LANCEWAD PLAN rural landscape characterisation project in Lincolnshire, Cambridgeshire and Norfolk. From 2007 to 2012 I was subsequently employed as a Townscape Character Projects Manager for English Heritage and the City of Lincoln Council, developing methods of characterising complex urban townscapes. I have published work on the methods and applications of characterisation techniques, with the work winning the East Midlands RTPi Award in 2012.
- 1.5 Through Locus I work nationally, but predominantly in the East Midlands, and have, over the course of my career, developed specialisms in characterisation, historic farmstead assessment, setting analysis, urban design, strategic policy and development management of large to small scale projects in both rural and urban contexts. Strategic work with local government won the National RTPi Awards for Excellence in Planning for Heritage in 2016 and was shortlisted for the same award in 2019.
- 1.6 I ran a five-year training scheme on behalf of Historic England, building capacity amongst local authority practitioners on key planning topics including significance, heritage information, constructive conservation, heritage in planning and the setting of heritage assets. Locus Consulting was subsequently charged with updating and converting the programme to an online format for wider dissemination which was launched in early 2023.
- 1.7 This evidence is presented on behalf of Rushcliffe Borough Council ('the Council') in response to the appeal lodged on behalf of Exagen Development Ltd ('the Appellant') against the refusal of planning application 24/00161/FUL.

## BACKGROUND

- 1.8 I was commissioned by the Council to provide expert evidence, based on my own professional judgement. My evidence is limited to the impacts of the Refused Scheme upon known heritage assets.
- 1.9 I have read the relevant parts of the planning application, including the Heritage Statement (CD1.6) (Pegasus, 2024), the Hearing Statement (CD8.2.2) (Pegasus, 2025), the Planning

Statement (CD1.2) (Pegasus, 2024) and relevant plans submitted illustrating the proposals, development parameters and site layout.

- 1.10 A Heritage Impact Assessment (HIA) was prepared by Locus (December 2025) in order to assess the significance of heritage assets potentially impacted upon by the Refused Scheme and evaluate the impact (if any) of the proposed development. It is included as a separate Core Document to the appeal (CD9.5).
- 1.11 Heritage Core Documents CD1.6, CD8.2.2 and CD9.5, alongside Landscape Evidence (CD2.16) and the Wysall Conservation Area Appraisal (CD9.4) are useful to have on hand when reviewing this Proof of Evidence.

## THE APPLICATION AND ITS DETERMINATION

- 1.12 An application (24/00161/FUL) was made by the Appellant for 'ground mounted solar photovoltaic array (solar farm) with Battery Energy Storage System (BESS), substation and associated infrastructure' on two parcels of land west of Bradmore and north of Wysall Road, Wysall, Nottinghamshire, henceforth 'the Sites'.
- 1.13 The Sites sit within the county of Nottinghamshire and comprise two parcels of land to the west of the village of Wysall. Together they cover c.101 hectares (ha) of open farmland. The two sites are approximately 325m apart, separated by agricultural fields, and are connected by a subterranean cable which runs for approximately 2.5km from the Lodge Farm track off Bradmore Road to the entrance to the Southern Parcel off Wysall Road.
- 1.14 The 'Northern Parcel' is centred on National Grid References SK 59356 28068 and consists of approximately 65 ha of land to the north west of the village of Wysall. It lies on higher ground which slopes down in an undulating fashion from Bunny Old Wood to the south.
- 1.15 The 'Southern Parcel' is centred on National Grid References SK 59556 27009 and consists of approximately 33 ha of land to the west of the village of Wysall. The Site is lower lying, rising from the Kingston Brook in the south and extending westwards up to a series of plantations including Rough Plantation, Wysall Rough Plantation and Intake Wood.
- 1.16 The Application was recommended for conditional approval by Planning Committee, and subsequently refused by Rushcliffe Borough Council on 19<sup>th</sup> June 2025. The second Reason for Refusal, which is of direct relevance to my evidence, ('RFR') stated that:  
  
*'The proposed development would cause harm to the setting of the Grade I listed Holy Trinity Church, Grade II listed Manor Farmhouse and Highfields and the Wysall Conservation Area. The harm identified is towards the middle level of less than substantial scale and whilst the benefits of the proposal in terms of renewable energy are acknowledged, the public benefits do not outweigh the identified harm. The proposal is therefore contrary to Policy 10 (Design and Enhancing Local Identity) and Policy 11 (Historic Environment) of LPP1 and Policy 1 (Development Requirements), Policy 16 (Renewable Energy) and Policy 28 (Conserving and Enhancing Heritage Assets) of LPP2 and Chapter 16 (Conserving and Enhancing the Historic Environment) of the NPPF.'*
- 1.17 As set out in the Statement of Case (CD8.3), subsequent to a site survey during winter months, the impact of the proposed development upon the Grade II listed Manor

Farmhouse was considered to be neutral and the Council have revised their position to accord with the Appellant's. As such, the impact of the proposed development upon the Grade II listed Manor Farmhouse is no longer a matter the Council wishes to defend.

- 1.18 After the determination of the application and changes to Environment Agency flood data the initial scheme was revised and an amended scheme submitted for the purposes of the Appeal. This Proof of Evidence considers the impact of the first scheme as originally submitted. Any changes in the degree of impact arising to the significance of heritage assets from the revised scheme are then considered in light of the initial assessment.

## SCOPE OF EVIDENCE

- 1.19 My statement addresses the potential effects of the Refused Scheme on known heritage assets. My intention is to provide the Inquiry with a proportionate summary of the potential impacts of the proposals and define where there are differences in my judgment to that of the Appellant, as set out in Chapter 3 below.
- 1.20 I have examined the Heritage Desk-based Assessment (CD9.1) (Pegasus, 2022) and Heritage Statement (CD1.6) (Pegasus, 2024) and its associated appendices (CD1.6.1).
- 1.21 I have conducted my own Heritage Impact Assessment (HIA) which supports this document (CD9.5). Key sources of evidence consulted are listed below, with a full bibliography provided in the supporting HIA:
- The National Heritage List for England (Historic England, 2025)
  - Leicestershire and Nottinghamshire Wolds National Character Area Profile (NCA 74) (Natural England, 2014)
  - Wysall Conservation Area Appraisal and Management Plan (2024) (CD9.4)
  - Nottinghamshire Historic Environment Record accessed online via [www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)
  - Census records accessed online via [www.genealogist.co.uk](http://www.genealogist.co.uk)
  - The National Library of Scotland (<https://maps.nls.uk/geo/>) for a range of maps from 1851 to the present day
  - Google Maps (<https://www.google.com/maps>)
  - Google Earth
- 1.22 A Site visit was undertaken on 1<sup>st</sup> December 2025 by Adam Partington and Tom Street which consisted of a walkover examination of all accessible areas of the Site and photography of a views from, towards and around the Site. A second Site visit was undertaken on the 7<sup>th</sup> January, 2026 by Adam Partington.
- 1.23 In undertaking my assessment I have considered visuals prepared and submitted by Pegasus in a Landscape Visual Impact Assessment (CD1.5.1-14) and Photomontages (CD1.10) on behalf of the Appellant.
- 1.24 My comments have been guided by the prevailing framework of legislation, policy, guidance and best practice as set out in Section 2 of this Proof.

## 2. LEGISLATION, POLICY, GUIDANCE AND BEST PRACTICE

- 2.1 The national and local policy relevant to the historic environment, including that set out within the RFRs, is outlined below. Individual policies and paragraphs are highlighted where of specific relevance to my statement.

### LEGISLATION

- 2.2 Section 66 of the Planning (Listed buildings and Conservation Areas Act) 1990.
- 2.3 Section 72 of the Planning (Listed buildings and Conservation Areas Act) 1990 applies to development that affects the character and appearance of a conservation area. Although the Proposed Development includes a subterranean trench through the conservation area, it is common ground that section 72 would not be engaged in this instance.

### NATIONAL PLANNING POLICY FRAMEWORK (2024)

- 2.4 Chapter 16 – Conserving and Enhancing the Historic Environment of the National Planning Policy Framework (2024). Paragraphs of specific relevance to this appeal are: 202, 204, 207, 208, 210, 212, 213, 215, 219, and 220.

### LOCAL DEVELOPMENT PLAN POLICIES

- 2.5 The Site lies within the jurisdiction of Rushcliffe Borough Council and is subject to policies set out in the Rushcliffe Core Strategy Local Plan (Part 1) (adopted December 2014) and the Rushcliffe Local Plan Part 2 2011 – 2029 (adopted October 2019).
- 2.6 Historic environment and other development plan policies relevant to my statement and evidence are summarised below and reproduced within the HIA (CD9.5).

### GUIDANCE

#### Planning Practice Guidance (2019)

- 2.7 Paragraphs of specific relevance to the case include:
- 001 Reference ID: 18a-001-20190723
  - 002 Reference ID: 18a-002-20190723
  - 006 Reference ID: 18a-006-20190723
  - 007 Reference ID: 18a-007-20190723
  - 008 Reference ID: 18a-008-20190723
  - 009 Reference ID: 18a-009-20190723
  - 013 Reference ID: 18a-013-20190723
  - 018 Reference ID: 18a-018-20190723
  - 019 Reference ID: 18a-019-20190723
  - 020 Reference ID: 18a-020-20190723
  - 023 Reference ID: 18a-023-20190723
  - 024 Reference ID: 18a-024-20190723

## **Historic England Guidance**

- Historic England Good Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- Historic England Good Advice in Planning Note 3: The Setting of Heritage Assets (2017)
- HEAG268 – Historic England Advice Note 1 (Second Edition): Conservation Area Appraisal, Designation and Management (2019)
- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
- Historic England Advice Note 12 Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
- Historic England Advice Note 15 Commercial Renewable Energy Development and the Historic Environment (2021)

### 3. THE MAIN ISSUES

- 3.1 The Heritage Statement of Common Ground (HSoCG) (CD8.3.2) identifies four issues associated with the proposed development's impact upon heritage assets.
- 3.2 It is agreed in the HSoCG that the proposed development would have a neutral impact upon the Grade II listed building of Manor Farmhouse.
- 3.3 It is also agreed in the HSoCG that the proposed development would cause harm to the Wysall Conservation Area and that the level of harm would be less than substantial. The degree of less than substantial harm to the Wysall Conservation Area is disputed.
- 3.4 Whether harm arises to the Grade I listed building of Church of Holy Trinity and the Grade II listed building of Highfields is disputed. The Council's position is that a less than substantial degree of harm would arise in both instances. The degree of harm would be at the lower end of the scale in respect of the Grade II listed building of Highfields and the middle of the scale on respect of the Grade I listed building of Church of Holy Trinity.

Heritage Asset	Appellant	Council
Wysall Conservation Area	Less than Substantial Harm at the <b>lowest end of the scale</b>	Less than Substantial; Harm at the <b>middle of the scale</b>
Grade I listed building of Church of Holy Trinity	<b>No impact</b>	Less than Substantial; Harm at the <b>middle of the scale</b>
Grade II listed building of Highfields	<b>No impact</b>	Less than Substantial; Harm at the <b>low end of the scale</b>
Grade I listed building of Manor Farmhouse	<b>No impact</b>	<b>No impact</b>



## 4. ANALYSIS OF THE MAIN ISSUES

### STRUCTURE AND REFERENCES

#### Structure

- 4.1 My assessment of heritage assets follows the prevailing framework of planning policy, guidance and advice associated with the conservation of designated heritage assets, including the contribution made by their settings.
- 4.2 This assessment is drawn from the more detailed assessment set out in my Heritage Impact Assessment (HIA) (CD9.5). For the sake of brevity the use of imagery is limited and cross referenced with that produced in the HIA.

#### Limitations

- 4.3 View analyses do not include all potential views towards or away from a heritage asset, but are instead based on a representative number of views in relation to them.
- 4.4 Trees were not in leaf at the time of survey and lower levels of visual permeability and depth of views should be expected during late spring and summer.

#### References

- 4.5 Where reproduced or referred to, relevant parts of the Wysall Conservation Area Appraisal (CAAMP) (CD9.4) are cited using paragraph and/or page numbers from the original document referenced in square brackets (e.g. [1.1 – Page 3]).
- 4.6 Where referred to, paragraphs and views within core documents, including the supporting Heritage Impact Assessment produced by Locus Consulting (CD9.5) are referenced in brackets. For example: (Paragraph 1.2 of CD7.8).
- 4.7 Throughout this document any text **highlighted in bold** should be regarded as my emphasis, unless stated otherwise or a section header.

### APPELLANTS' EVIDENCE

- 4.8 It is noted that, prior to the Appeal, the Appellant submitted evidence in the form of a Heritage Statement (CD1.6) and a Hearing Statement (CD8.2.2). As per Historic England correspondence (CD4.16), the detail of initial evidence submitted was deemed insufficient by Historic England and, as set out below, I find that there remain times where the Appellant's evidence could assist the decision-maker by grappling with the issues at hand with greater clarity. For reasons of multiple authors and cordiality the evidence is referred to as 'The Appellant's' throughout.
- 4.9 The term '*physical fabric*' is used to encompass the '*majority of an asset's significance*' in relation to heritage assets in the Appellant's submission (e.g. Paragraphs 3.15, 3.16, 5.12, 6.21), notably where the impact of the proposed development is clearly only related to

setting. As defined by Historic England<sup>1</sup> ‘fabric’ of a heritage asset is *‘in other words, the materials used to build it’*. Instead, Annex 2: Glossary of the NPPF defines ‘Significance (for heritage policy)’ according to four key ‘Interests’ (Architectural, Artistic, Historic and Archaeological) and other industry guidance, such as the ‘Heritage Values’ set out in Historic England Conservation Principles (CD5.36) as well as British Standard, provide the recognised and peer reviewed frameworks for articulating significance. Heritage assets are, without exception to my knowledge, centred on physical things that embody significance in myriad ways. Furthermore, the fabric of an asset typically forms the focus of experiences of an asset in relation to its surroundings, and there is often a reciprocal relationship between the physical fabric or presence of an asset and the contribution that is made by its setting to its significance. As such, to state that the majority of an asset’s significance lies in its physical fabric does little to advance our understanding of its significance or the contribution made by its setting. Rather, it risks an unnecessary over-simplification of how a heritage asset derives its significance, including the contribution made by its setting.

- 4.10 Furthermore, the observation that one element of an asset’s heritage significance, including setting, proportionately makes relatively more or less a contribution than another element, as repeatedly set out by the Appellant in their HIA (e.g. Paragraphs 6.17, 6.28, 6.45 of CD1.6) and Hearing Statement (Paragraphs 3.11, 3.16, 3.20, 3.26 of CD8.2.2) is not necessarily a primary concern. Rather, as per industry guidance (CD5.3.7 and CD5.3.4) and the PPG (Paragraph 009 Reference ID: 18a-009-20190723), an assessment should seek to understand the significance of those elements affected and the degree of impact brought upon it by a proposed development. As such, repeated comparisons made by the Appellant regarding the relative importance of the physical fabric of an asset compared to its setting do not, in my view, assist the decision-maker in this instance. Critically, with regard to Paragraph 207 of the NPPF, nor should an assessment be primarily concerned with what will not be impacted upon and survives unaffected as the Appellant’s is. Bearing this in mind, in specific relation to the Sites, which lie wholly within the setting of heritage assets (with exception of the connecting cable), I believe that the primary focus of any assessment should be on the contribution made by setting to significance in relation to the Sites and the impact of the proposed development upon it.
- 4.11 There are repeated inconsistencies in the analysis of setting both within and between the Appellant’s HIA (CD1.6) and Hearing Statements (CD8.2.2), such as whether views can and cannot be seen from a footpath (e.g. Paragraph 5.18 of CD8.22) and where the Sites do or do not contribute to an asset’s significance (e.g. in relation to the Wysall Conservation Area), creating conflicts within the Appellant’s evidence. These are flagged throughout my evidence with Core Documents referred to directly.

## WYSALL CONSERVATION AREA

- 4.12 The Wysall Conservation Area is a designated heritage asset of less than the highest significance according to Paragraph 213 of the NPPF. However, I agree with the Appellant (Paragraph 6.27, CD1.6) that due to the listed buildings within it, it can be *'considered to be a designated heritage asset of the highest significance, as defined by the NPPF.'*
- 4.13 Wysall Conservation Area was designated by Rushcliffe Borough Council in 1990 and last reviewed in 2024. As part of the review, the conservation area's boundary was extended to include, *inter alia*, the Old Vicarage and its grounds and earthworks associated with early settlement south of Costock Road.
- 4.14 The Wysall Conservation Area Appraisal and Management Plan (CAAMP) provides an assessment of the area's special interest (CD9.4).

### Summary of Significance

- 4.15 Further detail is provided in the main body of the CAAMP, with points of greatest relevance to the appeal included in Paragraphs 4.3.13 to 4.3.27 of my HIA CD9.5.
- 4.16 The special character and appearance of the Wysall Conservation Area as defined by the CAAMP (CD9.4), is abbreviated below:
- A typical Nottinghamshire village with an informally arranged collection of mostly 18<sup>th</sup> and 19<sup>th</sup> century traditional buildings and later infill development.
  - The churchyard of the medieval Holy Trinity Church is the village's principal focal point.
  - Tree lined Main Street runs north south and forms the principal thoroughfare.
  - On the fringes of the village views over open countryside combine with grass verges and hedgerows to provide attractive rural approaches.
- 4.17 Importantly, Paragraph [1.2] of the CAAMP expressly states that: ***'It should be noted that the content in this document is not a comprehensive account of every significant building, structure, tree, wall, feature, or space. Therefore, any omission should not be assumed to imply that they are of no interest.'*** As such, any assessment should account for other aspects of significance that may be relevant to the proposed development.
- 4.18 The Wysall Conservation Area is of a high level of architectural and historic interest which has arisen through its piecemeal growth from the medieval period to the modern day. The assemblage of buildings chart growth of the village's agricultural economy and convey a strong sense of the core social, religious and functional elements of a traditional rural village, many of which are designated as listed buildings for their national interest. Together with open spaces, archaeological earthworks, boundaries and tree cover, amongst other characteristics, built features create an unplanned and picturesque village scene which holds a high level of fortuitous-aesthetic value and historic-illustrative value.
- 4.19 In the north and south, the topography and urban form of the village changes, with a more dispersed settlement pattern, winding roads and elevated/lower lying ground enabling outlook views from the asset into the surrounding rural landscape. Similar views are also

observed from a limited number of vantage points where public footpaths punctuate the building line.

- 4.20 Several of these outlook views are valued as 'Significant Views' within the CAAMP's Townscape Appraisal Map (CD9.4). As set out in my evidence (CD1.6), additional views of note include those from the northernmost part of the conservation area adjacent the Vicarage's generous garden plot which look over an extensive area of land to the north and west of the village.
- 4.21 The sense of historic integrity is high and combined with its rural setting, the character and appearance of the settlement is strongly evocative of a traditional south Nottinghamshire rural village.

### Contribution of Site to Setting

- 4.22 At their closest and furthest points the Northern Parcel lies 330m to 1.5km and the Southern Parcel lies 290m to 1.1km from the conservation area boundary.
- 4.23 The village of Wysall has distinctive topographic setting, with much of its historic core contained within lower lying parts of the valley of the Kingston Brook. Main Street can be considered as an enclosed street scene with views contained by continuous plots of primarily residential housing either side of the road.
- 4.24 The Appellant's suggestion that historical associations between the settlement and surrounding agricultural land, including the Sites, is limited to them being in the same parish (Paragraph 8.24, CD8.2.2.) undervalues the strength and longevity of the relationship shared between the village and the working agricultural landscapes of its rural parish. As set out by the CAAMP [3.1] (CD9.4), the village remained a community dependent upon a farming economy for much of its existence. This reciprocal relationship is observed in both the village's built form and its rural surroundings, which the Sites form a substantial part of. As such, alongside other parts of its hinterland, the agricultural character of the Sites play an important role in appreciating the historical and architectural interest of the conservation area.
- 4.25 Paragraph 6.29 of the Appellant's HIA appears to agree with this position concluding that:
- 'Elements of the surrounds of the Conservation Area which are considered to contribute to its overall heritage significance comprise:*
- *The **remaining rural context** of the Conservation Area as provided by agricultural land immediately to the north, east and south which has clear intervisibility with the asset; and*
  - *The **experience and appearance of this immediate rural context of the Conservation Area via routeways in and out of the asset.***
- 4.26 The visual connectivity between the conservation area and its surrounding hinterland is limited. Consequently, those experiences that draw a connection between the settlement and the surrounding countryside are important, as set out by Significant Views identified in the CAAMP, including in the direction of the Site.

- 4.27 The view from the track and (permitted?) footpath to the west of Costock Road is a 'Significant View' in the CAAMP's Townscape Appraisal Map (CD9.4). The views pass over an extensive rural landscape towards Costock and East Leake with the Southern Parcel forming much of not all of the mid-ground of the prospects. The Appellant is dismissive of the 'Significant View' suggesting it makes a '*very minor contribution to the heritage significance of the Wysall Conservation Area*' (Paragraph 6.31, CD1.6) which conflicts with the definition afforded in the CAAMP from the outset. Their analysis also appears limited to the narrow view from Costock Road (Paragraph 8.16, Plate 27, CD8.2.2 and Paragraph 6.24 and Plate 22, CD1.6), and does not appear to pursue to view to the western edge of the conservation area where it opens out into a broad vista featuring large parts of the Southern Parcel as seen in my HIA (Figure 15, Page 36, CD9.5). Given the few opportunities to make visual connection between the conservation area and its rural setting, I consider that these views make a moderate to high positive contribution to the significance of the designated heritage asset, firmly locating Wysall within its rural setting.
- 4.28 In addition to 'Significant Views' views identified by the CAAMP, there are deep rural views from the northern end of the conservation area across the Northern Parcel towards Bunny Old Wood. The mid- and back- ground of these views are characterised by rural fields characteristic of Enclosure landscapes of the late 18<sup>th</sup> and 19<sup>th</sup> century. The Appellant identifies the same views in their HIA (Paragraph 6.30, CD1.6) but does not refer to them in the Hearing Statement (Paragraph 8.10 – 8.20, CD8.2.2). Despite possessing common qualities to the 'Significant View' from west of Costock Road, which feature a significant proportion of the Southern Parcel, the Appellant concludes that northerly views from the north of the conservation area over the Northern Parcel make no contribution to the heritage significance of the conservation area (Paragraph 6.30, CD1.6). This is despite their own analysis in the preceding Paragraph 6.29 of the HIA (CD1.6) that views of this character do contribute to the significance of the conservation area.
- 4.29 Concerningly, in relation to the Wysall Conservation Area, the Appellant states that '*There are no views specifically looking towards the Appeal Site...*' (Paragraph 8.25, CD8.2.2) from the conservation area, whereas this is clearly not the case within any of the evidence presented at the Appeal, including by the Appellant (e.g. Paragraph 6.26, CD1.6) .
- 4.30 The CAAMP (Paragraph 1.2, CD9.4) is explicit in stating that it does not record all features of value. On review, accounting for the evidence set out within the CAAMP, the Appellant's HIA (CD1.6) as well as my own (CD9.5), I find that these north-westerly views make a moderate to high positive contribution to the significance of the Wysall Conservation Area.
- 4.31 Views looking towards the conservation area from the Sites are heavily filtered by established vegetation cover and/or obscured by the undulating topography. The extent, form or built character of the village is hard to define in these view, save the landmark spire of the Church of Holy Trinity which is a key element of the conservation area's significance. Accounting for industry guidance regarding the setting conservation areas, including church towers (Paragraph 59, CD5.60), these views make a minor to moderate positive contribution to the significance of the conservation area.
- 4.32 There are views of the conservation area from elevated ground to the south of the Southern Parcel from PROWs Thorpe in the Glebe FP7 and FP8. These views, which are not considered

within the Appellant's HIA (CD1.6) or LVIA (CD2.16), capture a mixture of modern and traditional buildings within the village and the landmark spire of the Church of Holy Trinity. Agricultural land within the Sites forms a significant part of the broad views, to the west of the conservation area, locating the settlement clustered around the church within its wider rural parish setting. The views make a moderate positive contribution to the significance of the Wysall Conservation Area.

- 4.33 Owing to the contained nature of Main Street in the landscape, rural approaches to the conservation area are key elements of its significance as set out within the CAAMP [4.3] (CD9.4), which raises concerns about the threat of industrialisation of the surrounding fields [4.3.1]. As set out previously, the Appellant's HIA (Paragraph 6.29, 8.11, CD1.6), such routeways contribute to the significance of the area.
- 4.34 Key rural approaches in relation to the Sites include:
- Bradmore Road from the north of the village
  - PRowS Costock FP7 from Bunny Old Wood across and the Northern Parcel passing to the north of the Southern Parcel via PRowS Wysall FP3 and Wysall FP4) and into the east of the village
  - Wysall Road to the west of the village
  - PRowS Thorpe in the Glebe FP7 and FP8 to the south of the Southern Parcel.
- 4.35 In relation to PRow (Wysall FP3) which runs through the Northern Parcel, the Appellant states that it is *'an historic approach to the settlement'* but that it does *'not contain views of the historic core of Wysall, nor is there any appreciation or understanding that one is approach the settlement'* (Paragraph 8.11, CD8.2.2) despite acknowledging that there are views of the spire of Holy Trinity Church (Paragraph 5.18, CD8.2.2). My own analysis shows that built form immediately adjacent the conservation area in addition to the spire of Holy Trinity Church, are seen on the approach (Figure 23, Page 46, CD9.5) and as such there is a sense of descending towards and leaving from the village along the footpath.
- 4.36 On review, I disagree with the Appellant that the character and extent of rural views from and towards the Wysall Conservation Area in relation to the Sites are limited to that from Costock Road and make only a 'very minor' contribution to the significance of the designated heritage asset. On the basis of my HIA (CD9.5) in relation to the adopted CAAMP (CD9.4), views and approaches in relation to the Sites make a moderate to high positive contribution to the setting and significance of the Wysall Conservation Area locating the asset within a rural parish still dominated by a traditional agricultural economy.
- 4.37 My analysis has been guided by Historic England advice (Paragraph 59, CD5.60) on the designation of conservation areas which addresses 'Setting and Views' concluding that *inter alia* the following may be significant contributors to the character of conservation areas:
- *'views of rivers, the sea and surrounding hills and glimpses of landscape from urban streets;*

- *open spaces, church towers and prominent public buildings that provide landmarks in views or views that illustrate a particular element of the area's historic development.'*

## Impact

- 4.38 Whilst the Appellant finds no harm to the conservation area through the development of the Northern Parcel, this arises through their conclusion that the views and approaches/routeways in relation to it, including along PRoW Wysall FP3, make no contribution to its setting and significance. As such, the Appellant is limited in evaluating the impact of the proposed development in accordance with the 5-step process set out in industry guidance regards the setting of heritage assets (CD5.35). The Appellant's conclusion that no harm arises from development of the Northern Parcel is, in my view, very clearly contradicted by Plate 24 of their HIA (Page 34, CD1.6) which shows the remarkable extent of the development that will appear in outlook views from Bradmore Road in the north of the conservation area.
- 4.39 Although there is common ground that less than substantial harm arises from the development appearing in westerly views from Costock Road in the south of the conservation area, the 'Significant View' identified by the CAMMP is reduced to a view of '*minor contribution*' by the Appellant and is described as '*hardly a representative view of the surrounding countryside*' (Paragraph 8.25, CD8.2.2). Consequently, I consider that the magnitude of harm arising is underestimated by the Appellant as lying at the lowest end of the scale.
- 4.40 My own assessment shows that the character and extent of views from the north and south of Wysall, including from PRoW Thorpe in the GlebeFP7 south of the Wysall Road, which positively locate the conservation area within its rural setting, will be eroded by the introduction an energy generation scheme of industrial scale into the traditional agricultural landscape west of the village.
- 4.41 The character of valued rural approaches to the conservation area from the north and south will also evolve from one of a traditional agricultural landscape to one dominated by infrastructure associated with large scale energy production, diminishing the contribution they make to the setting and significance of the conservation area as illustrated in the LVIA (Viewpoint C, Page 220, CD2.16).
- 4.42 The strength of longstanding historical and functional connections between the conservation area and its agricultural hinterland will be reduced. Extensive areas of agricultural land to the west of the village lying primarily within the parish, will be given over to large scale energy generation in place of traditional farming.
- 4.43 Overall, multiple experiences of the village within its rural setting, which is a key element of its significance as defined by the adopted CAAMP (Page 1, CD9.4), will be markedly and detrimentally altered, bringing about harm to important aspects of its significance. The proposed development will bring about a less than substantial degree of harm, at the middle of the scale, to the significance of the Wysall Conservation Area, including the contribution made by its setting.

- 4.44 Owing to topography and the sheer scale of the proposed arrays, proposed mitigation will do little to alleviate the visual impact of the development within views or when on valued approaches to the village.
- 4.45 The Revised Scheme proposes additional mitigation in the form of planting to the eastern side of the Southern Parcel where the proposed development will feature in a Significant View from the conservation area. Plantation woodland is a common part of the surrounding landscape and the mitigation is considered to be mildly more effective than originally proposed. Accounting for other impacts upon the setting and significance of the conservation area, the revised scheme would still bring about a less than substantial degree of harm at the middle of the scale.

## CHURCH OF HOLY TRINITY

- 4.46 The Church of Holy Trinity was designated as a Grade I listed building in 1966 and is of an exceptional level of architectural and historic interest. It is a designated heritage asset of the highest significance according to Paragraph 213 of the NPPF.

### Summary of Significance

- 4.47 The Church of Holy Trinity is a rural parish church of the highest heritage significance which derives from a number of key elements of architectural and historical interest, alongside other heritage values.
- 4.48 As set out in CAAMP [4.2] (CD9.4) its 13<sup>th</sup> century tower and spire is an architectural landmark within the village and wider landscape, making a strong contribution to the significance of the Wysall Conservation Area.
- 4.49 The character of the church reflects a complex evolution spanning eight centuries, incorporating individual features of notable aesthetic-designed value, including the 13<sup>th</sup> century tower and spire, Perpendicular windows, and a plethora of internal features. These features combine into a composition that holds a high level of aesthetic-fortuitous value.
- 4.50 The church holds high historic interest as the principal place of religious worship in a rural parish. It has functioned as a focal point of religious and communal life for nearly 1,000 years, and has been closely associated with the agricultural economy and traditions of the parish of an extended period of time.
- 4.51 The Church of Holy Trinity is of a high level of communal – spiritual and communal – social value by virtue of its continuing use as a place of Christian worship and social interaction for local people.

### Contribution of Site to Setting

- 4.52 At their closest and furthest points the Northern Parcel lies 800m to 1.9km and the Southern Parcel lies 530m to 1.3km from the church.
- 4.53 It is agreed with the Appellant that the main body of the church is only observed from within the village of Wysall, where it is a landmark feature in the village scene. These views make a very high positive contribution to the setting and significance of the asset. Again, as per



the Appellant's HIA (CD1.6), due to intervening development and/or vegetation cover, the Sites cannot be observed in conjunction with the church from its village setting.

- 4.54 The Sites form an important and sizeable element of the church's wider rural setting to the west of Wysall. Contrary to the Appellants' position that the agricultural/rural character of the parish is largely irrelevant to the setting of the church (Paragraphs 5.15 and 5.26, CD8.2.2), I agree with Historic England (Page 2, Para 1 of CD4.16) that the character of this *'primarily rural setting is a key contribution to the church's overall significance.'* As set out in my HIA (Paragraph 4.3.75, CD9.5) a primary aspect of the church's significance is as a rural parish church, one which has shared longstanding cultural and economic links with a village dependant on an agricultural economy for much of its development.
- 4.55 That historical associations between the church and the Sites are limited to them *'being part of the same parish'* (Paragraph 5.26, CD8.2.2) underestimates, in my opinion, the understanding that can be gained through experiencing the Grade I listed church, in its rural village setting. The nature and function of rural land in the parish cannot therefore be described as 'incidental' as per the Appellant's Hearing Statement (Paragraph 5.26, CD8.2.2).
- 4.56 There are intermittent and/or filtered views from both the Northern Parcel and Southern Parcel of the church's 13<sup>th</sup> century spire and tower, which is a key element of its architectural interest. Those from the Northern Parcel can be gained from publicly accessible areas whereas those from the Southern Parcel are limited to private land. During my inspection I did not find views of the spire and tower to be in any way *'forced'*, as described by Historic England and referenced in the Appellants' Response to them [CD2.21], but are instead repeatedly observed from both the Northern and Southern parcels. I do accept, as per the Appellant's evidence, that views of the church will be reduced when trees are in leaf. However, my own view analysis (Paragraph 4.3.68, CD9.5) does not suggest that views would *'only be available during winter'*, as concluded by the Appellant (Paragraph 5.25, CD8.2.2) and instead shows that they would continue be observed, particularly (but not exclusively) from the Southern Parcel where the spire frequently extends above the tree canopy (Figures 25 and 26, Page 47, CD9.5).
- 4.57 In addition, and not considered within the Appellants' HIA (CD1.6) or LVIA (CD2.16), there are views of the 13<sup>th</sup> tower and spire within the village of Wysall seen in conjunction with the Sites from higher ground to the south of the Costock Road from Footpath Thorpe in The Glebe FP7 as shown in my HIA (Figure 18, Page 37, CD9.5). These locate the church within the village of Wysall surrounded by its rural hinterland, and include the vast majority of the Sites combined.
- 4.58 Although never dominant and occasionally prominent in views, by virtue of its architectural form and function as a place of worship, the church was designed and constructed to be experienced as a low lying visual landmark and destination in the landscape of Wysall Parish. As such, and contrary to the Appellant's position in their HIA (Paragraphs 6.18 and 6.20 – CD1.6) views of the 13<sup>th</sup> century tower and spire, including those in relation to the Site, are not merely *'incidental'*.

- 4.59 Whilst I accept that views of the church are often from private land, in accordance with industry guidance these views are still relevant (Page 4, CD5.35) as they may still reflect *'qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number'*.
- 4.60 Contrary to the Appellant's position I find that a valued visual relationship between both the Northern and Southern Sites in relation to the Holy Trinity Church does exist. Although at times filtered and viewed at distance, the views clearly do allow the architectural and historic interest of the church to be understood. To conclude otherwise is to suggest that the church's 13<sup>th</sup> century tower and spire, that was intentionally built as a landmark to be seen and venerated in the landscape by its parishioners, affords no experience of its significance.
- 4.61 In conclusion, experiences of the Church of Holy Trinity from and in relation to the Sites enable appreciation of the asset's historical and architectural interest, making a moderate positive contribution to the setting and significance of the Grade I listed building.

### Impact

- 4.62 In finding that all views of Holy Trinity Church from all parts of both the Northern and Southern Parcels are incidental and make no contribution to the setting and significance of the listed building, the Appellant limits the potential impact of the proposed development when assessed in accordance with the 5-step process set out in industry guidance regards the setting of heritage assets (CD5.35). This shortfall is evidenced in part, through the suggestion by the Appellant that historical associations between the Sites and the church would remain irrespective of them being developed for *'any land use'* (Paragraph 5.15, CD8.2.2).
- 4.63 Paragraph 6.18 of the Appellant's HIA (CD1.6) relies on specific industry guidance regarding the setting of church spires and *'small scale development'*, and this erroneously applied to the c.101 Ha. scheme. On review, the specific extract from the guidance only applies (as quoted by the Appellant) ***'where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small scale developments...'***. It is not and should not be used as a statement that excludes any possibility of harm on the basis of scale.
- 4.64 By virtue of its sheer scale in the landscape, the proposed solar scheme cannot be considered to be small-scale development. In my view, the expansive c.101 Ha. scheme will be an at times dominant and prominent built feature in the landscape west of Wysall, even with mitigation. Consequently, when experienced in conjunction with the Sites, the landmark status of the church will be diminished, bringing about harm to the significance of the asset.
- 4.65 Despite solar panels rising to a height of 3m, the Appellant suggests that *'the amount of the church that is visible now will not change at all with the Appeal Scheme in place'* (Paragraph 5.25, CD8.2.2). Looking to the proposed Site layout, my own analysis shows the character and extent of medium to long range views of the church's 13<sup>th</sup> century tower and spire, will be heavily altered and/or truncated through the introduction of panels and infrastructure

across both the Northern and Southern Parcels, inherently reducing the ability to appreciate its architectural and historical interest.

- 4.66 When seen from and in conjunction with the Sites, the parish church will be extracted from its rural setting and placed alongside an industrial landscape of large scale electricity generation with which it shares no cultural or historical relationships with, harming the ability to appreciate the asset's architectural and historic interest as a rural parish church.
- 4.67 Accounting for the multiple views which will be detrimentally altered, both from private land and public footpaths, and the anticipated lifespan of the scheme, the proposed development will bring about a less than substantial degree of harm, at the middle of the scale, to the significance of the Grade I listed building of the Church of Holy Trinity.
- 4.68 Proposed mitigation will not alleviate the impact of the scheme upon the significance of the Church of Holy Trinity as views will remain truncated, or those gained from the south (Thorpe in the Glebe FP7) will still feature the vast majority of the schemes together by virtue of their elevated position.
- 4.69 The impact of the proposed development will be the same for the Revised Scheme.

## HIGHFIELDS

- 4.70 Highfields was designated as a Grade II listed building in 1986 and is of a special level of architectural and historic interest. It is a designated heritage asset of less than the highest significance according to Paragraph 213 of the NPPF.

### Summary of Significance

- 4.71 Highfields is a former dower house, now convent, the significance of which derives from a number of key elements of architectural and historical interest.
- 4.72 Originally constructed as a dower house to Bunny Hall, the structure has moderate historical interest as a purpose-built high-status dwelling that was designed and constructed for the widow of Sir Thomas Parkyns. The creation of dower houses reflects a particular period of social history and familial customs associated with the British aristocracy. Highfields holds a moderate degree of historic-illustrative value to this end and a low degree of associative value due to connections with the Bunny Hall Estate and the Parkins family.
- 4.73 The main house is a classically styled mansion which was conceived and built as a high-status dwelling. The addition of the 20<sup>th</sup> century canted bell mansard roof has diminished its architectural appeal. As such, the house enjoys a moderate to high degree of designed-aesthetic value and this seems a matter of common ground with the Appellant (Paragraph 6.18, CD8.2.2).
- 4.74 The dower house site has, since its construction in 1729, undergone a complex evolution, changing in the late 18<sup>th</sup> or 19<sup>th</sup> century into a farmstead before becoming the home of the Holy Cross Convent in 2011, an Anglican religious community living under the Rule of St Benedict. The former dower house holds a degree of spiritual value to this end, but given

the short tenure of the convent to date, its current use is not yet considered to meaningfully contribute to the heritage significance of the asset.

### Contribution of Site to Setting

- 4.75 I note in the Appellant's HIA (Paragraph 6.49, CD1.6) that intervening land between the Sites and Highfields has been granted planning permission for a solar array and associated infrastructure in 2023 (Planning Ref: 22/00303/FUL). During my visit I saw no evidence of any associated construction and have undertaken my assessment on the basis of the character of Highfields' setting when inspected.
- 4.76 At their closest and furthest points the Northern Parcel lies 420m to 1.5km and the Southern Parcel lies 660m to 1.4km from the former dower house.
- 4.77 The former dower house is located in a pre-determined location on the former Bunny Hall Estate on an undulating mid-slope, affording modest rural prospects from its southern and other elevations.
- 4.78 I agree with the Appellant (Paragraph 6.4.7, CD1.6) that associations with Bunny Hall form part of its setting and significance. It is unclear whether either the Northern or Southern Parcel shared any remarkable historical associations with the former dower house or the Bunny Hall Estate, although I would agree with the Appellant that it may have been the case (Paragraph 5.30, CD1.6). Even if proven, such associations are now a matter of historical record and would have a low level of historic-associative interest.
- 4.79 I also agree with the Appellant that (Paragraph 6.4.7, CD1.6) *'Agricultural land in the immediate surrounds which form part of the land with a functional association with the convent'* is a positive element of the asset's setting. However, I find that this is not in relation to the asset's short period of use as convent, rather its historical interest as a dower house and later farmstead. I contest, as set out below, that the experience of the asset in its agricultural setting is limited to its *'immediate surrounds'* but that this extends to the surrounding countryside, including parts of the Sites which clearly retain the same open rural character into which the dower house was introduced as an isolated feature.
- 4.80 Looking to views of the isolated house within its agricultural setting, those from the west are dominated by an assemblage of ancillary 1-2 storey buildings centred on the former late 18<sup>th</sup> or 19<sup>th</sup> century former farm courtyard. With main house obscured by modern development, these views primarily reflect the redeveloped nature of the former farmstead in 2010 and make a low positive contribution to the asset's significance.
- 4.81 Views towards or from land to the west of Wysall are constrained by Intake Wood Plantation, including in relation to the Sites. However, there are views from both the Northern and Southern Parcels either side of the plantation which land upon the eastern and southern elevations of the grade II listed building respectively.
- 4.82 From the Northern Parcel there are intermittent mid- to long- distance views of the first floor and roof of Highfields' eastern elevation (mainly the latter). The views are rarely observed from public rights of way.

- 4.83 From, and in relation to, the southern and western parts of the Southern Parcel, and the Wysall Road to the south, there are views of the former dower house's southern elevation alongside the range of lower ancillary buildings to the west.
- 4.84 Whilst I accept that views of Highfields are often from private land, in accordance with industry guidance these views are still relevant (Page 4, CD5.35) as they may still reflect *'qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number'*.
- 4.85 I disagree that the former dower house is not *'readily appreciable from publicly accessible areas'* as suggested in the Appellant's HIA (Paragraph 6.4 CD1.6) and Hearing Statement (6.17, CD8.22). I concur with the Appellant that there are no pavements along 50-60mph roads to the east and south of the Sites, but this overlooks generous verges which provide safe locations from which to see the dower house, including from Wysall Road in conjunction with the Southern Site. Furthermore, the Appellant's own landscape evidence shows that Highfields is readily appreciable from the Wysall Road (View 5A, Page 183, CD2.16) and, from further afield, Rempstone Lane (Viewpoint 3, Page 179, CD2.16).
- 4.86 Together, the views of Highfields in relation to the Sites enable appreciation of its architectural and historical interest within a predetermined isolated rural setting on a former agricultural estate that is representative of the status and function of dower houses. They therefore cannot be dismissed as merely *'incidental'* as per Paragraph 6.49 of the Appellant's HIA (CD1.6). Accounting for their restricted nature and the dominance of the 20<sup>th</sup> century roof within them, they make minor to moderate positive contributions to the setting and significance of the asset.
- 4.87 Reciprocally, there are outlook views south and east from Highfields over the Sites and surrounding areas. When within the former dower house, the observer will experience the isolated nature of the house within its remote position on the former Bunny Hall Estate. These views, which can be considered to be intentional prospects, make a minor to moderate positive contribution to the setting and significance of the asset.
- 4.88 On the basis of my assessment I believe the Appellant's HIA takes too narrow and restricted a view of the setting of Highfields. In my opinion, the Sites make a moderate positive contribution to the setting and significance of the Grade II listed building of Highfields.

## Impact

- 4.89 Whilst the Appellant finds that the proposed development will result in no harm to the significance of Highfields, this conclusion is predicated on the Sites making no contribution to the asset's setting and significance. As set out above, the Appellant presents contradictory evidence within their HIA (CD1.6) and LVIA (CD2.16) regards the nature of views, and takes too restricted a position on the contribution made by Highfields' isolated rural setting.
- 4.90 Following the 5-step process set out in industry guidance regards the setting of heritage assets (CD5.35), I find that the character of inward and outlook views which enable

appreciation of the former dower house in its privileged position within a rural setting at a pre-determined and remote location on the former Bunny Hall Estate, will be detrimentally altered such that Highfields would be primarily experienced within a landscape associated with industrial scale energy production as illustrated in the LVIA in (Viewpoint A, Page 213 CD2.16).

- 4.91 Overall, the proposed development will bring about a less than substantial degree of harm, at the low end of the scale, to the significance of the Grade II listed building of Highfields, including the contribution made by its setting.
- 4.92 Proposed mitigation along the western side of the Sites may serve to dampen the effects of development upon outlook views, but a low degree of harm would remain.
- 4.93 The impact of the proposed development will be the same for the Revised Scheme.

## MANOR FARMHOUSE

- 4.94 Manor Farmhouse is of a special level of architectural and historic interest and was designated as a Grade II listed building in 1987. It is a designated heritage asset of less than the highest significance according to Paragraph 213 of the NPPF.
- 4.95 The Appellant's HIA (CD1.6) does not undertake a detailed setting assessment for Manor Farmhouse. As suggested by their methodology (Paragraph 6.4, CD1.6) a shortlist of assets was drawn up on the basis of '*on the basis of distance and intervisibility*' and I consider that this fairly reflects industry approaches to narrowing down the scope of HIAs. Notwithstanding, my initial assessment shows that historic associations between the farmhouse and the Southern Parcel almost certainly existed. On this basis, and with the benefit of hindsight, given its proximity to the Southern Parcel and recognising that setting is not limited to views alone<sup>2</sup>, I consider that a detailed setting assessment for Manor Farmhouse would have been a useful resource to all parties at the application stage.

## Summary of Special Interest

- 4.96 Manor Farmhouse is a dwelling house, the significance of which derives its architectural and historical interest.
- 4.97 The farmhouse has a moderate level of historic interest arising from its historic-illustrative value as the working arm of a rural manor which primarily derived its wealth and power from farming an agricultural estate within a parish. Manors were the seat of local power and administration that were generally established during the Early Medieval period.
- 4.98 The former working yard of the farm lies to the north east and is separated from the main house having been converted to private dwellings over the course of the late 20<sup>th</sup> century. As such, the two key elements are no longer easily read as a steading, diminishing the historical interest of the asset to a degree.

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<sup>2</sup> CD7.37 - *Catesby Estates Ltd v. Steer* [2018]

- 4.99 As a vernacular building, the manor house has a moderate to high level of architectural interest which is apparent within its 17<sup>th</sup> century fabric and later extension and adaptation that reflects changing trends in domestic architecture over a prolonged period of time.

### **Contribution of Site to Setting**

- 4.100 At their closest and furthest points the Northern Parcel lies 875m to 1.9km and the Southern Parcel lies 530m to 1.3km from Manor Farmhouse.
- 4.101 It is near certain that Manor Farmhouse has functional historical associations with land in the Southern Parcel, in that it was once land farmed by the steading. These historic associations make a minor positive contribution to the significance of the asset. The Appellant considers that the asset *‘was designed for agricultural purposes and was not intended to afford views across the wider settlement or landscape’* (Paragraph 7.8, CD8.2.2). However, I would suggest otherwise as the position of a domestic farm house at the edge of the village was often intentional, affording it prospects over its holding to monitor livestock or crops.
- 4.102 Manor Farmhouse is located within an intimate setting comprising a private garden plot some way west of Main Street.
- 4.103 Established tree cover within and around the boundaries of its garden plot significantly reduces the extent of views to and from the farmhouse, including in the direction of the Sites.
- 4.104 There are very heavily filtered views towards Manor Farmhouse from easternmost parts of the Southern Parcel. The mid-range (c.700m) views pass over open agricultural land outside of the Site and land on the sylvan edge of the village of Wysall within which Manor Farmhouse could not be discerned on my site visit. Owing to the shrouded quality of the views they make no contribution to the significance of the asset, but could acceptably develop were tree cover to be reduced.
- 4.105 Reciprocally, there are likely to be heavily filtered views from the rear elevation of the farmhouse over open agricultural land and on to the Southern Parcel. If present, these views would enable a working connection to be drawn between the farmhouse and the manor’s former working estate, including the Site, and as such, if observed, they would make a very low positive contribution to the asset. Given the more distant contribution the Site makes to these outlook views, it is unlikely to make any notable contribution to them.
- 4.106 Overall, the Site makes a very minor positive contribution to the setting and significance of the Grade II listed Manor Farmhouse.

### **Impact**

- 4.107 The Southern Parcel may be glimpsed over open farmland in heavily filtered winter views from the rear elevation of Manor Farmhouse. Accounting for proposed mitigation and existing tree cover, the character and extent of potential outlook views would not be

markedly altered such that the setting and significance of the asset would be impacted upon.

- 4.108 Reciprocally, the character and extent of any views of Manor Farmhouse's rear elevation in its rural setting from very easternmost parts of the Southern Parcel have potential to be impacted upon by the proposed development. Whilst it was anticipated, when surveyed during summer months, that these views would develop in winter months, the density of existing tree cover is such that the form and architectural character of Manor Farmhouse is not revealed to any marked degree. On the basis that existing levels of tree cover are sustained or strengthened in relation to the Sites, as proposed in the mitigation strategy, the proposed development would have neutral impact upon the significance of the Grade II listed Manor Farmhouse.
- 4.109 Although reduced, the strength of the historical relationship between the farmhouse and its rural setting would be sufficiently retained, such that the significance of the asset would not be impacted upon.
- 4.110 The impact of the proposed development will be the same for the Revised Scheme.



## 5. SUMMARY

### CONCLUSIONS

- 5.1 At times, the Appellant is too restricted in their view of setting and too dismissive of aspects of setting that make a positive contribution to the significance of heritage assets, specifically in relation to the Sites.
- 5.2 There are occasions where the Appellant's own landscape evidence (CD2.16), and indeed conclusions presented within the HIA (CD1.6) and Hearing Statement (CD8.2.2) conflict and do not support their conclusions of the impact of the proposed development upon the significance of heritage assets, including the contributions made by their settings.
- 5.3 By virtue of its open rural character within both elevated and low-lying areas west of the village of Wysall, the Sites make a positive contribution to the setting of the Wysall Conservation Area, the Grade I listed building of Holy Trinity Church and the Grade II listed former dower house of Highfields.
- 5.4 The proposed development would detrimentally erode the positive contribution that the Sites make to the settings of designated heritage assets, primarily through diminishing the character and extent of valued views towards heritage the assets from and in conjunction with the Sites, and through eroding the ability to appreciate key aspects of their historic interest.
- 5.5 The proposed development would bring about a less than substantial degree of harm, at the middle of the scale, to the significance of the Wysall Conservation Area and the Grade I listed building of the Church of Holy Trinity.
- 5.6 The proposed development would bring about a less than substantial degree of harm, at the low end of the scale, to the ability to appreciate the Grade II listed building of Highfields within its setting.
- 5.7 Accounting for established tree cover and mitigation, the effect of the proposed development upon the significance of the Grade II listed building of Manor Farmhouse would be neutral.
- 5.8 In hindsight, accounting for proximity and historical connections between the asset and the Southern Parcel, the scope of the Appellant's HIA (CD1.6) might usefully have included an assessment of the Grade II listed Manor Farmhouse, in accordance with Paragraph 207 of the NPPF and industry guidance (CD5.35), even if there is now common ground that there is a neutral impact upon the asset. The information would likely have been of use in respect of Paragraph 208 of the NPPF and ensuring the statutory duties set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are fulfilled.

### POSITION

- 5.9 In bringing about harm to the setting and significance of the two listed buildings of the Church of Holy Trinity and Highfields, the proposed development offends the statutory objective of section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990).

- 5.10 In bringing about a degree of harm to the setting and significance of the Wysall Conservation Area, the proposed development conflicts with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1 and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2.
- 5.11 In accordance with Policies 202, 210, 212 and 215 of the NPPF, great weight should be afforded to the conservation of designated heritage assets and the harm should be justified and weighed against the benefits of the public benefits of the proposed development.

# APPENDIX A – LEGISLATION, POLICY AND BEST PRACTICE

- 5.12 The national and local policy relevant to the historic environment, including that set out within the RFRs and within correspondence, is outlined below. Individual policies and paragraphs are highlighted where of specific relevance to my statement.

## LEGISLATION

### **Planning (Listed buildings and Conservation Areas Act) 1990, Section 66**

- 5.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Relevant Case:**

#### **Court of Appeal Judgment for the Barnwell Manor Wind Turbine (Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137, 18 February 2024) – (CD7.41)**

- 5.14 The case emphasised the need for decision makers to apply the intended protection for heritage assets as specified under s66(1) of the 1990 Act. The Court of Appeal judgement reiterated the previous High Court judgement ([2013] EWHC 473 (Admin), 8 March 2013, which stated that decision makers need to give ‘considerable importance and weight’ to the desirability of preserving the setting of a listed building when carrying out the ‘balancing exercise’ in planning decisions, stressing that there is a presumption in law that preservation is desirable. It says that harm to a listed building is not simply a material planning consideration like any other, but that the finding of harm is a consideration to which the decision maker should attach considerable importance and weight, necessary to reflect the duty to 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. The overarching statutory duty imposed by s66 applies where either substantial or less than substantial harm has been found.
- 5.15 The Barnwell Manor Court of Appeal Judgement also dealt with s72 (1) of the 1990 Act, relating to Conservation Areas, emphasising the need for decision makers to apply the intended protection for conservation areas as specified under s72(1) of that Act. The Court of Appeal held that despite the slight difference in wording, the nature of the duty is the same under both s66 and s72(1) and that in both cases the decision maker having found harm to a heritage asset must give that harm ‘considerable importance and weight’ and must not treat considerations of the impact upon character and appearance of the conservation area like any other material planning consideration but give the desirability to preserve or enhance considerable importance and weight.

**Catesby Estates Ltd v. Steer, EWCA Civ 1697, 2018 - (CD7.37)**

5.16 The case confirmed the established approach to assessing the effect of proposed development upon the setting of heritage assets. The Court of Appeal ruling set out three general principles that practitioners, planners, and affected stakeholders should bear in mind when considering the setting of a listed building:

- The decision-maker must understand the setting of a listed building, even if '*...its extent is difficult or impossible to delineate exactly...*', in order to make a judgment on whether a development will affect it;
- Each case should be taken on its own individual merits and qualities; and
- All decisions on setting are matters for the decision-maker, not the courts, unless there has been a clear error of law. Within this principle and referencing previous case law, Lindblom L. J. also confirmed that the preservation of heritage assets is still of utmost importance; '*..."considerable importance and weight"* must be given to the desirability of preserving the setting of a heritage asset'.

**Palmer v. Hertfordshire Council, EWCA Civ 106, 2016 – (CD7.39)**

5.17 This case confirmed that great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset.

5.18 The judge ruled: "*It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed. Further, it is for the decision taker then to balance that against the benefits of the development. The duty to accord "considerable weight" to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight. The desirability of avoiding a great harm must be greater than that of avoiding a small one. The desirability of avoiding harm to a high category heritage asset must be greater than that of avoiding a similar harm to a less important asset.*"

**NATIONAL PLANNING POLICY FRAMEWORK (2024)**

5.19 "Chapter 16 – Conserving and Enhancing the Historic Environment" of the National Planning Policy Framework (2024) sets out the Government's stance on the determination of applications affecting heritage assets.

5.20 Paragraphs of specific relevance to this appeal are: 202, 204, 207, 208, 210, 212, 213, 215, 219, and 220.

## DEVELOPMENT PLAN POLICIES

- 5.21 The Site lies within the jurisdiction of Rushcliffe Borough Council and is subject to policies set out in the Rushcliffe Core Strategy Local Plan (Part 1) (adopted December 2014) and the Rushcliffe Local Plan Part 2 2011 – 2029 (adopted October 2019).
- 5.22 Historic environment and other development plan policies relevant to my statement and evidence are summarised below and reproduced in full within the HIA (CD9.5).

### **Rushcliffe Core Strategy Local Plan (Part 1) (adopted December 2014)**

#### Policy 11: Historic Environment

- 5.23 The policy states that proposal will be supported where the significance of heritage assets are conserved, including the contribution made by their settings. Planning decisions should also have a regard to the contribution that heritage assets can make to the delivery of wider social, cultural, economic and environmental agenda. Particular attention is given to heritage assets at risk of harm alongside those that have significance as a group or give context to a wider area.

### **Rushcliffe Local Plan Part 2 2011 – 2029 (adopted October 2019)**

#### Policy 28: Conserving and Enhancing Heritage Assets

- 5.24 The policy requires applicants to demonstrate an understanding of the significance of heritage assets affected by a proposed development and justify any harm so that the public benefits of any scheme can be considered in relation to any impacts arising. Proposals affecting a heritage asset or its setting are considered against a series of criteria including *inter alia* : the significance of the asset; the design of the proposals, the effects of the development upon the asset, and; the asset's relationship with topography and landscape, views and landmarks.

## GUIDANCE

### **Planning Practice Guidance (2019)**

Paragraphs of specific relevance to the case include:

- 001 Reference ID: 18a-001-20190723
- 002 Reference ID: 18a-002-20190723
- 006 Reference ID: 18a-006-20190723
- 007 Reference ID: 18a-007-20190723
- 008 Reference ID: 18a-008-20190723
- 009 Reference ID: 18a-009-20190723
- 013 Reference ID: 18a-013-20190723
- 018 Reference ID: 18a-018-20190723
- 019 Reference ID: 18a-019-20190723
- 020 Reference ID: 18a-020-20190723
- 023 Reference ID: 18a-023-20190723
- 024 Reference ID: 18a-024-20190723

### **Historic England Good Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015) (CD5.34)**

- 5.25 The Advice Note provides “information 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 Planning Practice Guidance (PPG). These include; assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.” (Historic England, 2015).

### **Historic England Good Advice in Planning Note 3: The Setting of Heritage Assets (2017) (CD5.35)**

- 5.26 The document sets out a methodological approach to assessing and managing change “within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes” (Historic England, 2017).

### **HEAG268 – Historic England Advice Note 1 (Second Edition): Conservation Area Appraisal, Designation and Management (2019) (CD5.60)**

- 5.27 The Advice Note supports the management of change in a way that conserves and enhances the character and appearance of historic areas through conservation area appraisal, designation and management. This 2nd edition updates the advice in light of the publication of the 2018 National Planning Policy Framework and gives more information on the relationship with local and neighbourhood plans and policies. It is also slightly re-ordered, to underline the staged approach to the appraisal, designation and management of conservation areas, while continuing to offer advice on managing conservation areas so that the potential of historic areas worthy of protection is fully realised. It has also been updated to give more information on innovative ways of handling conservation appraisals, particularly community involvement beyond consultation, character assessment and digital presentation.
- 5.28 This Advice Note contains a section specifically on ‘Setting and Views’ and states that the following may be significant contributors to the character of conservation areas:
- *views of rivers, the sea and surrounding hills and glimpses of landscape from urban streets;*
  - *open spaces, church towers and prominent public buildings that provide landmarks in views or views that illustrate a particular element of the area’s historic development;*
  - *groups of buildings, both those with a degree of conscious design or with recognised fortuitous beauty and the consequent visual harmony or congruity of development;*
  - *townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces;*

- *a uniform building height resulting either from past influences or planning restrictions that contribute to the character of views „ distant views of the settlement and those in the approach to it;*
- *adjacent or nearby heritage assets that gain or contribute significance through views to or from the area;*
- *nearby areas of recognised landscape character value such as Areas of Outstanding Natural Beauty (AONBs) or Areas of High Landscape Value, where penetrating or abutting the built-up area, should also be noted and explained (Historic England, 2019).*

#### **Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008) (CD5.36)**

- 5.29 “The primary aim of the Conservation Principles, Policies and Guidance is to support the quality of decision-making, with the ultimate objective of creating a management regime for all aspects of the historic environment that is clear and transparent in its purpose and sustainable in its application” (Historic England, 2008).

#### **Historic England Advice Note 12 Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019) (CD5.37)**

- 5.30 This Historic England advice note covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets. Understanding the significance of heritage assets, in advance of developing proposals for their buildings and sites, enables owners and applicants to receive effective, consistent and timely decisions (Historic England, 2019).

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