

Heritage Proof of Evidence

Laura Garcia

Land West of Bradmore Road and North of Wysall Road, Land West of Wysall, Wysall.

On behalf of Exagen Development Ltd.

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LPA Ref: 24/00161/FUL

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Author: Laura Garcia BA (Hons), MCIfA

Contents:

1. Author's Background	1
2. Appeal Background	2
3. Key Issues and Summary of Case.....	5
4. Legislation, Planning Policy & Methodology	12
5. Holy Trinity Church (NHLE Ref: 1259980)	13
6. Highfields (NHLE Ref: 1260277)	23
7. Manor Farmhouse (NHLE Ref: 1259992).....	35
8. Wysall Conservation Area.....	42
9. Archaeology	53
10. Discussion of Legislation and Planning Policy	55
11. Conclusion	58

Appendices contents:

Appendix 1 – NHLE Descriptions
Appendix 2: Legislation and Planning Policy
Appendix 3: Methodology
Appendix 4 – Narrative of Consultation Responses

Plates:

Plate 1 Location of Holy Trinity Church within Wysall.....	13
Plate 2 Grade I Holy Trinity Church taken from within churchyard surroundings	14
Plate 3 1884 Ordnance Survey Map showing location of Holy Trinity Church – note circular plan of churchyard	15
Plate 4 1921 Ordnance Survey showing Holy Trinity Church.....	16
Plate 5 1968 Ordnance Survey map showing Holy Trinity Church note the survival of the distinct circular plan of the churchyard	16
Plate 6 View SE looking over Field 10 with church tower and spire indicated by arrow – note there is a wind turbine in this view directly above the location of the church spire (also indicated with red arrow) with further wind turbines on the horizon – there will be no solar arrays within these field looking towards the church and so this view will not change.....	20
Plate 7 Similar view as image above but taken when trees in full leaf – there is no visibility of the church at all.....	21
Plate 8 View east from Field 15 showing view of church in winter months and other modern built form at edge of Wysall. This is not a publicly accessible view and is not available during the summer months....	21
Plate 9 Location of Grade II Highfields.....	23

Plate 10 1884 Ordnance Survey Map	25
Plate 11 1921 Ordnance Survey Map	26
Plate 12 1970 Ordnance Survey Map	26
Plate 13 Site Layout Plan for the consented Highfields Solar Farm with the position of the GII Highfields marked with red circle. The Scheme is immediately east of the eastern boundary of the Highfields Solar Farm.....	28
Plate 14 View looking west from within Field 1 (not a publicly accessible view) – upper parts of Highfields indicated with red arrow.....	32
Plate 15 Location of Manor Farmhouse.....	35
Plate 16 1884 Ordnance Survey Map showing Manor Farmhouse.....	36
Plate 17 1921 Ordnance Survey showing Manor Farmhouse.....	37
Plate 18 1968 Ordnance Survey showing Manor Farmhouse	37
Plate 19 View east looking towards where Manor Farmhouse is located – arrow marks location of building – entirely screened by multiple layers of vegetation which is likely to offer ample screening in winter Note – this picture is not taken from within the Site boundary – map showing location of photograph is below.....	38
Plate 20 Red arrow indicates location of photograph and direction – green square is location of Manor Farmhouse and the eastern Site boundary is indicated in red to the west of the arrow.....	39
Plate 21 View SE along PRoW just before it reaches Wysall showing spire of church. Manor Farmhouse is not visible. This view is not from within the Appeal Site or in proximity.....	39
Plate 22 Location of Wysall Conservation Area	42
Plate 23 1884 Ordnance Survey Map	43
Plate 24 1921 Ordnance Survey Map.....	43
Plate 25 1952 Ordnance Survey Map	44
Plate 26 Extract of Wysall Townscape Appraisal map showing Significant Views with red arrows (from the Wysall CAAMP 2024 prepared by Rushcliffe Borough Council)	47
Plate 27 Photograph illustrating the Significant View from Costock Lane as identified within CAAMP – location of eastern boundary of southern parcel of Appeal Site illustrated with arrow.....	48
Plate 28 View NW illustrating Significant View looking out from western edge of Wysall – the Scheme would not be visible in this image	49

1. Author's Background

- 1.1. My name is Laura Cassandra Garcia. I am a Senior Director and Deputy Head of the Heritage team at Pegasus Planning Group. I am a member of the Chartered Institute for Archaeologists (ClfA) at Member level and a Specialist Assessor for the ClfA Validation Committee and I also sit on the interview panel assessing ethical competency of applicants for Member level of the ClfA.
- 1.2. I have practised in the heritage sector since 2002, working as a heritage consultant since 2004. I have been a member of the Chartered Institute for Archaeologists (MCIfA) since 2004. I have a Bachelor's Degree with Honours in Ancient History and Archaeology and I have over 22 years of experience working within the heritage consultancy sector.
- 1.3. I have presented cultural heritage evidence at a number of renewable energy public inquiries and at hearings. I have worked on a wide-range of development projects throughout the UK, including residential, power generation, commercial, industrial, and leisure and recreation schemes. I have gained significant experience in the renewable energy sector, preparing the heritage elements of Environmental Impact Assessments, Heritage Statements, providing feasibility and optioneering advice, and in the management of mitigation works during the construction phase of all types of renewable energy schemes.
- 1.4. I, and the other heritage consultants within the Heritage Team at Pegasus Group, undertake our work in accordance with the Chartered Institute for Archaeologists Code of Conduct.
- 1.5. The evidence which I have prepared and provided for this appeal in this Statement is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

My Role in this Appeal

- 1.6. I became involved as the heritage expert witness in this scheme following the refusal by Rushcliffe Borough Council and the decision by the Appellant to Appeal. I have undertaken my own assessment and visited the Appeal Site and local area in undertaking this work. The conclusions within this Proof of Evidence are my own, true, professional opinion.
- 1.7. The Pegasus Heritage team prepared the Heritage Statement accompanying the original application. I was not the author of that report and have assessed this Scheme objectively, forming my own true, professional opinion.

2. Appeal Background

- 2.1. This proof has been prepared on behalf of Exagen Development Ltd (the 'Appellant') following the refusal by Rushcliffe Borough Council ('the Council') to grant planning permission for a full application for the construction, operation, and subsequent decommissioning of a renewable energy park comprising ground mounted solar photovoltaics (PV) with co-located battery energy storage system (BESS) at the point of connection, together with associated infrastructure, access, landscaping and cabling (the Scheme) at land west of Bradmore Road, and north of Wysall Road, west of Wysall, Nottinghamshire (the Appeal Site).
- 2.2. A description of the Appeal Site and Scheme can be found in the main Statement of Case (**CD8.2**).
- 2.3. A detailed narrative of the consultation responses received from Historic England, the Rushcliffe Borough Council Conservation Officer and the Nottinghamshire County Council Archaeologist can be found in Appendix 4. This sets out the nature of the responses and my commentary on the conclusions and assessments.

Planning Application History

- 2.4. The planning application (Reference: 24/00161/FUL) was submitted to Rushcliffe Borough Council accompanied by a Heritage Statement which included a Geophysical Survey report (Pegasus Group, January 2024, **CD1.6 & CD1.6.1**). The Heritage Statement concluded that the Scheme would result in less than substantial harm to the significance of one designated heritage asset – the Wysall Conservation Area, located c. 335m south-east of the southern parcel of the Appeal Site.
- 2.5. The Heritage Statement also concluded that the Scheme within the Appeal Site would not result in harm to the heritage significance of any of the other designated heritage assets in the wider surrounds of the Appeal Site.
- 2.6. A programme of trial trench evaluation has been undertaken to support the assessment work. The works were undertaken in accordance with a Written Scheme of Investigation approved by the Nottinghamshire County Council Archaeologist (hereafter referred to as the LPA Archaeologist). The fieldwork was carried out at the end of 2024 and beginning of 2025 and comprised the excavation of 140 trenches. An Archaeological Evaluation Summary Statement (**CD2.37**) was produced by York Archaeological Trust (YAT) in April 2025 and submitted to support the application. A final version of the Evaluation Report (**CD3.10**) has now been produced by YAT and submitted to the LPA Archaeologist. This report is included as a Core Document for reference purposes. The conclusions and recommendations of the full report do not differ from the Summary Statement. In their consultation response of December 2025 (**CD4.69**) the LPA Archaeologist agreed that matters of archaeology could be dealt with via condition, which is a matter of common ground in the Heritage SoCG (**CD8.3.2A**).
- 2.7. Historic England provided two consultation responses in March and November 2024 (**CD4.16 & CD4.55**). In neither consultation response do they object to the application. Concerns were raised and Historic England identified harm, a medium level of less than substantial to the significance of Wysall Conservation Area, the Grade I Holy Trinity Church and the Grade II Highfields. A further response was provided in January 2026 (**CD4.68**) in

response to the consultation on the amended Scheme for the Appeal. This reiterated the conclusions of their previous responses and had no objection to the Scheme, only concerns.

2.8. The Rushcliffe Borough Council Conservation Officer (RBCCO) provided a consultation response in December 2024 (**CD4.60**). This response was heavily reliant on the Historic England response and drew the same conclusions with regards to the level of harm to the three identified heritage assets above.

2.9. The Committee Report (**CD4.1**) recommended the approval of the Scheme.

2.10. At §101, the Committee Report (**CD4.1**) sets out the conclusions of the RBCCO and Historic England that the Scheme would result in a “*medium level*” of less than substantial harm, to the significance of the Wysall Conservation Area, Grade I Listed Holy Trinity Church and Grade II Listed Highfields, and that there would be degree of conflict with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1 (LPP1), and Policy 16 (Renewable Energy) of the Rushcliffe Local Plan Part 2 (LPP2).

2.11. The Planning Balance section of the Committee Report, at §169, states that “*From a heritage perspective, the proposal has been considered to alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings from certain viewpoints. The harm in this respect has been assessed as being towards the medium level of less than substantial.*”

2.12. At §171, it states that: “*In summary, it is therefore considered that when assessing the planning balance of the application as a whole, the undisputed urgent need for this form of development to assist in national and local targets for moving towards a low carbon future, would clearly outweigh the identified harm in terms of landscape character, heritage assets and Skylark habitat.*”

2.13. The Case Officer was clearly cognisant of the comments from RBCCO and Historic England and took these into consideration. The Case Officer decided that the harms identified by Historic England and the RBCCO, even at the level of less than substantial at the medium range of the scale, were considered to be outweighed by the public benefits of the Scheme.

Decision Notice (CD4.2)

2.14. The RBC Planning Committee went against Officer’s advice and recommendation and refused the application at their meeting on 12th June 2025, with the decision notice issued on 19th June 2025 with the second Reason for Refusal relating to heritage matters:

“2. 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 the 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.”

Matters arising during the Appeal process

2.15. As part of the Appeal, minor amendments were proposed to Scheme along with an Enhanced Landscape Strategy (**CD3.6**). The changes between this new Strategy and the application version are set out within **CD3.5** – Summary of Changes Comparison Plan. Of importance to the consideration of heritage elements is the proposed copse and tree planting along the eastern edge of Field 15. The Landscape Strategy at the time of determination (**CD2.20**) already included additional tree planting within the existing hedgerow to screen views from the Wysall Conservation Area, the Enhanced Landscape Strategy bolsters this with further planting.

2.16. In my professional judgment, it is considered that the application Landscape Strategy (**CD2.20**) already provided a good level of screening to mitigate harm. The Enhanced Landscape Strategy (**CD3.6**) further bolsters this and offers a greater level of screening from Day 1 and allows the level of harm identified below to be removed in a shorter timeframe due to the density of the vegetation maturing faster and screening the Scheme from the key view from Wysall Conservation Area sooner. It does not affect the level of harm identified within my proof.

Change from Hearing to Inquiry

2.17. Following the submission of the Statement of Case, within which I provided a full Heritage Hearing Statement, PINs determined that the appeal should be heard by way of Public Inquiry to allow the evidence to be tested by cross-examination. As such, I have prepared this proof of evidence with regards to the original Statement of Case and supplemented this with evidence in response to submissions made by the Council in their Statement of Case.

2.18. In the preparation of this proof, it is noted that the Council wish to add a core document called *Heritage Impact Assessment – Locus Consulting*. Locus Consulting are providing the Heritage expert witness on behalf of the LPA. This document was not uploaded before the submission of the proofs and the contents of this document and relevance is unknown to me. I therefore reserve the right to respond to this evidence via rebuttal.

3. Key Issues and Summary of Case

3.1. The key issues are considered to be the following:

- What is the significance of the following designated heritage assets:
 - Holy Trinity Church Grade I listed building (NHLE Ref: 1259980);
 - Highfields Grade II listed building (NHLE Ref: 1260277);
 - Manor Farmhouse Grade II listed building (NHLE Ref: 1242535); and
 - Wysall Conservation Area.
- What is the setting of these assets and what contribution does this make to their significance?
- Whether the Appeal Site forms part of the setting which contributes to their significance?
- Whether the Application or Schemes would cause harm to significance through impact to setting and if so, to what extent?
- Whether the benefits of the Application or Schemes outweigh any identified harm (considered within the proof of evidence of Mr Cussen)

3.2. It is the case that the LPA, as set out in their Statement of Case, are no longer of the opinion that the Grade II listed Manor Farmhouse would experience harm from the Scheme and are aligned with the conclusions of the Appellant. However, given this asset is referenced in the RfR specifically and given the Inspectors statutory duty in regards to the consideration of the setting of listed buildings, I have assessed this asset in the same way and to the same level of robustness as the other assets under consideration as part of this Appeal to assist the Inspector in their decision-making.

Summary of My Case

3.3. The evidence has set out my professional and objective opinion of the Scheme in relation to potential harm to the significance of the Grade I listed Holy Trinity Church, Grade II listed Highfields and Manor Farmhouse and the Wysall Conservation Area. This section provides a summary of my case for each of the four heritage assets listed in Reason for Refusal 2 with a full analysis provided in sections 5–8.

3.4. The planning application was supported by a Heritage Statement (**CD1.6**) prepared by Pegasus Group, a geophysical survey (**CD1.6 & CD1.6.1**) and a trial trench evaluation (**CD3.10**). The Nottinghamshire County Council Archaeologist was satisfied with the results of the evaluation and recommended an archaeological condition be placed on any consent to secure further archaeological evaluation to inform a mitigation strategy. Archaeology is not a matter before this Inquiry (**CD4.69**).

3.5. Historic England did not object to the application. Within their consultation responses (**CD4.16 & CD4.55, CD4.68**), they set out that they have concerns regarding the Application

Scheme and identify a medium level of less than substantial harm to the Grade I listed Holy Trinity Church, Wysall Conservation Area and the Grade II Listed Highfields. It is not clear where the harm to these assets as identified by Historic England arises from as their consultation response does not articulate this clearly. Indeed, the consultation responses state clearly that because of the topography and existing vegetation enclosing the Appeal Site, the impact upon the setting of the Conservation Area, is mitigated and the visibility of Holy Trinity Church and Highfields is similarly limited.

3.6. The harm identified by Historic England appears to arise from a general change in the landscape character and the general views of the Scheme from locations within the vicinity of the assets and from views to and from the designated assets. Historic England do not set out how or why these views are harmful to significance and furthermore, the visualisations identified to support this conclusion in the consultation response are landscape specific viewpoints, with no relation at all to any heritage assets or their significance.

3.7. The Rushcliffe Borough Council Conservation Officer did not object to the application in her consultation response (**CD4.60**), which was identical in its conclusions to the Historic England consultation response. It is noted that the response did not identify specifically which heritage assets would experience harm from the Application Scheme.

3.8. The Case Officer took the responses of Historic England and the Conservation Officer into account in the planning balance, and the level of medium less than substantial harm to designated heritage assets they identified. The Case Officer found that the benefits of the Scheme outweighed the harm and recommended the approval of the planning application.

3.9. The application was refused at the Rushcliffe Planning Committee with heritage forming the second reason for refusal. Within this RfR, four heritage assets were named:

- Grade I Listed Holy Trinity Church;
- Grade II Listed Highfields;
- Grade II Listed Manor Farmhouse; and
- Wysall Conservation Area.

3.10. The RfR identified a middle level of less than substantial harm to the setting of these assets. It is noted, there cannot be harm to the setting of assets. Setting is not an asset in its own right. What matters is how the setting contributes to significance.

3.11. It is notable that upon receipt of the Council's Statement of Case (**CD8.4**), there had been a significant change in position with regards to not only levels of harm experienced but whether any harm would be experienced at all. Within the Council's SoC, they set out that they no considered that the Grade II listed Manor Farmhouse would not experience any harm from the Scheme, phrasing this as a *neutral impact* in their SoC (paragraph 3.2.2).

3.12. A further departure from the Reason for Refusal was that the Council now consider that the Grade II listed Highfields would experience less than substantial harm at the lower end of the scale – a change from the middle range of the scale as set out in the RfR.

Grade I Listed Holy Trinity Church

3.13. With regards to the Grade I Church of the Holy Trinity, the nearest panels in the southern parcel of the Scheme are over 570m west of the asset. There is no visibility of the Appeal Site from the church and it is the case that the Appeal Site makes no particular contribution to the significance of the asset. There are glimpsed views of the church tower and spire from non-publicly accessible areas of the Scheme, however these views are available only in winter and are distant. The glimpsed views of the spire do not help to better illustrate the significance of the asset and do not contribute to the understanding and appreciation of the architectural and historic interest of the asset. The amount of the church visible in views currently will remain the same with Scheme in place. Taking into account the guidance within Historic England GPA 3 (**CD5.35**) it is considered that the visibility of the spire from within the Appeal Site forms part of the amenity considerations, rather than contributing to heritage significance.

3.14. The Scheme would not cause any physical harm to the fabric of the church. The elements of the setting which contribute to significance (though to a lesser extent than the physical fabric) are summarised here in the order in which they contribute as:

- Its churchyard provides the best location to appreciate and experience the architectural, historic and artistic interest of the external fabric;
- The junction of Main Street, Costock Road and Wymeswold Road from which there is an important view of the church on its raised platform and from which the historic and architectural interest of the asset can be appreciated;
- Historic elements of Wysall, from which the asset can be appreciated and experienced, particularly with glimpses of the spire within the historic core and wider Conservation Area; and
- To a lesser extent, elements of the surrounding agricultural landscape within the parish where it can be demonstrated these elements form the content of foreground of key views of the church and spire and which make a meaningful contribution to the understanding of the church's location within this historic farming settlement.

3.15. The key elements of the setting which contribute to significance will not experience any change – the relationship with Wysall, the ability to view the asset from within the churchyard and appreciate its circular plan or the location at the junction of the three roads will not experience any change.

3.16. The Scheme will result in a change of character within the Appeal Site which is noted as forming part of the significance of the asset through historic association – being part of the same parish. However this association will not change as a result of the Scheme and will sustain with the Scheme in place. The Scheme would not cause harm to the significance of the Grade I Holy Trinity Church.

Grade II Listed Highfields

3.17. The Grade II listed Highfields would not experience any harm arising from the Scheme. It is noted that the LPA have changed their position as reported in the RfR – they no longer consider that this asset would experience less than substantial harm at the middle of the scale but have instead concluded a lower level of less than substantial harm.

3.18. The recently consented Highfields Solar Farm lies directly to the west of the Appeal Site, between this and the Grade II Listed Highfields. For that other application, the Conservation Officer did not identify any harm to the significance of Highfields as a result of the Highfields Solar Farm. The Case Officer agreed with that conclusion and the application was granted permission. It is difficult to understand, therefore, why the Conservation Officer in their consultation response for this Application Scheme identified any level of harm to Highfields. Nevertheless, it is named within the RfR and as such, my proof has provided an assessment of this asset to aid the Inspector.

3.19. It is noted the LPA case is now that this asset will experience less than substantial harm at the low end of scale.

3.20. Highfields has been converted in a convent and part of the Holy Order of Benedictine Nuns, and renamed Holy Cross Convent. The significance of this asset lies in its physical fabric which best demonstrates its architectural and historic interest. The asset also has interest as the former Dower House for the nearby Bunny Hall. The building has seen extensive change to it and its immediate surroundings.

3.21. The setting of the asset contributes to its significance, however this contribution is clearly less than that made by the physical fabric. The setting is formed of (in the order in which the elements contribute):

- The immediate surrounding grounds and gardens which provide the evidence of the historic boundary of the asset, and which provide the areas from which the key elements of the significance of the asset can be appreciated;
- The former associated farmyard and buildings which give legibility to understanding the historic layout and function of the asset;
- Other residual elements of the farm complex, such as the access from Bunny Hill to the west;
- The immediate surrounding landscape insofar as this provides areas which form part of key views which illustrate the significance of the asset or from where the asset can be appreciated and understood; and
- The more distant Bunny Hall which was the seat of the Parkyns Baronetcy (and Grade I listed building).

3.22. The Scheme is not considered to make any contribution to the significance of the asset. Whilst there are glimpses of the roof and ridgeline, and upper levels of the building from non-publicly accessible areas, within the Appeal Site and from areas to the south – specifically at the junction of Wysall Road and along Costock FP4, these views do not illustrate the architectural interest of the building. There is no known historic association with the land within the Appeal Site.

3.23. The Scheme would not result in any harm to the significance of this asset, nor would it alter any of the elements that form part of the setting. The character of the wider surrounding landscape would change; however the Appeal Site makes no contribution to the significance of the asset. Any glimpsed views from PRoW running northwest across the northern Site parcel are of no relevance as this PRoW is not a route or connection to Highfields and never has been. It is also a material consideration that there is a consented

solar scheme directly adjacent to the east of this asset, in-between the asset and the Appeal Site. As such, the Scheme would not result in any harm to the significance of the Grade II Listed Highfields.

Grade II Listed Manor Farmhouse

3.24. The position of the LPA has changed from the RfR on this asset. They now conclude that this asset will not experience any harm, (a neutral impact as set out in their SoC and agreed in the Heritage SoCG). The asset is assessed in full to aide the Inspector in their decision-making.

3.25. The Grade II Listed Manor Farmhouse was identified in the reason for refusal but not explicitly referenced in either the Historic England or RBCCO response as experiencing harm from the Scheme. This asset is entirely surrounded by dense vegetation which at the very least severely hinders views and for the most part, entirely blocks views of this building. The significance of the asset lies in its historic fabric which best demonstrates its architectural and historic interest, with this significance consolidated by its inclusion in the Wysall Conservation Area boundary. The building is no longer a farmhouse but is in domestic use with modern alterations.

3.26. The setting of the asset also contributes to its significance, although the significance derived from its setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset which contribute to significance (in the order in which the elements contribute) are:

- The immediate surrounds and garden to east which give legibility to the original extent of the building and provide the area from which the key significance of the asset can be appreciated;
- The former associated farm buildings to the immediate east, now separated. These provide an understanding of the former function of the asset and the layout;
- The settlement of Wysall in so much as the asset forms part of the historic layout of the settlement;
- Whilst the extent of the historically associated landholdings is unknown, these landholdings were likely located within the same parish and could have included agricultural land within the Appeal Site. However, any association there may have been is no longer extant and there is no sense at all of any association with land immediately beyond the boundary of this asset.

3.27. It is not considered that the Scheme contributes to the significance of the asset. There are no known historic or current functional associations with the Appeal Site. There are no views of the asset from anywhere within the Appeal Site given the heavy vegetation around the perimeter of the asset. It is uncertain if there would be views from the upper floors of Manor Farmhouse, however this seems unlikely given the lack of any views of the asset from the Appeal Site.

3.28. The Scheme would not cause any physical harm to the fabric of this asset. No elements which form the key aspects of the significance of the asset will experience any change from the Scheme. The immediate surrounds, grounds and views from within that will not change, nor will the ability to understand the association with the former farm buildings to the east

3.29. The Scheme represents a change to the character of the land to the west of this asset which may once have had an historic, functional association with it (though no association is known). Any such association is long since severed and can only now be appreciated through historic records – an aspect which will not be affected by the Scheme.

3.30. It has been established that there are no views of the asset from the Scheme. Therefore, the Scheme would not result in any harm to the significance of this asset.

Wysall Conservation Area

3.31. Wysall Conservation Area is located approximately 500m east of the southern parcel of the Appeal Site boundary at its closest point. The special interest of the Conservation Area is formed by the architectural and historic interest of the built fabric and open spaces within the boundary. Important elements of the asset's character and appearance include the layout of the village, the traditional built form, boundary treatments, mature vegetation, and green spaces.

3.32. The setting of the Conservation Area makes a lesser contribution to its significance. This is reflected in the fact that there is no statutory protection for the settings of Conservation Areas. The principal elements of the setting which are considered to contribute to its heritage significance are those parts of the immediate agricultural landscape which can be most readily experienced in conjunction with the historic built core and therefore give legibility to its origins and development as an agricultural settlement.

3.33. The Wysall CAAMP Townscape Appraisal (Plate 26) identifies Significant Views which help to illustrate the special character. One Significant View is located at the western edge of the Conservation Area looking westwards, out of the Area from Costock Road. This view looks towards the southern parcel of the Appeal Site though I note that nowhere in the CAAMP is there no explanation of why this has been identified as a Significant View. It cannot be described as a representative view of an open, agricultural landscape surrounding the settlement.

3.34. The Appeal Site is considered to make a very small contribution to the overall significance of the asset, this contribution principally deriving from the agricultural land located within the Significant View from Costock Road looking west. The Appeal Site has an historic association with Wysall due to being in the same parish, but this will not change as a result of the Appeal.

3.35. There are no views of the historic core or any elements of the special character of Wysall from the Appeal Site or along the approach along the PRoW which enters into the western side of Wysall. There are no views of Wysall whilst travelling along the elements of the PRoW which are within the Scheme. A traveller has left all elements of the Scheme far behind before any appreciation is had of the key elements of the significance of the asset.

3.36. Approaches along Bradmore Road from the north will not experience any change given how far back the Scheme is from the eastern edge. This approach into the Conservation Area has no footpath in any case so any views would be glimpsed and at speed.

3.37. The most important elements which contribute to the significance of this asset will not experience change as a result of the Scheme. The immediately surrounding agricultural land around the boundary of the Conservation Area will not experience any change from

the Scheme. The ability to appreciate this settlement within agricultural surroundings, including on the approaches to it both on foot and along the roads will be preserved.

- 3.38. The most important views that contribute to the special character and appearance of the Conservation Area are the dynamic views along Main Street, Widmerpool Road, around Holy Trinity Church and along Costock Road and Wymeswold Road. None of these views will experience any change as a result of the Scheme.
- 3.39. The Scheme would be partially visible in one identified Significant View within the CAAMP. No other identified Significant Views would be affected. The level of change is identified as minor, arising from the temporary slight change of character from agricultural land to energy generation. This would result in a very slight reduction in the ability to appreciate the surrounding agricultural landscape of Wysall. This harm is considered to be less than substantial at the lowest end of the scale. This harm is temporary and reversible and will only be present until the landscape mitigation along the eastern boundary of the southern parcel is established. This is anticipated to be a period of around 5 years.
- 3.40. The cable route for the Scheme is required to run through the Conservation Area, and it is accepted that this could potentially engage Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in consideration of the nature of the works proposed, this is not considered to result in any harm. The special character and appearance of the Conservation Area would be preserved and not experience any change as a result of these works.
- 3.41. The Scheme is temporary, seeking permission for 40 years after which time the infrastructure will be removed and any harm will be reversed.

Archaeology

- 3.42. It is an agreed matter that archaeology can be dealt with via condition. A section on archaeology has been included to respond to comments made by the LPA Archaeologist in their December 2025 consultation response (**CD4.69**) with regards to the results of the evaluation.
- 3.43. It is the case that the flexibility of solar as a form of energy infrastructure is such that any archaeological deposits which may be uncovered during the next phase of archaeological fieldwork are capable of being mitigated either through "no-dig" solutions which sees all elements of the Scheme within the identified area raised above ground level (access tracks, cable routes and the panels set on concrete or gabion basket ballast). or mitigation through fieldwork and the recording and dissemination of such information into the public domain.
- 3.44. The more 'fixed' areas of the Scheme (the battery and substation area in field 14) where there is less flexibility are located in an area where no archaeology of significance was identified within the evaluation.
- 3.45. An additional area of skylark mitigation is included in the Amended Scheme to the east of Field 10. This is in an area which has been subject to geophysical survey, but not trenching. However, the skylark mitigation requires nothing further than chain harrowing which is less impactful below-ground than ploughing and as such, any below-ground deposits will not be harmed in this additional area.

4. Legislation, Planning Policy & Methodology

- 4.1. Details of the heritage legislation and planning policies which are considered relevant to this Appeal are provided at **Appendix 2**.
- 4.2. The full Methodology utilised in the preparation of the assessments which are set out within this proof is provided at **Appendix 3**.
- 4.3. The key documents that have been used in the preparation of this Statement comprise:
 - Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (henceforth referred to as 'GPA 2') (**CD5.34**);
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition), the key guidance of assessing setting (henceforth referred to as 'GPA 3') (**CD5.35**);
 - Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (**CD5.37**);
 - Rushcliffe Borough Council Solar Farm Development Planning Guidance- November 2022 (**CD6.5**);
 - Commercial renewable energy development. Historic England Advice Note 15 (**CD5.7**);
 - Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment (henceforth referred to as 'Conservation Principles') (**CD5.36**).

5. Holy Trinity Church (NHLE Ref: 1259980)

5.1. Holy Trinity Church is referenced within RfR 2 where less than substantial harm towards the middle of the range is alleged.



Plate 1 Location of Holy Trinity Church within Wysall

5.2. This is a Grade I listed church added to the National Heritage List on 13th October 1966 with an amendment to the entry made on 12th October 1987. A full copy of the list entry is included in Appendix 1, however an excerpt describes the asset as follows:

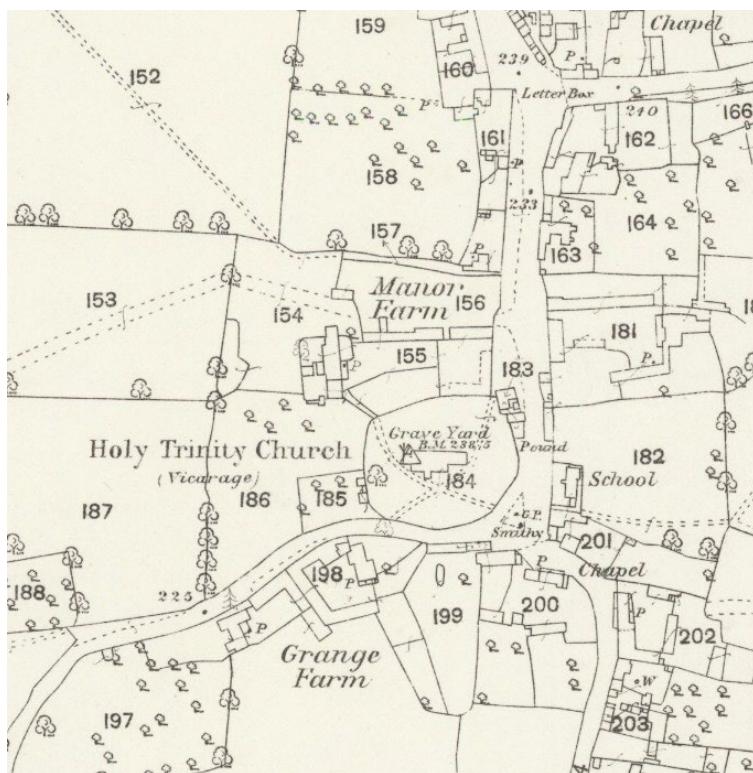
"Church of Holy Trinity (formerly 13.10.66 listed as Holy Trinity Church) G.V. I Parish church. C12, C13, C14, C15, C17, C19, restored 1874. Dressed coursed rubble, some ashlar, weatherboarding to east nave. Slate, plain tile and lead roofs. Coped gables with single ridge crosses to the east chancel and porch. Tower, nave, south aisle, south porch and chancel. Diagonal buttressed single stage embattled C13 tower topped with spire with 4 lucarnes. Remains of 2 gargoyle to the west, north and south sides. West side has a single arched C14 window with single transom with 2 cinquefoil arched lights above and below, cusped tracery, hood mould and worn label stops. In the south wall is a single C13 lancet. The east side has evidence of former nave roof. The 4 C14 arched 2 light bell chamber openings have cusped tracery, over that on the east side is a single clock face. The north wall with C12 masonry has a C12 arched doorway with hood mould and remains of single right human head label stop. To the left and set high into the wall is a single small C12 arched light. Further left are 2 C14 arched windows each with 2 trefoil arched lights. In the C15 clerestory are 2 restored windows each with 2 trefoil arched lights under a flat arch. The north and east chancel walls are set on plinths the north chancel with no openings, the east chancel has a single C17 3 light ashlar mullion window under a flat arch with segmental arched hood mould. The rebuilt south chancel

has a single C14 3 light window with cusped tracery under a flat arch, remains of 2 human head label stops. To the left is a round chamfered arched doorway and on the far left a single C14 2 light window with cusped tracery, under a flat arch. The east end of the south aisle has a single C14 window with cusped tracery. The buttressed south wall has a single C14 arched window with 2 trefoil arched lights. The C19 gabled porch with double chamfered arched entrance, hood mould and label stops has an inner chamfered arched doorway with imposts, hood mould and worn human head label stops. To the left is a single similar 2 light window. The clerestory corresponds to the north, however there are 3 windows. Interior. 3 bay C15 nave arcade, the east pier consisting of single central jamb flanked by single engaged octagonal columns, west octagonal column and octagonal responds. The west respond and the west side of the east pier with capitals decorated with upright nobly leaves. The remainder with moulded capitals. Double chamfered arches, the west pier with stops to the outer order forming carved heads. Tall C13 double chamfered tower arch, the inner order supported on foliate decorated corbels. Fine C15 chancel screen with open panel tracery, the east side with 4 misericords. In the south chancel is a single trefoil arched piscina, to the right is a single C14 stoup with carved human head. Reredos with 7 bay blind arcading. To the left of the north east nave window is a small rectangular niche. C15 nave roof with bosses carved in the shape of heads. C15 chancel roof with arched wind braces. C17 altar table with turned legs. C15 pulpit with blind traceried panels. C13 bulbous circular font. 3 C17 benches. Medieval ladder to bell chamber. C18 candelabra in the chancel. Benefactions board on north wall of the nave. Heraldic painted wooden memorial to George Widmerpool, 1689. In the chancel is an alabaster memorial to Hugh Armstrong of Thorpe, 1572 and his wife, Mary. The sides of the tomb are decorated with 7 figures and shields. The recumbant figures are in contemporary dress, he as a knight with feet resting on a lion and head on a visor, she with head on a pillow.."



Plate 2 Grade I Holy Trinity Church taken from within churchyard surroundings

5.3. To summarise the church has medieval origins and has been subject to a number of additions and alterations with restoration in 1874. The settlement of Wysall is mentioned in Domesday and a church is recorded here. The location of this is not certain but it is possible that the current church lies on the site of earlier buildings. The spire was added to the tower in the 15th century.



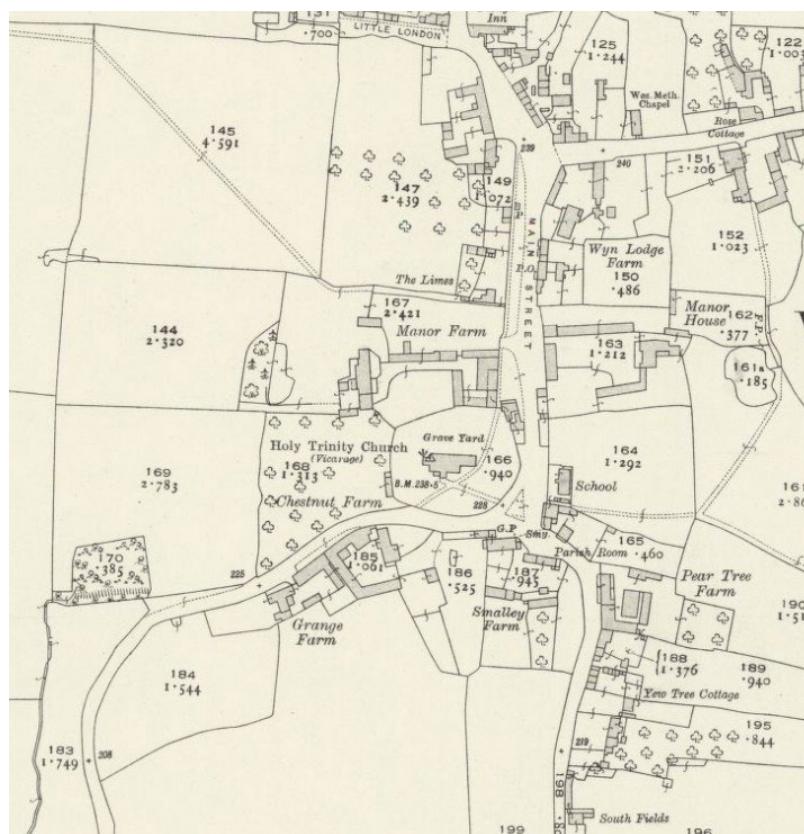


Plate 4 1921 Ordnance Survey showing Holy Trinity Church

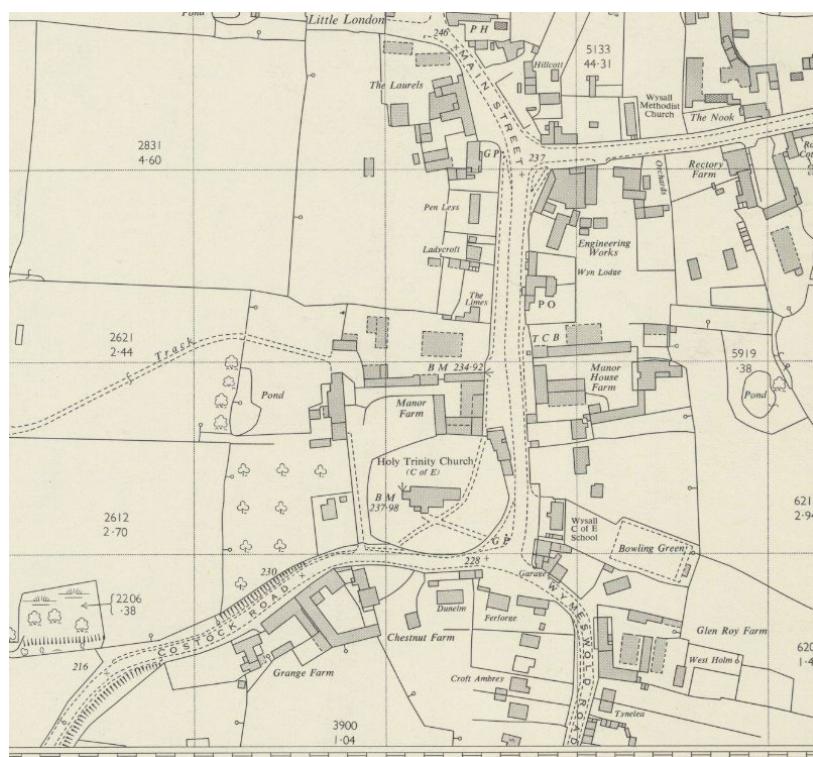


Plate 5 1968 Ordnance Survey map showing Holy Trinity Church note the survival of the distinct circular plan of the churchyard

Setting, Approaches and Views

5.4. The immediate setting of the church is comprised of its churchyard which follows the boundaries recorded on late 19th-century mapping. The churchyard is a circular enclosure and the land within is raised and elevated higher than the surrounding ground-level. The roads of the settlement respect the boundary of the churchyard, with Main Street and Costock Road wrapping around the southern and eastern edge. The churchyard is open to the eastern and southern sides with the western and northern boundaries surrounded by a dense tree belt. There is built form immediately abutting the northern and western boundaries of the churchyard.

5.5. It is from the churchyard and from Main Street and Costock Road that the external fabric of the church can be best appreciated.

5.6. The church is located within the historic core of Wysall, on elevated ground giving the asset a prominent position within the settlement. The location at the junction of three roads and the circular shape of the churchyard is reflective of the medieval origins and possibly the earlier site of a church in the settlement. Whilst there has been extensive development to the south of the church, the form and layout of the settlement with the church as a focus at the southern end remains intact and gives legibility to the historic context of the asset.

5.7. The church is approached from the north by Main Street, the south by Wymeswold Road and from the west by Costock Road. There are footpaths which cross through the churchyard. There is no link to any PRoW which crosses the Appeal Site from this church.

5.8. The visibility of the church varies on these approaches. From the north, due to the heavily tree-lined grass verges lining Main Street, visibility of the church is only possible when adjacent to the junction of Manor House Drive. Clearly views are available on the approach from the south along Wymeswold Road though even then the first clear and unimpeded views of the church are only apparent at the bend in the road as it turns west to meet Costock Road. From Costock Road, the trees that surround the western edge of the church yard screen views of the bulk of the building, but the spire is visible on the approach. There are areas within Wysall where the church can be glimpsed but it is the case that although the asset is on elevated ground, the surrounding vegetation and the layout of the street and roads means that longer distance views of this asset are not really possible.

5.9. From the Appeal Site, in winter, there are limited areas from which the spire and tower of the church can be seen. These views are not available in the summer months when the trees are in full leaf (Plate 6, Plate 7). The views are also mainly available from non-publicly accessible areas. There are no views of the church available from PRoW where the PRoW also runs through the Appeal Site. It is considered that given the distance of these views, whilst the form of the spire can be elucidated, these views do not help to better illustrate the significance of the asset. The amount of the church that can be seen in these views will not change as a result of the Scheme.

5.10. From the surrounds of the church, there is no clear visibility, if any visibility at all, of the land within the Appeal Site. This is screened by vegetation. The historic and ongoing function of the church as a place of worship means that it was not designed to afford views out across the wider landscape. Instead, it was designed to be a landmark building chiefly visible from within the settlement and, to a much lesser extent, from more distant vantage points across the parish.

Statement of Significance

5.11. As a Grade I listed building, Holy Trinity Church is an asset of the highest significance in accordance with the NPPF¹. This significance is consolidated by its inclusion within the boundary of the Wysall Conservation Area.

5.12. The heritage significance of the church is principally embodied in its physical fabric. It derives historic interest from its form and character as a parish church of medieval origins with additions, alterations and restorations over the intervening centuries. Of particular interest, as noted by the Conservation Officer in the consultation response, is the survival of the 15th-century internal roof fabric, which is described as being of *great architectural and historic interest*. The building has archaeological interest as the possible site of an earlier Anglo-Saxon church as described in Domesday and may yield information about the earliest development of this site for ecclesiastical purposes.

5.13. The setting of this asset contributes to its significance, but this contribution is less than that made by the physical fabric. The principal elements of the setting, which are considered to contribute to the heritage significance, are summarised below (in the order in which the elements contribute):

- Its churchyard, which illustrates the ecclesiastical function of the buildings and the provision of burial plots, and from which provides the best location to appreciate and experience the architectural, historic and artistic interest of the external fabric. The circular shape of the churchyard also provides evidence of the medieval origins of the church providing historic interest;
- The junction of Main Street, Costock Road and Wymeswold Road from which there is an important view of the church on its raised platform and from which the historic and architectural interest of the asset can be appreciated, along with the appreciation of its role as the focus of the medieval settlement;
- Historic elements of Wysall, which the church was built to serve and continues to serve and from which the asset can be appreciated and experienced, particularly with glimpses of the spire within the historic core and wider Conservation Area; and
- To a lesser extent, elements of the surrounding agricultural landscape within the parish where it can be demonstrated these elements form the content of foreground of key views of the church and spire and which make a meaningful contribution to the understanding of the church's location within this historic farming settlement.

5.14. Of relevance to the last bullet point, Historic England provides specific guidance on setting and church towers/spires which is applicable here:

"Being tall structures, church towers and spires are often widely visible across land- and townscapes but, 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 development, unless that development competes with them, as tower blocks and wind turbines may. Even then,

¹DLUHC, NPPF, para. 213

such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view²

Contribution of the Appeal Site to Significance

5.15. It is not considered that the Appeal Site makes any particular contribution to the significance of this asset. The Appeal Site is located within the parish of Wysall, however there is no known evidence of a direct functional association between the Appeal Site and the church. As part of the same parish, it can be said there is a small contribution through historic association, however the character of the land – that is, its current agricultural nature, does not form part of that contribution. Whether the land is developed, agricultural, recreational, commercial or for any land-use, it would still form part of the parish, and that contribution would remain.

5.16. There is no perception of the Appeal Site from the church and its immediate surrounds. The Appeal Site is well-separated from the church by distance, vegetation and built form. Similarly, there is no perception of the site in conjunction with the church from the public realm within the historic built-up settlement core of Wysall.

5.17. From the Appeal Site, in winter, there are limited areas from which the spire and tower of the church can be seen. These views are not available in the summer months when the trees are in full leaf (Plate 6, Plate 7). The views are also mainly available from non-publicly accessible areas. It is noted that the views over Field 10 towards the church would not contain any solar panels – Field 10 being an area utilised for skylark mitigation.

5.18. There are no views of the church available from PRoW where the PRoW also runs through the Appeal Site. It is considered that given the distance of these views from within the Appeal Site boundary, whilst the form of the spire can be elucidated, these views do not help to better illustrate the significance of the asset. More importantly, the amount of the church that can be seen in these views will not change as a result of the Scheme.

5.19. As stated, there are no views of the church spire from the PRoW which enters Wysall to the north of the church where this PRoW also runs through the Appeal Site. It is also the case that where the church may be visible in parts of the PRoW not within the Appeal Site, the asset is not being experienced, in terms of the use of that word in the definition of setting as set out in the glossary of Annex 2 of the NPPF, from this PRoW.

5.20. It is agreed that there are glimpsed views available of the spire from within the Appeal Site during winter months, however these are not publicly available views and these views are not of an importance that makes them determinative in this assessment. Furthermore, these are not views which contribute to the understanding and appreciation of the architectural interest of the asset.

5.21. Taking into account the guidance within Historic England GPA 3 it is considered that the visibility of the spire from within the Appeal Site form part of the landscape value, rather than contributing to heritage significance. Views are long-distance, partial and filtered through trees.

² Historic England, GPA:3, p. 7. CD X.XX



Plate 6 View SE looking over Field 10 with church tower and spire indicated by arrow – note there is a wind turbine in this view directly above the location of the church spire (also indicated with red arrow) with further wind turbines on the horizon – there will be no solar arrays within these field looking towards the church and so this view will not change



Plate 7 Similar view as image above but taken when trees in full leaf – there is no visibility of the church at all



Plate 8 View east from Field 15 showing view of church in winter months and other modern built form at edge of Wysall. This is not a publicly accessible view and is not available during the summer months.

Impact of the Scheme

- 5.22. The nearest solar arrays would be over 570m to the west of this asset, within the southern parcel of the Scheme and separated from the church by intervening built form, trees, hedgerows and topography with the most immediate surrounding agricultural land around the asset remaining free from development. The panels in the northern parcel would be over 800m northwest of the Church.
- 5.23. The Scheme would not cause any physical harm to the asset.
- 5.24. The elements from which this asset derives the majority of its significance will not experience any change at all from the Scheme. The most important views and experience of this asset, from within Wysall and the junction of roads immediately southeast will not experience any change. The views from the churchyard would also not experience any change.
- 5.25. Where there may be glimpsed views of the spire from within a small number of locations within the Appeal Site, these are not publicly accessible, only available during winter months and moreover, given the fact only the top of the spire is visible, the amount of the church that is visible now will not change at all with the Scheme in place.
- 5.26. The Scheme will result in a change of character within the Appeal Site which is noted as forming part of the significance of the asset through historic association – being part of the same parish. However, as stated, the nature of this contribution and the association is that the church and Appeal Site are within the same parish. The nature or function of the land is incidental in understanding this association as it is an administrative boundary. Therefore, the change in character within the Appeal Site arising from the Scheme will not result in any change to this aspect of the significance of the asset.
- 5.27. As such, the Scheme will not result in any harm to the significance of this asset through changes to setting.

Commentary on Consultee Comments

- 5.28. It is noted that in their initial response Historic England expressed some concerns about the potential impacts to this asset from the Scheme, however the site visit and further information appears to have alleviated these concerns.
- 5.29. Given the admittance that the previous concerns have been alleviated, it is difficult to understand what the specific source of the harm alleged by Historic England and the RBCCO is to this asset in particular.
- 5.30. Both parties fail to articulate what, specifically, the land of the Appeal Site contributes to the significance of this asset and have relied on a change to landscape character, which is not a necessarily a heritage matter.

6. Highfields (NHLE Ref: 1260277)

6.1. Highfields is referenced within RfR 2 where less than substantial harm towards the middle of the range is alleged. The asset is now known as Holy Cross Convent, however the List Entry still has this asset named as Highfields and as such, the asset will be referred to in this way throughout.

6.2. However, upon receipt of the LPA Statement of Case (**CD8.4**), this level of harm was no longer alleged and instead the LPA now considered this asset would experience less than substantial harm at the lower end of the scale.

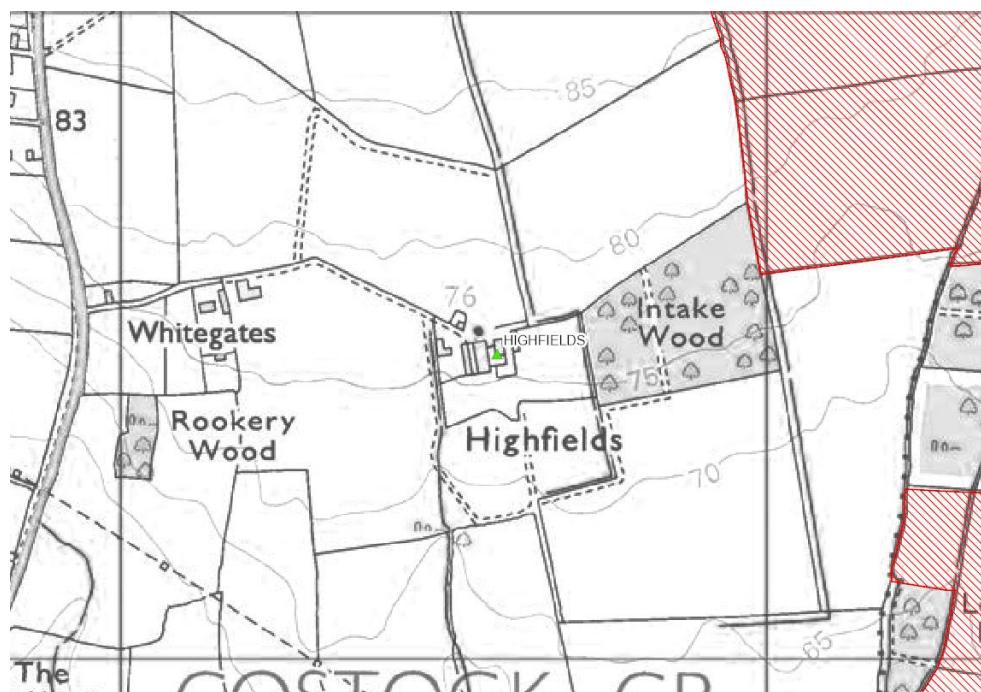


Plate 9 Location of Grade II Highfields

6.3. This a Grade II listed asset added to the National List on 2nd May 1986 (NHLE: 1260277). The asset lies c. 425m west of the northern parcel of the Scheme and c. 670m west of the southern parcel of the Appeal Site. The full List Entry is included in Appendix 1, but an excerpt describes the asset as:

"Highfields 2.5.86 II Dower house, now house. 1729 with early C20 and c.1985 alterations. Designed by and built for Sir Thomas Parkyns of Bunny Hall. In the main red brick stretchers with blue brick headers, some yellow brick and rubble with ashlar dressings. Concrete pantile bell canted mansard C20 roof. 2 lateral and single ridge red brick stacks. Each corner of the house with clasping buttresses. Those to the front/south set on a rubble and chamfered ashlar plinth, of 2 stages with moulded ashlar band having chamfered ashlar quoins below the band and being panelled above, the panelling forming pilasters with moulded ashlar capitals. The buttresses to the rear lacking quoins. First floor band broken by the buttresses. 2 storey, 3 bay south front. Single C20 tripartite cross casement. To the left is a C20 2 bay lean-to with large C20 openings. Above are 2 similar casements with single central similar smaller casement, windows under segmental arches. Left/west front of 5 bays. 3 similar casements, to the

right is a doorway and further right a single similar casement. Above are 5 similar smaller casements. All casements under segmental arches. The right/east front with round arched blocked or part blocked window openings with ashlar keystones, and now with C20 casements. Rear has on the first floor 2 round arched part blocked openings with ashlar keystones and imposts and now with C20 casements. Under the eaves in blue brick is the inscription "Sir T. Parkyns A.D. 1729". Highfields was the dower house to Bunny Hall."

- 6.4. It is important to note that this List Entry dates from 1986. Since this time, the asset has been through significant change both to the building itself and within its immediate surrounds through the various conversions and changes in function, most recently to become a convent for the Community of the Holy Cross. As such, the listing description is no longer accurate. The building still retains its listed status, however.
- 6.5. As stated above, the building was constructed in 1729 as a Dower House for Sir Thomas Parkyns of Bunny Hall. The house was converted into a farmhouse by the mid-19th century and has, more recently, become a convent and part of the Holy Order of Benedictine Nuns, renamed as Holy Cross Convent. The building is used as accommodation for visitors.
- 6.6. The building is shown on the 1st edition Ordnance Survey map of 1884 with associated farm buildings laid out in a courtyard style to the west of the main house. The principal access to the building was from the east, from Bunny Hill, with other tracks leading to the courtyard from the surrounding fields to the immediate east.
- 6.7. As part of the changes implemented when the buildings were recently purchased by the Community of the Holy Cross, significant changes were made to the immediate surroundings of the asset, including the transformation of the ancillary barns into the convent building itself, and construction of a number of new buildings and workshops.

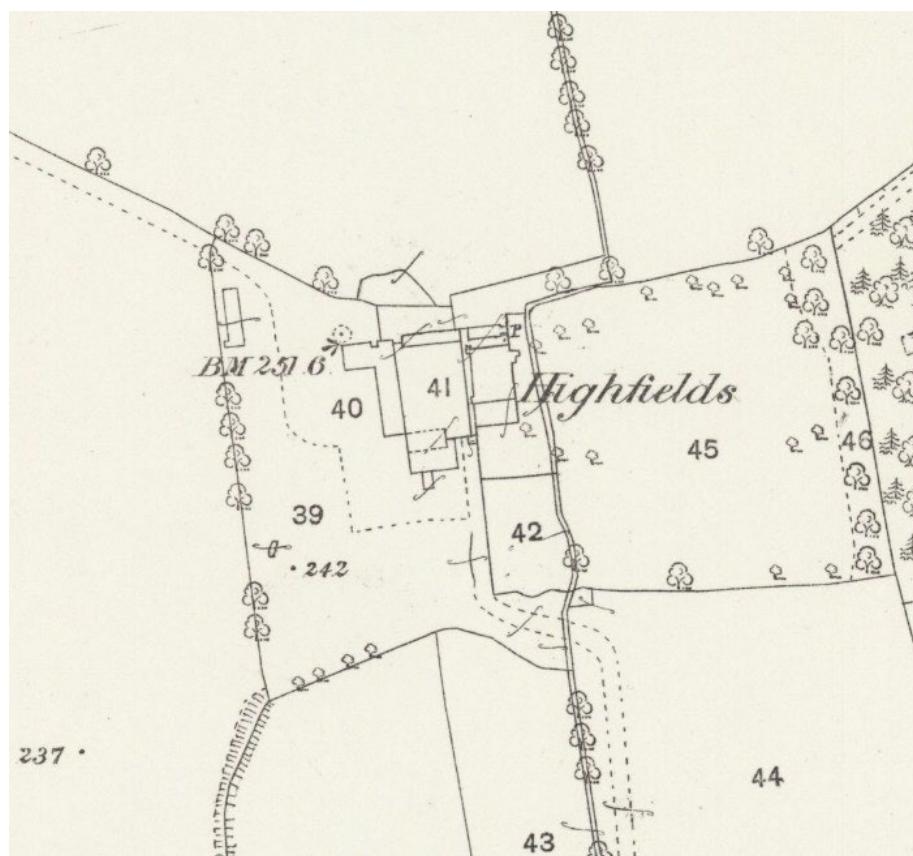


Plate 10 1884 Ordnance Survey Map

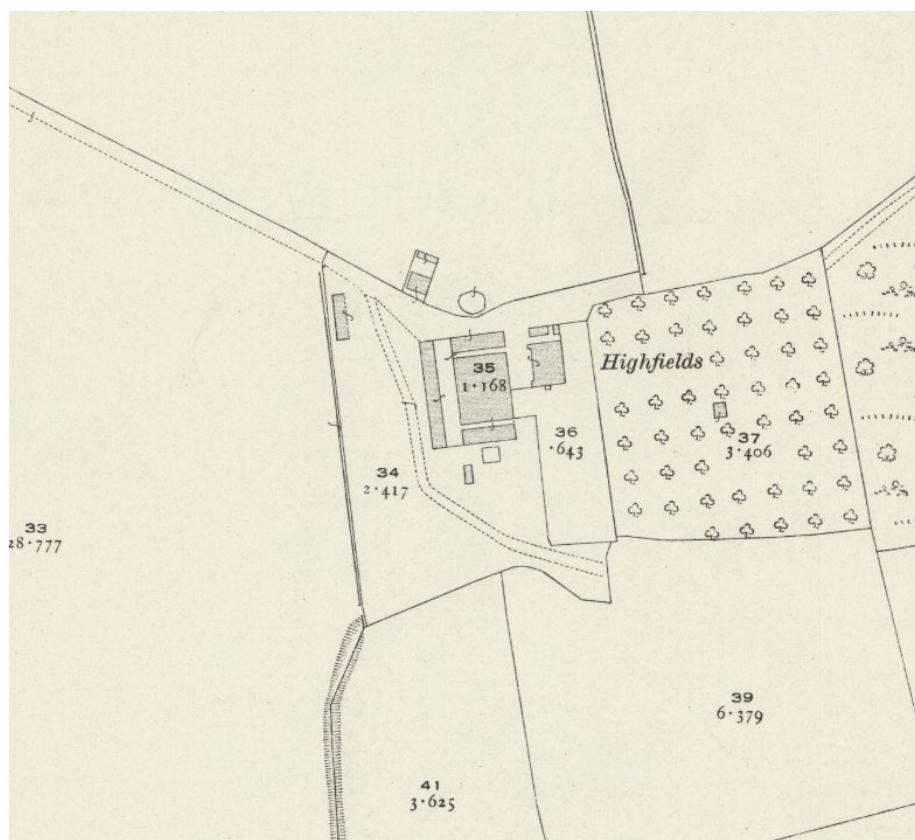


Plate 11 1921 Ordnance Survey Map



Plate 12 1970 Ordnance Survey Map

- 6.8. By the 1921 Ordnance Survey Map, the central part of the courtyard to the west of the building has been infilled with a large building and the other buildings in the farmyard have undergone slight changes. The land to the immediate east of the building, formerly shown as open space, is now shown as orchard planting so there is continuous woodland planting from Intake Wood, to the further east, then the orchard, the Highfields.
- 6.9. By the 1970 mapping, further buildings still have been added to the complex with buildings added to the east of Highfields with the land for this cut out of the orchard to the east.
- 6.10. The building is now located within the Holy Cross Convent complex. It is no longer a farmhouse, and the former associated farm buildings similarly do not have an agricultural function.
- 6.11. An important element of context to consider with this asset is the recent permission granted for a solar scheme with associated infrastructure and BESS on land to the east, north and south of this asset; the Highfields Solar Farm (Planning Ref: 22/00303/FUL Plate 13).
- 6.12. As part of the Highfields Solar Farm planning application, a Heritage Statement was prepared (Pegasus Group November 2022 **CD9.1**) which assessed this asset. The Heritage Statement concluded that Highfields would not experience any harm from the Highfields Solar Farm.



Plate 13 Site Layout Plan for the consented Highfields Solar Farm with the position of the GII Highfields marked with red circle. The Scheme is immediately east of the eastern boundary of the Highfields Solar Farm

6.13. The Consultation response from the RBCCO for the Highfields Solar Farm (**CD9.2**) focussed solely on this asset. Within this response, they stated:

"There is no evidence indicating the Dower House had any gardens or grounds and further, any grounds that may have once been extant are no longer legible within the landscape. Therefore, the historic functional link between the site, as agricultural fields, and the Listed Buildings use as a Dower House is weak. While there is a likelihood that the site was part of a later relationship between the farmhouse and the agricultural land, this today is much reduced by the 20th century development of the religious complex surrounding Highfields. The contribution of the setting to the listed building is today very minimal."

6.14. In consideration of the Highfields Solar Farm, the RBCCO stated:

"The development would retain an area of agricultural land surrounding the Listed Building thereby preserving the sense of isolation associated with historic dwelling and former farmhouse.

Views of the development would be available from the A-road located to the east of the proposal site and long views of the listed building would include views of the arrays. However, I do not consider this would result in any harm. For the above reasons and given the limited height of the proposed development and its distance and screening from the heritage asset as well as the retention of agricultural land closest to the listed building, I do not consider the proposal would result in any harm to the significance of the Listed Building or its setting."

6.15. It is the case, therefore, that the RBCCO agreed with the conclusions of the Pegasus Heritage Statement of 2022 supporting this application and agreed that the Grade II listed Highfields would not experience any harm from the Highfields Solar Farm. The Delegated Report agreed with the RBCCOs conclusion. It is the case therefore that it was considered that no harm to the significance of Highfields arose from this Highfields Solar Farm by all parties, and the application was granted consent. The granting of consent for this application confirms that the principle of renewable energy in locations in proximity to designated heritage assets has been deemed acceptable.

6.16. Matters of cumulative effect are not an issue here. No harm was identified to the significance of Highfields by any party at any stage as part of the assessment of the Highfields Solar Farm application. As such, as no harm arises from that scheme, there can be no cumulative or in-combination harm arising from the Scheme.

Setting, Approaches and Views

6.17. The immediate setting of this asset is formed by the enclosed boundary of the former farm complex and the former farm building, now converted for use as residences or for the use of the Sisters of the Holy Cross. To the immediate north, east and south of the Listed Building are gardens and scrubland associated with the convent.

6.18. Highfields is not readily appreciable from publicly accessible areas. The nearest PRoW lies some distance to the north and east, and roads to the east and south of the asset do not have pavements and have 50mph and 60mph speed limits respectively, thus whilst travelling along these roads, the ability to appreciate the asset from these roads is limited. The approach from Bunny Hill is still the primary approach to the asset.

6.19. There are glimpsed and distant views of this asset available looking northwest from Wysall Road near to the junction with Wysall Road joining from the south. These views are in the context of a row of pylons and overhead lines which run from east-west to the north of the field boundary (see for example Viewpoint A of Figure 8 of LVIA **CD2.16** p 212 of pdf). The view is glimpsed. This is not considered to be a key view of the asset which reveals elements of its significance. The architectural and historic interest of the asset cannot be understood. It is not an area from which the asset can be experienced.

6.20. There is an even more distant and glimpsed view located looking north from Costock FP4 (Viewpoint E of Figure 8 of LVIA **CD2.16** p 228 of pdf). This path is on elevated ground and offers long distance views across a large area of landscape. This view contains Highfields

set within the modern buildings which now form its immediate surroundings. Highfields sits within the view and is surrounded by woodland planting and is a minor element of the wider panorama. It is not a view which illustrates the key significance of the asset and it is considered that the significance of this asset cannot be experienced from this point.

6.21. As a former Dower House, the asset was intended to have some status and is an attractive building. Whilst some designed views or grounds may have been an original intention, the conversion to a farmhouse in the mid-19th century has meant that any indication of where such designed views may focus on is lost. There is no evidence that the lands within the Appeal Site was ever the focus of designed views and given the topography of the land, which rises away the asset to the east, it is unlikely this would have been the intention.

6.22. This asset is very secluded in terms of accessibility and approaches. Indeed, it is this separation from PRoWs, roads etc which likely would have made it an attractive proposition for the order of nuns who reside here.

Statement of Significance

6.23. As a Grade II listed building, this is considered to be an asset of less than the highest significance in accordance with NPPF³.

6.24. The heritage significance of this asset lies primarily within its physical fabric, which best demonstrates its historic and architectural interest. The significance of the building is primarily derived from its built historic fabric, which retains notable historic features from its original construction in the 18th century. These architectural features from which Highfields derives most of its heritage significance, are of architectural value. Due to the building's origins as a Dower House associated with Sir Thomas Parkyns, there is also historic interest.

6.25. The setting of the asset contributes to the significance of the asset, though this contribution is considered to be much less than the physical fabric. The elements of setting which contribute (in the order in which the elements contribute) are:

- The immediate surrounding grounds and gardens which provide the evidence of the historic boundary of the asset, and which provide the areas from which the key elements of the significance of the asset can be appreciated;
- The former associated farmyard and buildings which give legibility to understanding the historic layout and function of the asset;
- Other residual elements of the farm complex, such as the access from Bunny Hill to the west;
- The immediate surrounding landscape insofar as this provides areas which form part of key views which illustrate the significance of the asset or from where the asset can be appreciated and understood; and

³ DLUHC, NPPF, para. 213

- The more distant Bunny Hall which was the seat of the Parkyns Baronetcy (and Grade I listed building). This is over 2km from this asset but the historic association between the former Dower House and Bunny Hall does contribute a minor amount to historic interest.

Contribution of the Appeal Site to Significance

6.26. The Appeal Site is located nearly 1km to the east of this asset, with a consented solar farm and blocks of mature woodland between the Appeal Site and this asset.

6.27. Highfields is located in Costock parish whereas the Appeal Site falls entirely within the Wysall parish. Therefore, there is no historic association in that respect with this asset.

6.28. This asset no longer functions as a dower house, farmhouse or residence in the traditional sense of the word and has no current functional association with the Appeal Site. The asset does function as a residence for the community of Benedictine nuns as well as a place of worship and retreat, however there is no specific association with the land within the Appeal Site.

6.29. There are very limited views of the roof and ridgeline of Highfields from the PRoW within the northern parcel of the Scheme running between Fields 2 and 1 and 4 and 7/8. These views are limited by topography and existing vegetation and do not show any level of detail of the building, limited to the roofline only. Varying amounts of the building are visible from non-publicly accessible areas in the northern parcel (see Plate 14 below) and from within the southern parcel of the Appeal Site and along the PRoW running between. However, it is noted that nowhere within the Appeal Site offers an opportunity to view the entire building, unimpeded or to appreciate the elements which form its significance. From the northern parcel there are no clear, unimpeded views of the entire building and the views from the southern parcel are very distant indeed, again, with no clear, unimpeded views of the entire building. The PRoW in the northern parcel of the Appeal Site is not an approach to Highfields and never has been historically.

6.30. Historic mapping has shown that there has been woodland, with later orchard planting to the east of Highfields since at least the mid-19th century which would have block views from the asset towards the Appeal Site.

6.31. It is therefore the case that the Appeal Site is not considered to make any contribution to the significance of this asset through setting.



Plate 14 View looking west from within Field 1 (not a publicly accessible view) – upper parts of Highfields indicated with red arrow.

Impact of the Scheme

- 6.32. The Scheme would not result in any physical impacts to the fabric of this asset.
- 6.33. The elements which form the key aspects of the significance of this asset will not experience any change at all from the Scheme. The ability to understand the historic function and layout of the buildings will not alter nor will the ability to view the asset from its immediate surrounds.
- 6.34. The Scheme will change the character of the more distant elements of the surrounding landscape, however it is the case that there is no known association between the land of the Appeal Site and the asset. Ultimately, any such connection is long severed and only appreciable through historic documentation.
- 6.35. There are glimpsed views available of the roof and ridgeline and upper elements of the asset from points within the northern portion of the Appeal Site including from the PRoW. These views are considered to be incidental and glimpsed and do not reveal or help to understand the significance of the asset. These views will change as part of the Scheme however the PRoW is not a route or connection to Highfields and never has been.
- 6.36. As set out above, there are areas to the south of the asset where there are distant, glimpsed views. The view from Wysall Road looking northwest at the junction of Wysall Road, the photomontages produced at Viewpoint A of Figure 8 of LVIA **CD2.16** p 212 – 214 of pdf show that the southern element of the Scheme would be visible in this view. However,

this view also illustrates that there is a very prominent existing pylon within this view. It also illustrates that the asset is glimpsed and distant in this view. Whilst it is possible to discern windows, the specific architectural and historic interest of the asset cannot be discerned. The asset cannot be experienced from this point. The photomontages also show that the amount of Highfields that is visible in the view now will continue to be visible with the Scheme in place. The planting may filter views further in summer but it is the case that these views are already going to be filtered by vegetation in the summer months in any case.

- 6.37. The view south from Costock FP4 PRoW will also contain the Scheme as illustrated by the photomontages at Viewpoint E of Figure 8 of LVIA **CD2.16** p 228-230 of pdf. This shows that the Scheme is far removed from this asset. More importantly, this is not a view which contributes to the significance of this asset. The key elements of the significance of this asset cannot be experienced in this view, with the asset surrounded by modern built form in the distance.
- 6.38. It is an agreed matter in the Heritage SoCG at paragraph 2.20 that simply being able to see the Scheme from or in relation to a heritage asset is not automatically or necessarily a cause of harm. This is the case here. These views do not contribute to the significance of the asset and therefore there would be no harm. It is also the case that the consented Highfields Solar Farm is located closer to Highfields than the Scheme, an element which is visible in photomontages created for that Scheme. This was not considered to be a cause of harm for that application.
- 6.39. As has been stated above, there is an extant permission for a solar farm located between this asset and the Appeal Site. In consideration of that scheme, no harm was found to the significance of the asset.
- 6.40. Taking the above into account, I conclude that the Scheme would not result in any harm to the significance of this asset.

Commentary on Consultation Comments

- 6.41. As has been stated above, the RBCCO for the Highfields Solar Farm application agreed with the Pegasus assessment of no harm arising to the significance of Highfields through changes to setting. No concern was raised over visibility of the Highfields Solar Farm in the wider landscape, nor any concern over whether it would alter the contribution of the rural landscape to this asset.
- 6.42. With regards to the views from the south discussed above, it is the case that the consented Highfield Solar Farm application is in closer proximity to this asset than the Scheme in these views (see viewpoint 7 photomontage Appendix 4 **CD2.16** p. 143 – 145 of pdf). This was not raised by the RBCCO as a matter of concern and no harm was identified.
- 6.43. Historic England did not offer any consultation response on the Highfields Solar Scheme application.
- 6.44. As such, it is difficult to reconcile that decision and assessment with the decision and assessment of the RBCCO in their consultation response to the Scheme (**CD9.2**) where harm is identified. This conclusion is not credible in the face of the considerations and conclusions with regards to the Highfields Solar Farm.

6.45. The RBCCO consultation response fails to articulate what the setting of Highfields is or why it contributes to significance. The discussion is limited to: *'The setting of the property contributes highly to its significance as documentary evidence describes the use of a balcony on the roof to enjoy the wide-ranging views across the rural landscape.'* This is a vague description and one which does not match the asset as it appears today. There is no evidence of balcony on the asset today and in any case, the plantation block of Intake Wood, which is present on the 1884 Ordnance Survey mapping so clearly established at some point prior to this, would have blocked most views towards the Appeal Site in any case. It is also the case that due to the topography, given what can be seen of the building from the Appeal Site – that is the roof and ridgeline mostly, there would not have been any meaningful views of the Appeal Site in any case.

6.46. The RBCCO has not articulated why the Scheme would be harmful to the significance of this asset specifically other than the Scheme changing the wider rural landscape, however there is no discussion of any other aspect of the significance of this asset which would not experience any change. As such, the conclusion of the RBCCO is considered to be without justification.

6.47. Matters of cumulative impact are not relevant here. None have been raised within consultation responses or within the RfR. It is the case that the previous Heritage Statement prepared to support the Highfields Solar Farm application (**CD9.1**) did not identify any harm to the asset and as it is the case that as I have identified no harm from the Scheme in and of itself, there can be no cumulative effect.

7. Manor Farmhouse (NHLE Ref: 1259992)

7.1. Manor Farmhouse is referenced in RfR 2, with less than substantial harm towards the middle of the scale being identified.

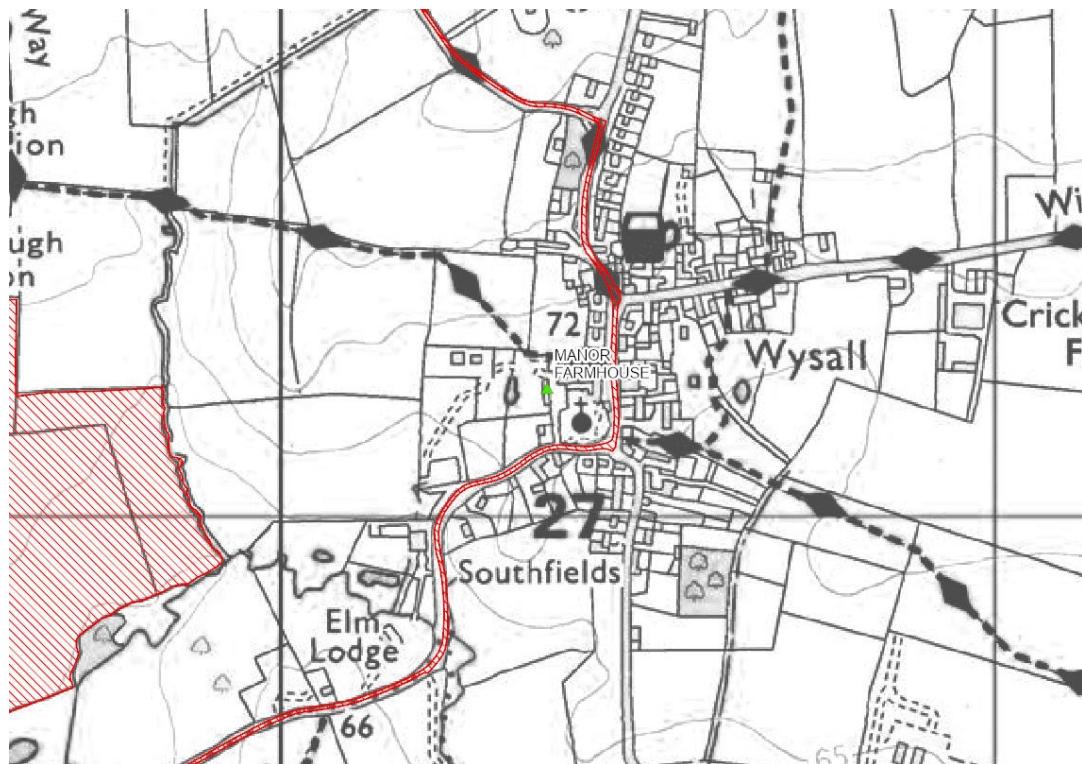


Plate 15 Location of Manor Farmhouse

7.2. Manor Farmhouse was added to the National List on 12th October 1987. The full List entry is in Appendix 1, however an excerpt describes the building as:

"Manor Farmhouse G.V. II Farmhouse. Late C17. Red brick with blue brick diaper to the first floor. Rubble plinth. Plain tile roof. Single large central ridge red brick stack. Brick coped gables with kneelers. Dentil and raised brick first floor band. 2 storeys plus garret, 4 bays. Doorway with panelled door, decorative overlight, panelled reveal and reeded surround. to the right is a single tripartite glazing bar sash, a single small sash and on the far right a single tripartite casement under a segmental arch. Above are 2 smaller casements under segmental arches. Rear with gabled part rubble stair turret. Interior has large plain moulded beam."

7.3. This asset was scoped out of assessment in the application Heritage Statement. This was due to the conclusion that the land of the Appeal Site did not contribute to the heritage significance of the asset and that the Scheme would, therefore, not result in any harm.

7.4. Manor Farmhouse is recorded in the 1st edition Ordnance Survey map of 1884 labelled as Manor Farm with the access for this appearing to be through the churchyard to the southeast and then access through the associated farmyard located directly northeast of the building. By the 1921 mapping, an area of woodland has been planted directly west of the building, and a number of new buildings have been added to the farmyard to the east.

the access through the churchyard appears to have been blocked, with access coming solely now through the farmyard.

7.5. Subsequent mapping shows relatively little change though at some point, access to the building was formed leading off Costock Road. There are some additions of new buildings to the farmyard. More recently, permission was granted for a large, brick-built store / solar mounting structure with an internal laboratory (Ref: 13/00497/FUL) located in the wider grounds of the asset, immediately west – between asset and the Appeal Site. This was the second application after an initial building was granted permission earlier (Ref: 11/01363/FUL). This building was constructed and as part of the mitigation for this, extensive planting was put in around this new building and the boundaries of Manor Farmhouse. This planting is dense and tall and essentially provides a very effective screen which, even in winter, would provide good screening. The acceptance of this application confirms that the principle of renewable energy, even though at a smaller scale in this instance, in locations in proximity to designated heritage assets has been deemed acceptable.

7.6. The planning documents for this application confirm that Manor Farmhouse is a domestic residence now with no agricultural associations.

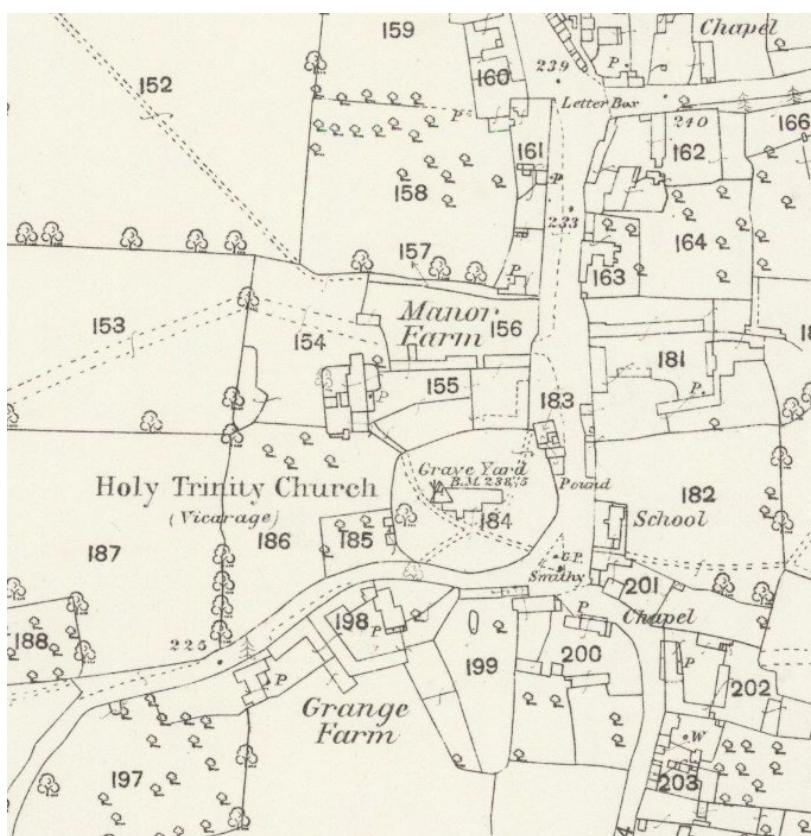


Plate 16 1884 Ordnance Survey Map showing Manor Farmhouse

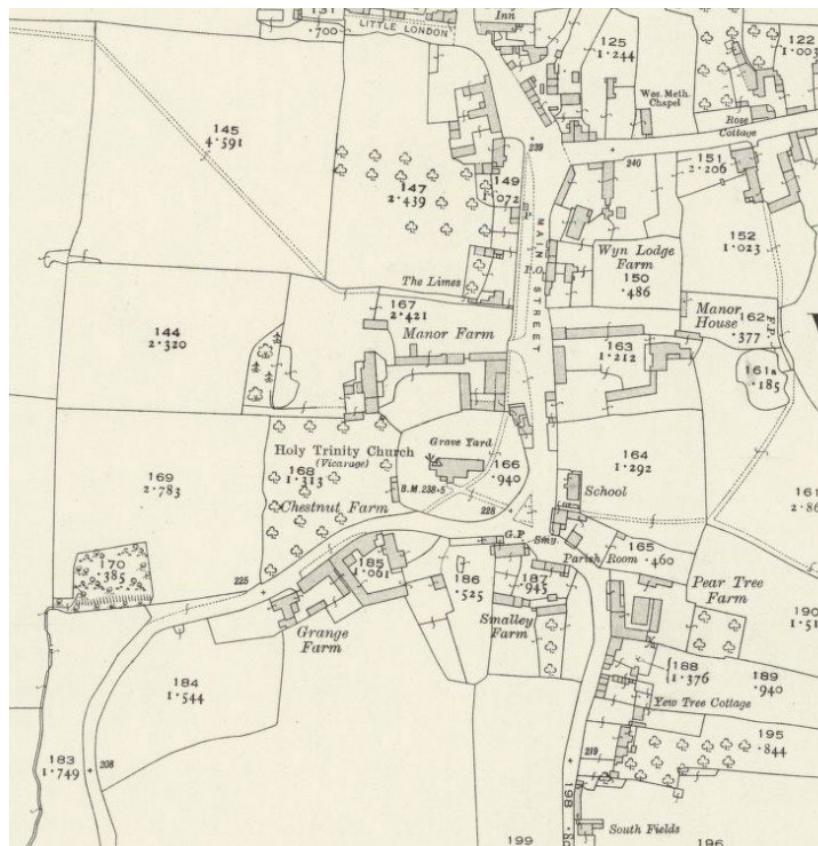


Plate 17 1921 Ordnance Survey showing Manor Farmhouse

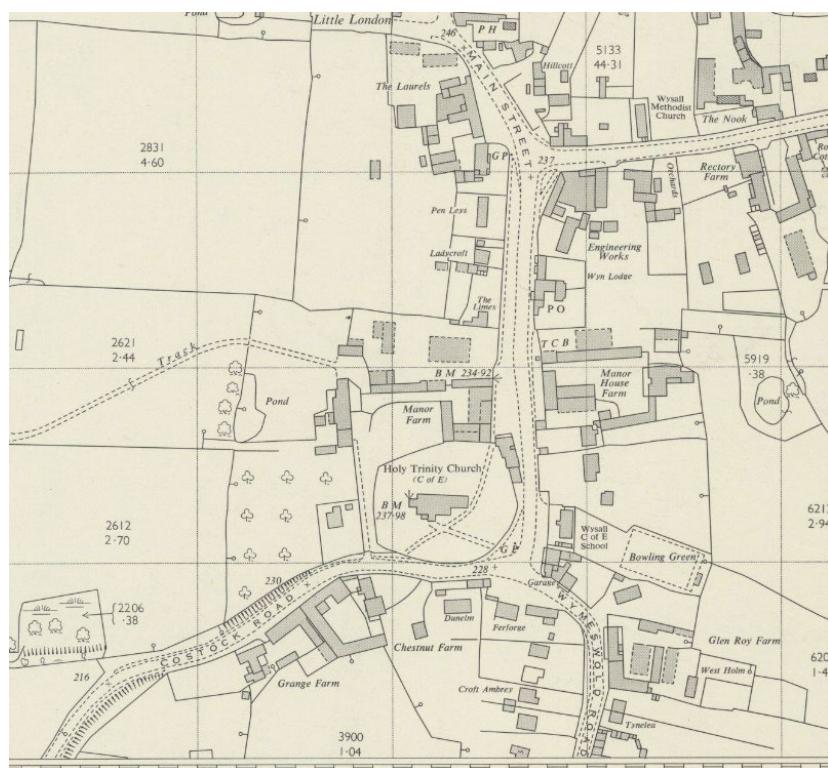


Plate 18 1968 Ordnance Survey showing Manor Farmhouse

Setting, Approaches and Views

7.7. The immediate setting of this asset is formed by its garden and grounds which are extremely enclosed and secluded. There is no association with the former farmyard buildings and access to the building is taken from the south, from Costock Road.

7.8. As a collection of former farm buildings, the asset was designed for agricultural purposes and was not intended to afford views across the wider settlement or landscape. It is noted that the building is of some size and status and as such is elevated above a typical farmhouse in that respect. This elevated status is reflected in the architectural details. The principal façade of the building faces east towards what would have been the associated farmyard and courtyard. The elevation facing west has seen alteration with the addition of a conservatory.

7.9. The building is set back from the core of Wysall, on the edge of settlement. Even prior to the construction of the brick laboratory and solar scheme to the west, historic mapping shows that a stand of trees was planted directly west of the building by the 1920s which would have blocked views towards the Appeal Site. The result of the planting and location of this building means there are no areas within Wysall from which there are views of this asset. There are no publicly available areas where there are views of this asset.



Plate 19 View east looking towards where Manor Farmhouse is located – arrow marks location of building – entirely screened by multiple layers of vegetation which is likely to offer ample screening in winter Note – this picture is not taken from within the Site boundary – map showing location of photograph is below



Plate 20 Red arrow indicates location of photograph and direction – green square is location of Manor Farmhouse and the eastern Site boundary is indicated in red to the west of the arrow.



Plate 21 View SE along PRow just before it reaches Wysall showing spire of church. Manor Farmhouse is not visible. This view is not from within the Appeal Site or in proximity.

Statement of Significance

7.10. As a Grade II listed building, this is considered to be an asset of less than the highest significance in accordance with NPPF⁴. This significance is consolidated by its inclusion in the Conservation Area boundary.

7.11. The heritage significance of the asset is principally embodied in its physical fabric. It derives historic interest from its general age, form and character, as the principle building in a farmstead with the building being of a higher status. The building is now in domestic use with alterations such as the addition of a conservatory which does not contribute to the significance.

7.12. The setting of the asset also contributes to its significance, although the significance derived from its setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset which contribute to significance (in the order in which the elements contribute) are:

- The immediate surrounds and garden to east which give legibility to the original extent of the building and provide the area from which the key significance of the asset can be appreciated;
- The former associated farm buildings to the immediate east, now separated. These provide an understanding of the firmer function of the asset and the layout;
- The settlement of Wysall in so much as the asset forms part of the historic layout of the settlement;
- Whilst the extent of the historically associated landholdings is unknown, these landholdings were likely located within the same parish and could have included agricultural land within the Appeal Site. However, any association there may have been is no longer extant and there is no sense at all of any association with land immediately beyond the boundary of this asset. This contribution is negligible at best.

Contribution of the Appeal Site to Significance

7.13. It is not considered that the Appeal Site makes any contribution to the significance of this asset. It is uncertain if there are historic associations in terms of ownership however, ultimately it is the case that there are no current associations either in terms of function or ownership between this asset and the Appeal Site. There are no views of the asset from the Appeal Site given the extensive and heavy vegetation screening. Given the lack of views of the asset from the Appeal Site, it is uncertain if there would be views of the Appeal Site from the upper floors of the asset. Given the tall and mature trees planted directly west of the asset, between the Appeal Site and the asset, this seems unlikely and even if this were to be the case, the Appeal Site is over 500m from the asset and on land which is sloping down, away from the asset. The northern parcel lies over 800m to the northwest of the asset.

⁴ DLUHC, NPPF, para. 213

7.14. As such, it is considered that the Appeal Site makes no contribution to the significance of this asset.

Impact of the Scheme

7.15. The nearest solar arrays would be over 530m west of this asset.

7.16. The Scheme would not result in any physical harm to the fabric of this asset.

7.17. The elements which form the key aspects of the significance the asset will not experience any change. The immediate surrounds grounds and views from within that will not change, nor will the ability to understand the association with the former farm buildings to the east.

7.18. The Scheme represents a change to the character of the land to the west of this asset which may once have had an historic, functional association with it. Any such association is long since severed and can only now be appreciated through historic records – an aspect which will not be affected by the Scheme.

7.19. It has been established that there are no views of the asset from the Scheme and the asset itself is so separate from the Appeal Site and the land within it through the vegetation the construction of a brick laboratory and solar area that the Scheme cannot be said to have any effect on this asset at all.

7.20. Therefore, the Scheme would not result in any harm to the significance of this asset.

8. Wysall Conservation Area

- 8.1. The second RfR cites harm to the significance of the Wysall Conservation Area. The RBCCO articulated the level of harm as less than substantial towards the middle of the scale.
- 8.2. The Wysall Conservation Area was first designated in 1990 with the boundary expanded in 2024.



Plate 22 Location of Wysall Conservation Area

- 8.3. A Conservation Area Appraisal and Management Plan (CAAMP) was first produced to provide information on the key characteristics of the asset and guidance for development in 2010 (**CD9.3**). An updated version was published and adopted by Rushcliffe Borough Council in February 2024 (**CD9.4**). This Appraisal sets out the historic development of Wysall. In summary, Wysall was established in the Anglo-Saxon period with the settlement containing a church. The settlement remained small and nucleated though by the 19th century contained a number of small business and its own school. The settlements primary economy was based on agriculture, with the textile industry of frameworks knitters which took hold in many other villages across Nottinghamshire not taking hold here.
- 8.4. The 20th century saw a decline in the settlement in terms of the businesses closing though the Plough Inn public house still remains. The settlement is characterised by farmhouses, workers cottages and agricultural buildings. The historic layout of the settlement is still legible, particularly the historic core centred around the church.
- 8.5. A series of maps below illustrates the development of the settlement.



Plate 23 1884 Ordnance Survey Map

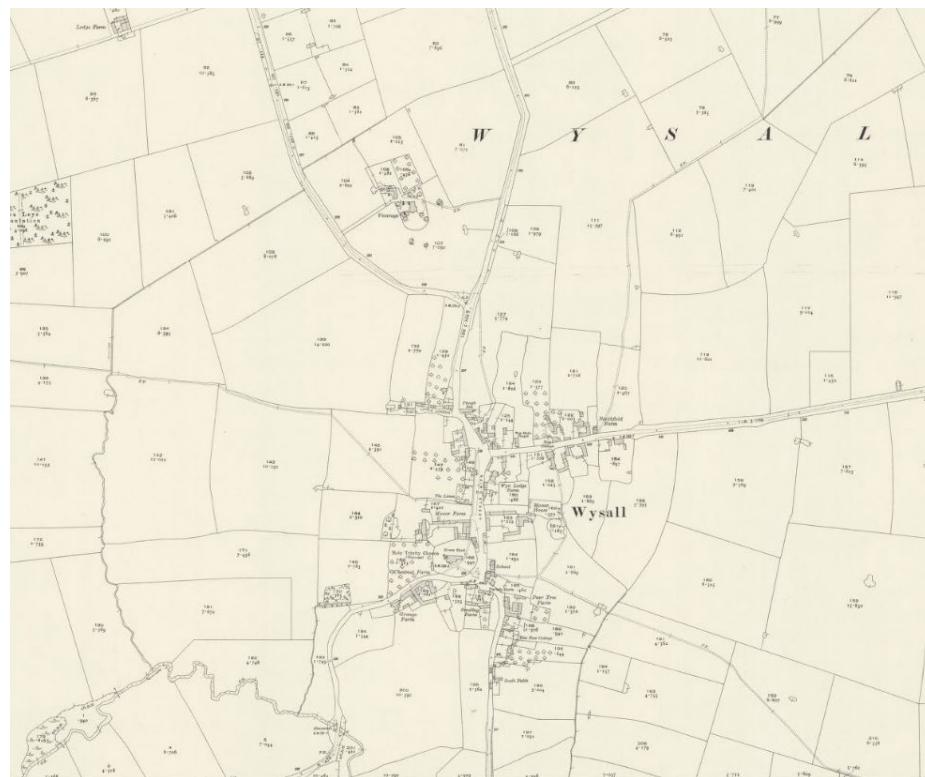


Plate 24 1921 Ordnance Survey Map

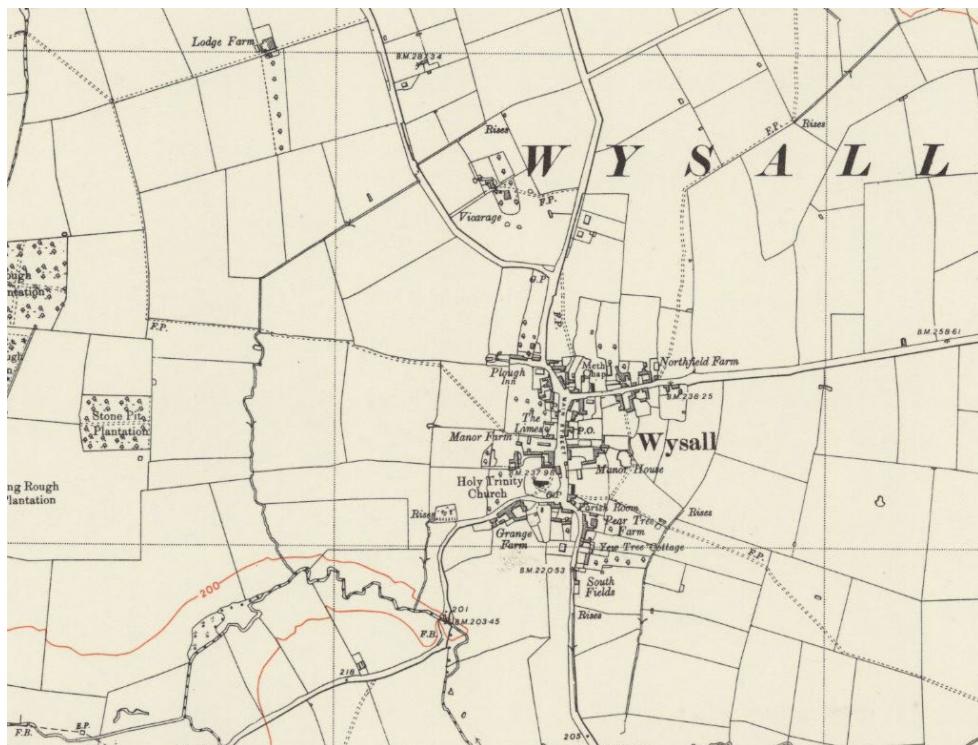


Plate 25 1952 Ordnance Survey Map

Character and Appearance

8.6. The Conservation Area contains five listed buildings with further key unlisted buildings identified within the CAAMP. The building types reflect the village's development as an agricultural settlement.

8.7. Historically, the 1st edition Ordnance Survey map shows a much more dispersed settlement pattern though still based on a linear layout. The spine of the settlement is formed by Main Street with the other roads running off from this. Throughout the 20th and 21st centuries, infill development has taken place and now most of the main streets in the settlement are lined with built form with cul-de-sacs appearing and infilling back plots.

8.8. The streets are characterised by wide grass verges and tree lined streets. Most historic built form is set back from the pavement edge or behind front gardens. Boundary treatments throughout are varied, consisting of brick and stone boundary walls, privet hedges, iron railing and some properties for directly front onto the roads.

8.9. An important contributor to the historic interest of Wysall is that it is a Thankful Village which means that all 12 of the men from the village who went off to fight in World War I returned.

Setting, Approaches and Views

8.10. The Conservation Area is bounded by a mix of modern development, gardens, paddocks and open fields including agricultural fields.

8.11. There is a PRoW (Wysall FP3) which runs from the northwest, through Bunny Old Wood, then running along and through the fields and the northern parcel of the Appeal Site, then

turning south, east, then southeast to enter the western side of Wysall to join Main Street. Analysis of historic mapping shows this footpath on the 1880s Ordnance Survey mapping on virtually the same alignment as today, linking the settlements of Bunny and Wysall. This footpath can be said to form an historic approach to the settlement but it is not a heritage asset in its own right.

8.12. Whilst a portion of this PRoW does run through the Appeal Site, the elements of the footpath that are within the Appeal Site do not contain views of the historic core of Wysall, nor is there any appreciation or understanding that one is approach the settlement. Given the topography of the landscape and the existing screening, there is very little awareness of an approach into Wysall until the Scheme is far behind a traveller. Similarly, when moving away from Wysall, the settlement is far behind the viewer and not in any peripheral view before there is any awareness or visibility of the Scheme.

8.13. There are approaches into the Conservation Area on roads from the north, south and eastern sides. When approaching from the east along Widmerpool Road, there are no views available of Scheme and the historic core of Wysall. The approaches from Costock Road and Wymeswold Road also would not contain views which had the Appeal Site and the historic core of Wysall in the same view.

8.14. The approach from the north along Bradmore Road would pass along the eastern boundary of the northern parcel of the Appeal Site for a short distance before arriving at the Conservation Areas northernmost extent. This area covers the property and grounds of the Old Vicarage. A significant view is noted here on the Townscape Analysis map, however the view is from Bradmore Road looking east, towards the property. There are no significant views identified in the Townscape Analysis map from the property looking towards the Appeal Site or any views looking south along the road itself. The portion of the Appeal Site that is adjacent to Bradmore Road on the approach to the Conservation Area is to be free of built form and set aside for skylark mitigation in any case. It is possible that there may be glimpses of the Scheme on the more distant approach from the north along Bradmore Road, however the Scheme will be set back from the road with landscape mitigation proposed which will at the very least soften the views. It is the case that at a distance north along the road from which the Scheme might be visible, there is no ability to locate the Wysall Conservation Area. It is also the case that Bradmore Road has no footpath and as such, any such journey would be in a vehicle at some speed.

8.15. Significant views within, out of, and into the Conservation Area are illustrated in the Wysall Townscape Appraisal which accompanies the CAAMP. A number of significant views are identified, but the majority are inward-looking, located within the Conservation Area.

8.16. Two significant views are located at the western edge of the settlement with these illustrated at Plate 27 and Plate 28 below. The southern-most significant view is located at the bend in Costock Road at the westerly extent of the area looking westwards towards private land. The view shown in plate 11 provides a small glimpse of the eastern edge of Field 15 only within the Scheme. This is the only element of the Scheme visible in this Significant View.

8.17. The view illustrated at Plate 28 is a vista looking west and northwest from the western edge of Wysall along the PRoW which leads west, then north and which eventually runs through the Appeal Site ultimately leading to Bunny to the northwest. This view does not contain the Appeal Site. Whilst this view illustrates an open field on the western edge of the

settlement, the view is not extensive or long-range, it is curtailed by a hedgerow. There would be no view of the Appeal Site within this view.

- 8.18. Ultimately, the most important views are the dynamic views and street scenes along Main Street and around the core of the settlement around Holy Trinity Church, Costock Road Wymeswold Road and Widmerpool Road from which the concentration of listed buildings and Key Unlisted Buildings can be seen and best appreciated. The enclosed nature of this Conservation Area means that views outwards when within the historic core are very limited indeed. The views out from the Conservation Area are all from the very edge looking outwards and have no relation to the historic core.
- 8.19. The views along these routes are filtered by wide grass verges and tree-lined roads which contributes to the rural character of the settlement. The curving nature of the roads, such as Main Street are such that there are few uninterrupted long-distance views within the settlement. Widmerpool Road is slightly straighter and offers a longer range of view, containing a mix of historic and more modern built form.
- 8.20. There are glimpses out towards the surrounding agricultural landscape from within the Conservation Area but these are best gained looking out from the eastern side of the settlement and east from Wymeswold Road. Figure 10 of the CAAMP illustrates a view that is described in the CAAMP as being of the open landscape surrounding Wysall. This view is a view east taken from the very southern limit of the Conservation Area boundary. It does not look towards the Appeal Site.

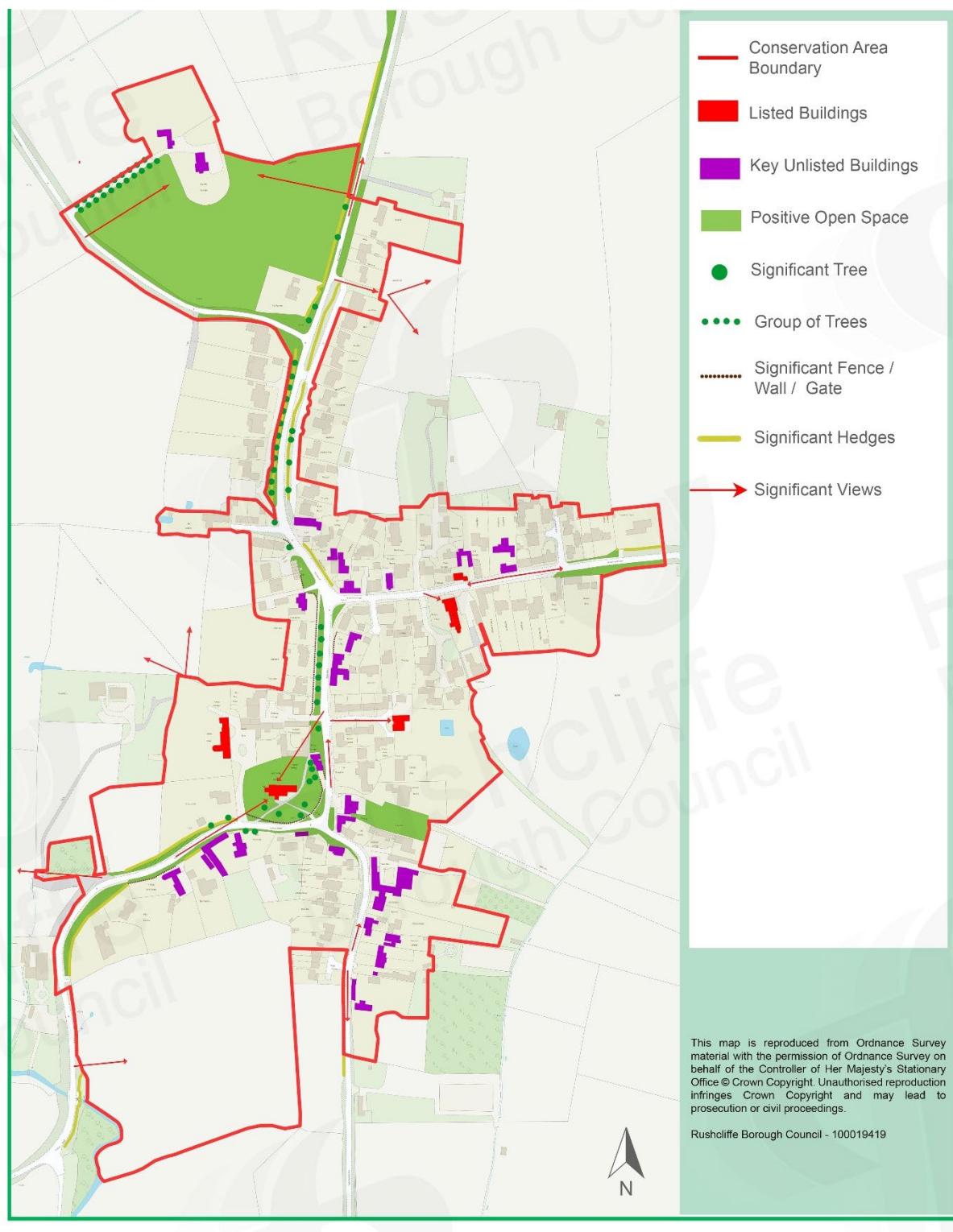


Plate 26 Extract of Wysall Townscape Appraisal map showing Significant Views with red arrows (from the Wysall CAAMP 2024 prepared by Rushcliffe Borough Council)



Plate 27 Photograph illustrating the Significant View from Costock Lane as identified within CAAMP – location of eastern boundary of southern parcel of Appeal Site illustrated with arrow



Plate 28 View NW illustrating Significant View looking out from western edge of Wysall – the Scheme would not be visible in this image

Statement of Significance

8.21. The CAAMP summarises the special interest of the Conservation Area as follows:

"A typical Nottinghamshire village with an informally arranged collection of mostly 18th and 19th 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."

8.22. It is clear that the significance of the Conservation Area is principally derived from the intrinsic elements of its character and appearance (as set out above) which contribute to the special architectural and historic interest of the area and are the reasons for which it was designated. Important elements of the asset's character and appearance include the layout of the village, the traditional built form, boundary treatments, mature vegetation, and green spaces.

8.23. The setting of the Conservation Area makes a lesser contribution to its significance. This is reflected in the fact that there is no statutory protection for the settings of Conservation Areas. The principal elements of the setting which are considered to contribute to its

heritage significance are those parts of the immediate agricultural landscape which can be most readily experienced in conjunction with the historic built core and therefore give legibility to its origins and development as an agricultural settlement.

Contribution of the Appeal Site to Significance

8.24. The Appeal Site lies within the Wysall parish, and as such, there is a historic association which makes a minor contribution. However, this is an administrative boundary, and the contribution is not dependant on what the function of the Appeal Site is (built form recreational space, agricultural land etc) but rather is purely down to the geographical location.

8.25. There are no views specifically looking towards the Appeal Site but as illustrated on Plate 27, the view from Costock Lane will contain the Appeal Site as a small element of that view. The reason for the inclusion of this view or why it is thought to be a Significant View is not articulated within the CAAMP. There is no specific reference to it and as can be seen, is hardly a representative view of the surrounding countryside. The elements of that view of the Appeal Site which can be understood as forming part of the surrounding open landscape make a minor contribution to the significance.

8.26. Whilst the Appeal Site forms part of the wider agricultural surroundings of the asset it is not the case that the elements which form the special interest of the Conservation Area can be appreciated from within the Appeal Site.

8.27. Overall, the Appeal Site makes only a very small contribution to the overall significance of the Wysall Conservation Area through setting, with this contribution principally deriving from the agricultural land located within the Significant View from Costock Road looking west.

Impact of the Scheme

8.28. The most important elements which contribute to the significance of this asset will not experience change as a result of the Scheme. The ability to understand the historic development and agricultural origins, the focal point of the church and churchyard and the interaction between the built form and open spaces will not be changed by the Scheme.

8.29. The immediately surrounding agricultural land around the boundary of the Conservation Area will not experience any change from the Scheme. The ability to appreciate this settlement within agricultural surroundings, including on the approaches to it both on foot and along the roads will be preserved.

8.30. There will be no change to the experience and appreciation of the northern approach into the Conservation Area from the Scheme. The Scheme is set well back from the edge and behind vegetation with fields of the Appeal Site left open for skylark mitigation in the land directly adjacent to Bradmore Road.

8.31. The most important views that contribute to the special character and appearance of the Conservation Area are those as described above; the dynamic views along Main Street, Widmerpool Road, around Holy Trinity Church and along Costock Road and Wymeswold Road. None of these views will experience any change as a result of the Scheme.

8.32. There would be no perception of the Scheme together with the Conservation Area when approaching the western edge of Wysall on foot along the PRoW. The land of the Appeal Site is at a much lower elevation, limiting view and by the time a viewer can see elements of the Conservation Area the Scheme is far behind the view with a hedgerow blocking views (see Plate 28 which illustrates the hedgerow one passes through when moving towards Wysall demonstrating that there would be no views once through this).

8.33. The Scheme would be partially visible in one identified Significant View within the CAAMP. No other identified significant views would be affected. This change will only be appreciable for a short time until the landscape mitigation establishes itself. I note that the Enhanced Landscape Strategy has added further planting to bolster the eastern edge and to help this be a more effective screen in a shorter time period.

8.34. It is the case that the cable route for the Scheme is required to run through the Conservation Area, and it is accepted that this will engage Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990. However, in consideration of the nature of the works proposed, this is not considered to result in any harm. The special character and appearance of the Conservation Area would be preserved and not experience any change as a result of these works. The works are the insertion of a cable into the existing highway corridor and would be akin to the insertion of a new service or utility. No historic fabric would be impacted as a result of this work and the level of disruption in terms of increased noise or traffic would be no more than that generated by minor roadworks and would be for a very temporary period only.

8.35. I consider that the Scheme would result in a minor level of harm to the significance of the Wysall Conservation Area. This harm derives from the temporary change in character within the land in the southern parcel of the Scheme which forms a very small part of the content of a Significant View. The change will result in a very slight reduction in the ability to appreciate the surrounding agricultural landscape of Wysall.

8.36. The level of change is identified as minor because the change affects one view only – the other Significant Views will not experience change. The retention of a generous buffer of agricultural land between the Appeal Site and the asset boundary, as well as when on the approach on the PRoW the Appeal Site is far behind the traveller when entering Wysall, the change in character of the wider landscape is not considered to be harmful. The ability to experience and understand the settlement of Wysall surrounded by open, agricultural land will be retained. In addition, the harm has to be considered upon the Conservation Area as a whole and not just upon the aspect affected by the Scheme. When this is taken into account, the Scheme will only affect a small portion of the entirety of the surrounding landscape for a temporary period. It is also the case that this level of harm would only arise until the landscape mitigation is established as this will provide screening and restore the rural elements of the that view.

8.37. Taking into account the above, I conclude that the Scheme would result in less than substantial harm at the lowest end of the scale.

8.38. It is noted that the Case Officer, in consideration of the application, considered that a much higher level of harm as identified at that stage by the RBCCO of less than substantial harm at the middle of the scale was outweighed by the benefits of the Scheme.

Commentary on Consultation Comments

8.39. As has been stated above, the consultation responses from RBCCO and Historic England both stated: "*the development is more enclosed due to the topography and existing vegetation than previously identified, therefore the impact on the setting of the conservation (sic) is mitigated*". However they both go on to set out that the Scheme would still be harmful.

8.40. I have set out in my narrative of the consultation responses to the application contained within Appendix 4, the harm that Historic England identify to the Conservation Area is evidenced by reference to a number of visualisations supplied with the application. I set out why this is a flawed approach – not least as some of the visualisations which are utilised as evidence are not of the Scheme, but rather were photomontages produced for the neighbouring, consented application for the Highfields Solar Farm.

8.41. The RBCCO and Historic England comment on the setting of the Conservation Area, describing a key characteristic as '*connection with the open countryside provided by views to and from the settlement as well as the rural approaches along tree and hedge-lined routes. Furthermore, views along the northern approach are identifiable and deemed a significant contributor to the conservation areas rural character.*' However, nowhere in their responses do they allege that any of these elements would be harmed by the Scheme. Indeed, the consultation responses state that views are limited and '*forced*'.

8.42. They describe the wider landscape setting as predominantly arable fields but fail to articulate why this contributes to the significance. The consultation responses states that the '*proposed development will alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings.*' Further, the response states '*The site viewed within the wider landscape demonstrates harm to the setting of Wysall, its landscape character and the nearby heritage assets.*' Matters of landscape character are not heritage issues. It has also been demonstrated that there are no views which contain the Appeal Site and the elements of the Conservation Area (or any of the other assets discussed in this Statement) which illustrate the significance of the assets.

8.43. Therefore, the harm is seemingly arising from the views of the Application Scheme in general from within the Appeal Site and in areas in the vicinity of Wysall. This is not a robust assessment based on a clear and comprehensive assessment of the significance of the asset, the contribution made by setting and any contribution made by the Application Scheme. It cannot be relied upon in consideration of the Wysall Conservation Area and possible harm arising from the Application Scheme.

9. Archaeology

9.1. It is a matter of common ground at paragraph 2.4 of the Heritage SoCG (**CD8.3.2A**) that archaeology did not form a reason for refusal for this application. It is also agreed that matters of the proposed development's direct impact upon below-ground archaeology can be dealt with via a phased condition (paragraph 2.3) as set out in the LPA Archaeologist December 2025 consultation response (**CD4.69**).

9.2. I have provided this section to discuss archaeological matters briefly to provide the Inspector with information on this matter for completeness.

9.3. The final evaluation report (**CD3.10**), which contained the results of the specialist reporting, identified archaeological activity from the Bronze Age along with archaeology from the Iron Age and Roman period, with possible settlement activity identified in the area of Field 10 in particular. The evaluation also identified a possible Roman building in the area of Trench 64 (in Field 10) which is described in the evaluation report as a possible bath house. I would note the LPA Archaeologist consultation response of December 2025 (**CD4.69**) described this as a '*probable robbed-out Roman villa*'. This is not the description used in the evaluation report which does not mention the word "villa" at any point. The evaluation report describes this as a potential high-status building or possible bath house.

9.4. It is worth noting that Field 10 does not contain any solar infrastructure – demonstrating that the Application Scheme has already been influenced by the findings of the archaeological works with areas of archaeological activity within the northern and southern parcels free from development.

9.5. The spatial location of the archaeological remains in terms of their extent has not changed from what was reported in the interim reports of the evaluation.

9.6. The Appellant is committed to undertaking further archaeological works post-consent in order to inform a mitigation strategy which would allow any further archaeology discovered within this phase to be dealt with appropriately. The mitigation measures will be set out in an Archaeological Mitigation Strategy in agreement with the LPA Archaeologist.

9.7. Solar is a unique form of energy infrastructure in that the impact from the development is very low and elements of the scheme are highly flexible in terms of the ability to microsite or amend locations or construction methods to avoid below-ground impact. In areas of archaeological sensitivity, panels and associated elements can be raised to form 'no-dig' foundations which means that the panels would sit at ground level, cables would be clipped to the underside of the panels and access tracks would similarly be at ground level. These measures, along with restriction of heavier vehicle movements and other protective measures during construction and decommissioning will ensure that below-ground deposits in these areas would be preserved. For areas where preservation in-situ may not be proportionate, further archaeological fieldwork could be undertaken to record and publicly disseminate the results to further enhance and broaden the understanding of the archaeology of the Site.

9.8. There are elements of the Scheme which are less flexible in terms of ability to move and microsite – such as the battery storage area and substation. These areas have been trenched as part of the evaluation, and these areas were found to be of low archaeological significance, with only isolated undated pits being located here.

9.9. The Appeal Scheme proposes an additional area of Skylark mitigation to the east of Field 10, outside of the redline boundary but within the blue line boundary. This area has been subject to geophysical survey but not trial trenching as it lies outside of the redline boundary. The geophysical survey did identify some archaeological anomalies within the field. However this area is proposed for Skylark mitigation only. This will entail chain harrowing the ground (breaking up the very top level of soil to allow seeding) which is less intensive than the current ploughing, and which will ensure that the below-ground archaeological remains will be retained in situ.

9.10. In conclusion, it is the case that the evaluation trenching did identify archaeology in discrete areas of the Appeal Site. The LPA archaeologist agrees this can be addressed via condition and the flexible nature of the Scheme means that there are measures where highly significant archaeology can be preserved in situ.

10. Discussion of Legislation and Planning Policy

10.1. My assessment has concluded that in consideration of either the Application or Appeal Schemes, they would result in less than substantial harm at the lowest end of the scale to the significance of the Wysall Conservation Area through a temporary change of character of a small portion of a Significant View. Under paragraph 215 of NPPF, this less than substantial harm should be weighed against the public benefits of the Scheme.

10.2. In consideration of harm identified to the setting of designated heritage assets, it is the case that where this harm does not affect the physical fabric of the asset, the harm will most often be of a relatively low scale. This approach has been confirmed by the 2022 Secretary of State for Levelling Up, Housing and Communities calling in the Appeal for Edith Summerskill House⁵ who endorsed at paragraphs 11-15 of their letter the approach of the Inspector where it is set out in their Report at IR12.50:

“In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance.”

10.3. When considering where harm has been identified to designated heritage assets, it is useful to refer to the wording within the judgement of Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (CD7.43) at paragraphs 5 and 34 (quoting from paragraph 61 of the previous judgment):

“5....this does not mean that the weight that the decision maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question.

...

34....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.”

10.4. I have concluded no harm to the other heritage assets of the Grade I listed Holy Trinity Church and the two Grade II listed buildings of Highfields and Manor Farmhouse.

10.5. Matters of planning balance are considered in the Planning proof of Mr. Cussen.

10.6. In consideration of the comments from Historic England and the RBCCO, where they consider the harm to the heritage assets arises from the Scheme altering the contribution the rural landscape makes to the significance of heritage assets, it is appropriate to consider the Appeal Decision of Land west of Thaxted, Cutlers Green Lane, Thaxted

⁵ APP/H5390/V/21/3277137

(December 2023)⁶ (CD.7.17). The issue of change of character arising from solar schemes within agricultural land was discussed at paragraphs 63–67 of the Inspector's decision. This decision discusses and recognises the change of character of an agricultural field which was recognised as contributing to the significance of a listed building though setting. It was acknowledged that this would result in some harm, however the Inspector noted that the arrays will "sit on top of the land", therefore it would still be apparent that they are located on former agricultural fields. As such, the former functional relationship of the listed building and its surrounding farmland would still be discernible. This is clearly directly relevant to this Appeal.

10.7. Whilst the conclusion of that Inspector related to the facts of that particular case, there are obvious parallels here in that it is accepted that the Scheme would result in a change in character of the land, resulting in some harm, but that it is recognised that the panels will sit on top of the land, allowing the understanding they are located in former agricultural land. As such, the agricultural function of the land will not only be discernible but will indeed continue.

10.8. In consideration of the temporary nature of the Scheme, in particular where harm has been identified to designated heritage assets, it is useful to refer to what is set out in the National Policy Statements (NPS) EN-3 (December 2025 CD5.56). Paragraph 2.10.142 & 143 of NPS EN-3 states:

"2.10.142 – The time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State.

2.10.143 The Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes."

10.9. Further, at paragraph 2.10.152 it states:

"Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets."

10.10. The Historic England Good Practice Advice in Planning Note 3: Setting of Heritage Assets 2017 (CD5.35) sets out a non-exhaustive checklist when carrying out assessments of schemes which may affect the setting of assets at page 13 of the document. Within this checklist, it sets out that matters to be taken onto account as part of assessment include:

"Permanence of the development

• Anticipated lifetime/temporariness;

⁶ APP/C1570/W/23/3319421

- ***Recurrence; and***

- ***Reversibility.”***

10.11. Taking into account the above guidance and NPS policy, it is clear that the temporary and reversible nature of solar developments are material considerations in decision-making when considering identified harms to the significance of heritage assets through changes to setting.

10.12. This approach has been taken by Inspectors in a number of recent Appeal decisions including Land at Mussenden Lane, Horton Kirby (APP/G2245/W/25/3359260 July 2025 **CD7.31**). Harm was identified to four listed buildings arising from a change in character of the surrounding landscape which would slightly reduce the ability to appreciate the role the building played in the history of the locality. At §40, the Inspector noted: “*This change in the local character, and the resultant harm, would be temporary and reversible.*” The Inspector concluded that the harm to the heritage assets was outweighed by the benefits of that scheme.

11. Conclusion

- 11.1. My evidence has provided a detailed, objective assessment of the identified designated heritage assets.
- 11.2. My evidence has demonstrated that the Application and Appeal Scheme would result in less than substantial harm at the lowest end of the scale to the significance of the Wysall Conservation Area. This harm derives from development within the southern parcel of the Appeal Site only and arises from temporary change in character within a small portion of a single identified Significant View from agricultural to energy generation.
- 11.3. The level of harm will only be present for the time it takes for the proposed landscape planting along the eastern edge of Field 15 to establish itself. This applies to both the Application Scheme and application Landscape Strategy and the Appeal Scheme with the Enhanced Landscape Strategy. It is the case that the Enhanced Landscape Strategy planting will provide a greater level of screening from Day 1, however in both cases, from Day 1 there will be at least a filtering effect in the key. This will only continue to become more filtered until the Scheme is screened altogether. This is likely to take no more than 5 years. At this time, the level of harm will be removed as the view will not contain the Scheme.
- 11.4. When this Application Scheme was considered initially, the Case Officer identified a level of less than substantial harm at the middle part of the scale to the significance of the Wysall Conservation Area, the Grade I listed Holy Trinity Church and the Grade II listed Highfields arising from the Scheme. The Case Officer considered this within the planning balance and found that the LTSH harm identified to the heritage assets were outweighed by the public benefits of the Scheme.
- 11.5. The LTS at the lowest end of the scale to the designated asset of Wysall Conservation Area is assessed and considered within the planning balance in the proof of evidence of Mr. Cussen.
- 11.6. My evidence has demonstrated there would be no harm to the significance of the Grade I Holy Trinity Church and the two Grade II buildings of Highfields and Manor Farmhouse.
- 11.7. It is agreed between the Appellant and the Council that matters relating to archaeology can appropriately be dealt with via condition.



Appendix 1 – NHLE Descriptions

CHURCH OF HOLY TRINITY HOLY TRINITY CHURCH

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(<https://historicengland.org.uk/listing/the-list/>)

Official list entry

Heritage Category:**Listed Building**

Grade:**I**

List Entry Number:**1259980**

Date first listed:**13-Oct-1966**

Date of most recent amendment:**12-Oct-1987**

List Entry Name:**CHURCH OF HOLY TRINITY HOLY TRINITY CHURCH**

Statutory Address 1:**CHURCH OF HOLY TRINITY, MAIN STREET**

Statutory Address 2:**HOLY TRINITY CHURCH, MAIN STREET**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries

(<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

Corrections and minor amendments

(<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Location

Statutory Address:CHURCH OF HOLY TRINITY, MAIN STREET

Statutory Address: HOLY TRINITY CHURCH, MAIN STREET

The building or site itself may lie within the boundary of more than one authority.

County:Nottinghamshire

District:Rushcliffe (District Authority)

Parish:Wysall

National Grid Reference:SK 60424 27131

Details

WYSALL MAIN STREET SK 62 NW (west side) 6/150 Church of Holy Trinity (formerly 13.10.66 listed as Holy Trinity Church) G.V. I Parish church. C12, C13, C14, C15, C17, C19, restored 1874. Dressed coursed rubble, some ashlar, weatherboarding to east nave. Slate, plain tile and lead roofs. Coped

gables with single ridge crosses to the east chancel and porch. Tower, nave, south aisle, south porch and chancel. Diagonal buttressed single stage embattled C13 tower topped with spire with 4 lucarnes. Remains of 2 gargoyles to the west, north and south sides. West side has a single arched C14 window with single transom with 2 cinquefoil arched lights above and below, cusped tracery, hood mould and worn label stops. In the south wall is a single C13 lancet. The east side has evidence of former nave roof. The 4 C14 arched 2 light bell chamber openings have cusped tracery, over that on the east side is a single clock face. The north wall with C12 masonry has a C12 arched doorway with hood mould and remains of single right human head label stop. To the left and set high into the wall is a single small C12 arched light. Further left are 2 C14 arched windows each with 2 trefoil arched lights. In the C15 clerestory are 2 restored windows each with 2 trefoil arched lights under a flat arch. The north and east chancel walls are set on plinths the north chancel with no openings, the east chancel has a single C17 3 light ashlar mullion window under a flat arch with segmental arched hood mould. The rebuilt south chancel has a single C14 3 light window with cusped tracery under a flat arch, remains of 2 human head label stops. To the left is a round chamfered arched doorway and on the far left a single C14 2 light window with cusped tracery, under a flat arch. The east end of the south aisle has a single C14 window with cusped tracery. The buttressed south wall has a single C14 arched window with 2 trefoil arched lights. The C19 gabled porch with double chamfered arched entrance, hood mould and label stops has an inner chamfered arched doorway with imposts, hood mould and worn human head label stops. To the left is a single similar 2 light window. The clerestory corresponds to the north, however there are 3 windows. Interior. 3 bay C15 nave arcade, the east pier consisting of single central jamb flanked by single engaged octagonal columns, west octagonal column and octagonal responds. The west respond and the west side of the east pier with capitals decorated with upright nobly leaves. The remainder with moulded capitals. Double chamfered arches, the west pier with stops to the outer order forming carved heads. Tall C13 double chamfered tower arch, the inner order supported on foliate decorated corbels. Fine C15 chancel screen with open panel tracery, the east side with 4 misericords. In the south chancel is a single trefoil arched piscina, to the right is a single C14 stoup with carved human head. Reredos with 7 bay blind arcading. To the left of the north east nave window is a small rectangular niche. C15 nave roof with bosses carved in the shape of heads. C15 chancel roof with arched wind braces. C17 altar table with turned legs. C15 pulpit with blind traceried panels. C13 bulbous circular font. 3 C17 benches. Medieval ladder to bell chamber. C18 candelabra in the chancel. Benefactions board on north wall of the nave. Heraldic painted wooden memorial to George Widmerpool, 1689. In the chancel is an alabaster memorial to Hugh Armstrong of Thorpe, 1572 and his wife, Mary. The sides of the tomb are decorated with 7 figures and shields. The

recumbant figures are in contemporary dress, he as a knight with feet resting on a lion and head on a visor, she with head on a pillow.

Listing NGR: SK6042227130

Legacy

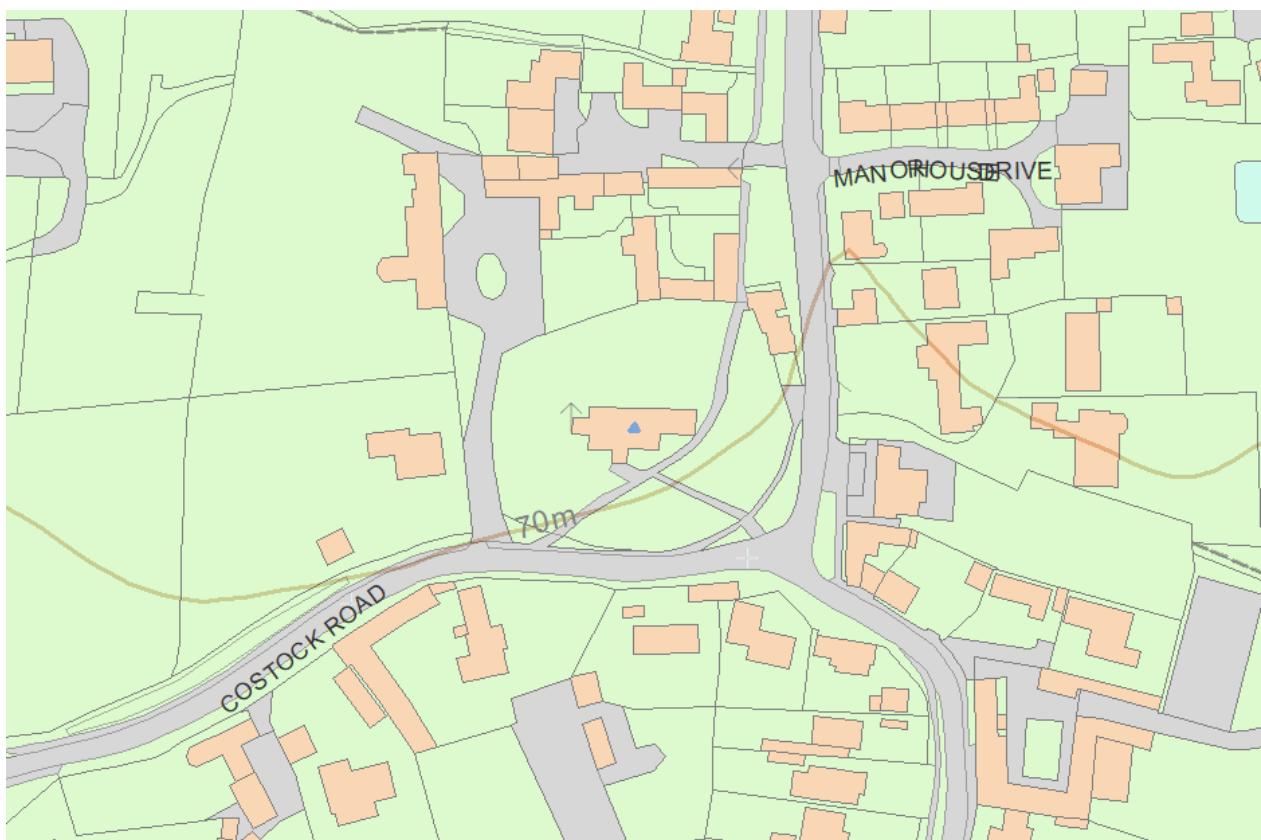
The contents of this record have been generated from a legacy data system.

Legacy System number:441885

Legacy System:LBS

Legal

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Map

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HIGHFIELDS

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Official list entry

Heritage Category:**Listed Building**

Grade:**II**

List Entry Number:**1260277**

Date first listed:**02-May-1986**

List Entry Name:**HIGHFIELDS**

Statutory Address 1:**HIGHFIELDS, NOTTINGHAM ROAD**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

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For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries

(<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

Corrections and minor amendments

(<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Location

Statutory Address:**HIGHFIELDS, NOTTINGHAM ROAD**

The building or site itself may lie within the boundary of more than one authority.

County:**Nottinghamshire**

District:**Rushcliffe (District Authority)**

Parish:**Costock**

National Grid Reference:**SK 58582 27473**

Details

COSTOCK NOTTINGHAM ROAD SK 52 NE (east side) 5/7 Highfields 2.5.86 II Dower house, now house. 1729 with early C20 and c.1985 alterations. Designed by and built for Sir Thomas Parkyns of Bunny Hall. In the main red brick stretchers with blue brick headers, some yellow brick and rubble with ashlar dressings. Concrete pantile bell canted mansard C20 roof. 2 lateral and single ridge red brick stacks. Each corner of the house with clasping buttresses. Those to the front/south set on a rubble and chamfered ashlar plinth, of 2 stages with moulded ashlar band having chamfered ashlar quoins below the band and being panelled above, the panelling forming pilasters with moulded ashlar capitals. The buttresses to the rear lacking quoins. First floor band broken by the buttresses. 2 storey, 3 bay south front. Single C20 tripartite cross casement. To the left is a C20 2 bay lean-to with large C20 openings. Above are 2 similar casements with single central similar smaller casement, windows under segmental arches. Left/west front of 5 bays. 3 similar casements, to the right is a doorway and further right a single similar casement. Above are 5 similar smaller casements. All casements under segmental arches. The right/east front with round arched blocked or part blocked window openings with ashlar

keystones, and now with C20 casements. Rear has on the first floor 2 round arched part blocked openings with ashlar keystones and imposts and now with C20 casements. Under the eaves in blue brick is the inscription "Sir T. Parkyns A.D. 1729". Highfields was the dower house to Bunny Hall.

Listing NGR: SK5858227473

Legacy

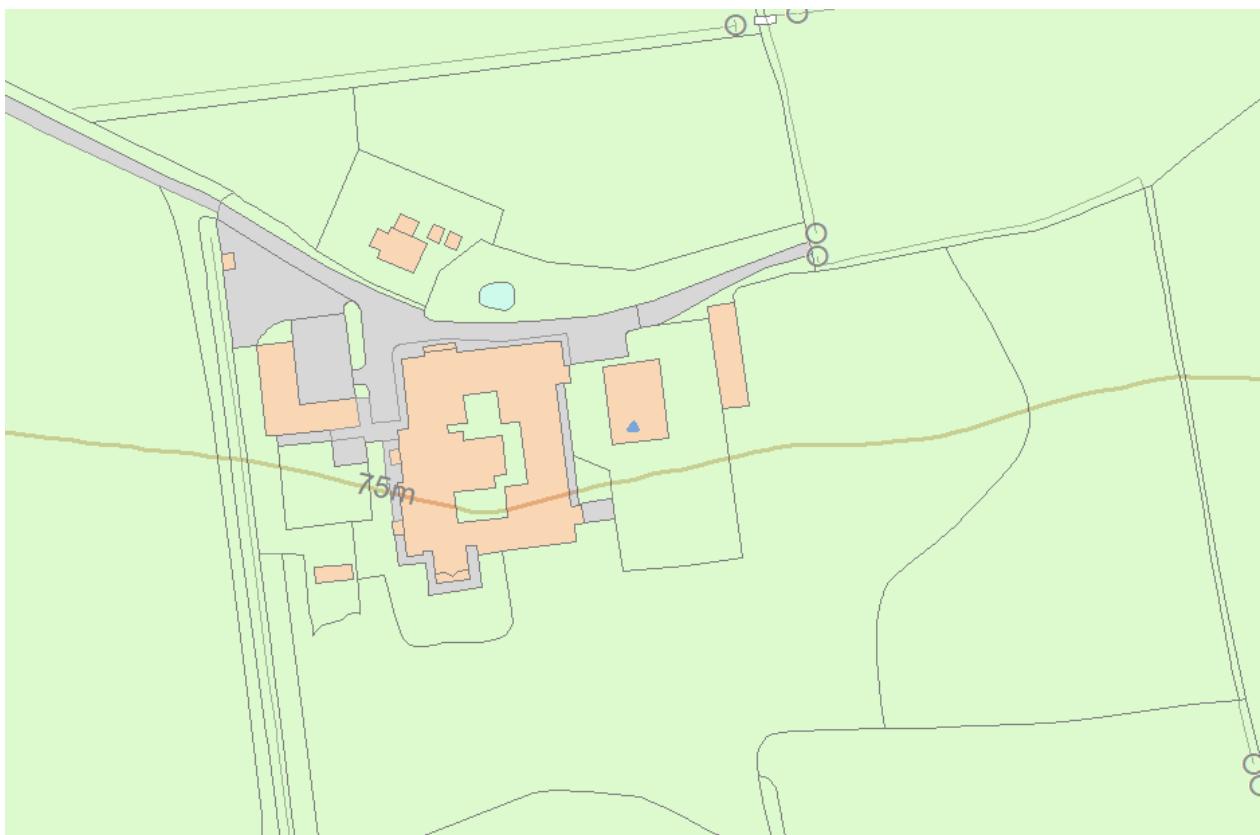
The contents of this record have been generated from a legacy data system.

Legacy System number:**441251**

Legacy System:**LBS**

Legal

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MANOR FARMHOUSE

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Official list entry

Heritage Category:**Listed Building**

Grade:**II**

List Entry Number:**1259992**

Date first listed:**12-Oct-1987**

List Entry Name:**MANOR FARMHOUSE**

Statutory Address 1:**MANOR FARMHOUSE, MAIN STREET**

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Understanding list entries

(<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

Corrections and minor amendments

(<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Location

Statutory Address: **MANOR FARMHOUSE, MAIN STREET**

The building or site itself may lie within the boundary of more than one authority.

County: **Nottinghamshire**

District: **Rushcliffe (District Authority)**

Parish: **Wysall**

National Grid Reference: **SK 60372 27181**

Details

WYSALL MAIN STREET SK 62 NW (west side) 6/151 Manor Farmhouse G.V. II Farmhouse. Late C17.

Red brick with blue brick diaper to the first floor. Rubble plinth. Plain tile roof. Single large central ridge red brick stack. Brick coped gables with kneelers. Dentil and raised brick first floor band. 2 storeys plus garret, 4 bays. Doorway with panelled door, decorative overlight, panelled reveal and reeded surround. to the right is a single tripartite glazing bar sash, a single small sash and on the far right a single tripartite casement under a segmental arch. Above are 2 smaller casements under segmental arches. Rear with gabled part rubble stair turret. Interior has large plain moulded beam.

Listing NGR: SK6037227181

Legacy

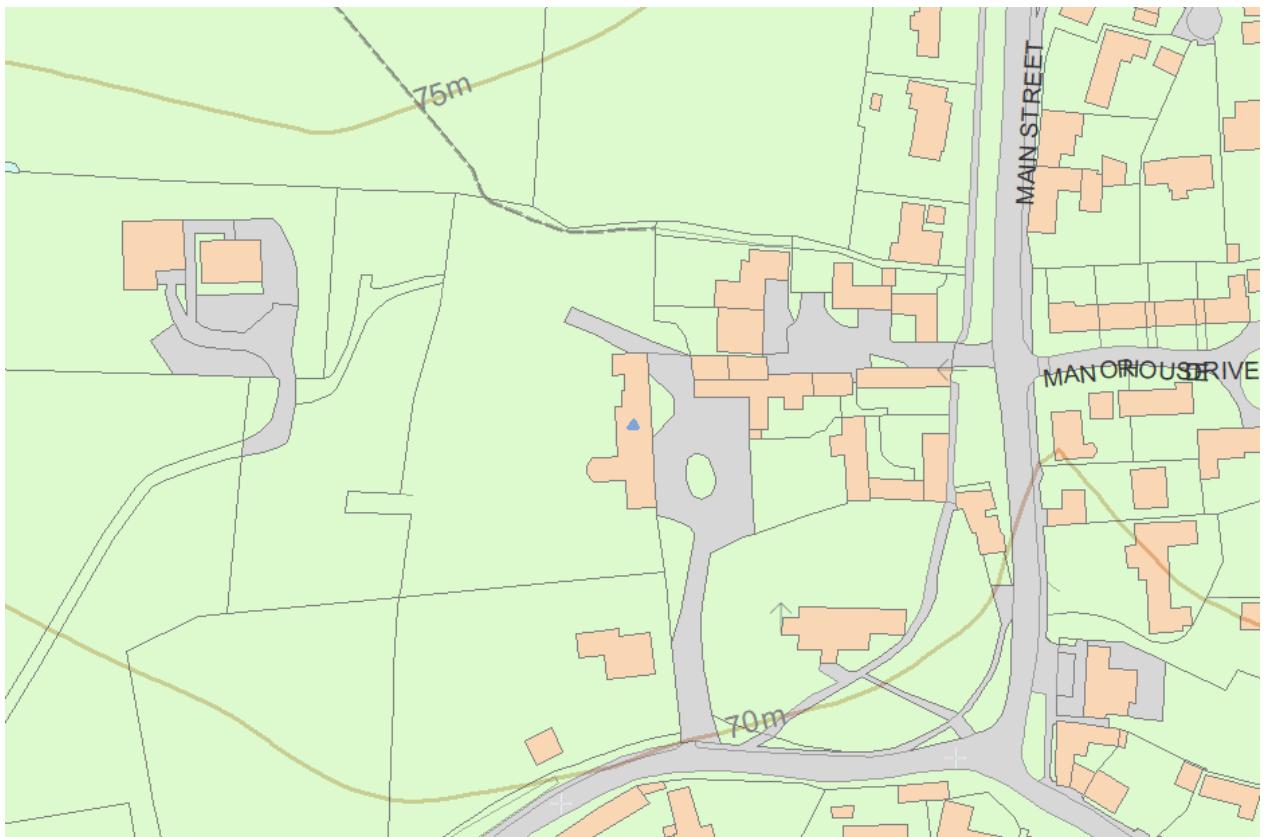
The contents of this record have been generated from a legacy data system.

Legacy System number:441886

Legacy System:LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



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Appendix 2: Legislation and Planning Policy

Legislation

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,⁷ which provides statutory protection for Listed Buildings and Conservation Areas.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] 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."⁸

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."⁹

A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 208 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.¹⁰

National Planning Policy Framework (December 2024)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in December 2024. This replaced and updated the previous NPPF (December 2023). The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

Heritage Assets are defined in the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."¹¹

⁷ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

⁸ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

⁹ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

¹⁰ *Jones v Mordue* [2015] EWCA Civ 1243.

¹¹ MHCLG, NPPF, Annex 2.

As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.¹²"

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment'.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment,¹³ which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."¹⁴

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial

¹² MHCLG, NPPF, Annex 2.

¹³ MHCLG, *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>,

¹⁴ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723

harm or no" harm at all. However, even minor works have the potential to cause substantial harm." ¹⁵ (my emphasis)

Local Planning Policy

Planning applications within Rushcliffe Borough Council are assessed against the policies contained within the Adopted Local Plan Parts 1 and 2 (2014). Of relevance to this Statement are the policies set out below:

"LPP1 – POLICY 10: DESIGN AND ENHANCING LOCAL IDENTITY

1. All new development should be designed to make:

- a) a positive contribution to the public realm and sense of place;**
- b) create an attractive, safe, inclusive and healthy environment;**
- c) reinforce valued local characteristics;**
- d) be adaptable to meet evolving demands and the effects of climate change; and**
- e) reflect the need to reduce the dominance of motor vehicles.**

2. Development will be assessed in terms of its treatment of the following elements:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;**
- b) impact on the amenity of occupiers or nearby residents;**
- c) incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;**
- d) permeability and legibility to provide for clear and easy movement through and within new development areas;**
- e) density and mix;**
- f) massing, scale and proportion;**
- g) materials, architectural style and detailing;**
- h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and**
- i) setting of heritage assets.**

3. All development proposals, and in particular proposals of 10 or more homes, will be expected to perform highly when assessed against best practice guidance and

¹⁵ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723

standards for design, sustainability, and place making, as set out in Local Development Documents.

4. Development must have regard to the local context including valued landscape/townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings. 5. Outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.

LPP1 – POLICY 11: HISTORIC ENVIRONMENT

1. Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.

2. The elements of Rushcliffe's historic environment which contribute towards the unique identity of areas and help create a sense of place will be conserved and, where possible, enhanced with further detail set out in later Local Development Documents. Elements of particular importance include:

- a) industrial and commercial heritage such as the textile heritage and the Grantham Canal;*
- b) Registered Parks and Gardens including the grounds of Flintham Hall, Holme Pierrepont Hall, Kingston Hall and Stanford Hall; and*
- c) prominent listed buildings.*

3. A variety of approaches will be used to assist in the protection and enjoyment of the historic environment including:

- a) the use of appraisals and management plans of existing and potential conservation areas;*
- b) considering the use of Article 4 directions;*
- c) working with partners, owners and developers to identify ways to manage and make better use of historic assets;*
- d) considering improvements to the public realm and the setting of heritage assets within it;*
- e) ensuring that information about the significance of the historic environment is publicly available. Where there is to be a loss in whole or in part to the significance of an identified historic asset then evidence should first be recorded in order to fully understand its importance; and*
- f) considering the need for the preparation of local evidence or plans.*

4. Particular attention will be given to heritage assets at risk of harm or loss of significance, or where a number of heritage assets have significance as a group or give context to a wider area.

LPP2 – POLICY 16 RENEWABLE ENERGY

1. Proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:

- a) compliance with Green Belt policy;**
- b) landscape and visual effects;**
- c) ecology and biodiversity;**
- d) best and most versatile agricultural land;**
- e) the historic environment;**
- f) open space and other recreational uses;**
- g) amenity of nearby properties;**
- h) grid connection;**
- i) form and siting;**
- j) mitigation;**
- k) the decommissioning and reinstatement of land at the end of the operational life of the development;**
- l) cumulative impact with existing and proposed development;**
- m) emissions to ground, water courses and/or air;**
- n) odour;**
- o) vehicular access and traffic; and**
- p) proximity of generating plants to the renewable energy source.**

2. In addition to the above criteria, wind energy developments will be permitted provided:

- a) the development site is in an area identified as being suitable for wind turbine development in a Neighbourhood Plan; or**
- b) the development site is in an area identified as being of low or lowmedium sensitivity to wind turbine development in Appendix C; and**

c) following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

LPP2 – POLICY 28 CONSERVING AND ENHANCING HERITAGE ASSETS

1. Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals.

2. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria:

a) the significance of the asset;

b) whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;

c) whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;

d) whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks;

e) whether the proposals would contribute to the long-term maintenance and management of the asset; and

f) whether the proposed use is compatible with the asset."

Appendix 3: Methodology

Key Documents

The key documents that have been used in the preparation of this Heritage Statement of Case comprise:

- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment¹⁶ (henceforth referred to as 'GPA 2');
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)¹⁷, the key guidance of assessing setting (henceforth referred to as 'GPA 3');
- Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (hereafter HEAN:12)¹⁸;
- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment¹⁹ (henceforth referred to as 'Conservation Principles');
- Historic Environment Advice Note 15: Commercial Renewable Energy Development and the Historic Environment²⁰.

Assessment of Significance

In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."²¹

Historic England's GPA:2 gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²²

¹⁶ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

¹⁷ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017)

¹⁸ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (HEAN:1)* (2nd edition, Swindon, February 2019).

¹⁹ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

²⁰ Historic England, *Historic Environment Advice Note 15 Commercial Renewable Energy Development and the Historic Environment 2021*

²¹ MHCLG, NPPF, Annex 2.

²² Historic England, GPA:2.

In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in *Conservation Principles*.²³ These essentially cover the heritage 'interests' given in the glossary of the NPPF and the PPG which are **archaeological, architectural and artistic** and **historic**.²⁴

The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."
- **Historic interest:** "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."²⁵

Significance results from a combination of any, some or all of the interests described above.

Historic England guidance on assessing heritage significance, HEAN:12, advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Statement²⁶.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Levels of Significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

²³ English Heritage, *Conservation Principles* – These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

²⁴ MHCLG, *NPPF, Annex 2; MHCLG, PPG, paragraph 006*, reference ID: 18a-006-20190723.

²⁵ MHCLG, *PPG, paragraph 006*, reference ID: 18a-006-20190723.

²⁶ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

- **Designated heritage assets of the highest significance**, as identified in paragraph 213 of the NPPF, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 75 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 213 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas)²⁷; and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as *"buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets"*²⁸

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of Harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss**. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"²⁹; and
- **Less than substantial harm**. Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."³⁰

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to

²⁷ MHCLG, NPPF, para. 213.

²⁸ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

²⁹ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁰ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.³¹

Preservation does not mean no change; it specifically means no harm.

GPA 2 which states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".³² Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in GPA:3, described above. Fundamental to this methodology is a consideration of "what matters and why"³³. Of particular relevance is the checklist given on page 13 of GPA:3³⁴.

It should be noted that this key document also states:

"Setting is not itself a heritage asset, nor a heritage designation..."³⁵

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA:3 states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change"³⁶

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.³⁷

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

The NPPF (at Paragraphs 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals³⁸.

³¹ *R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).*

³² Historic England, GPA 2, p. 9.

³³ Historic England, GPA:3, p. 8.

³⁴ Historic England, GPA:3, p. 13.

³⁵ Historic England, GPA:3, p. 4.

³⁶ Historic England, GPA 3., p. 8.

³⁷ *Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.*

³⁸ MHCLG, NPPF, paras. 214 and 215.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 215.³⁹

The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from **enhancement** to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation."*⁴⁰

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

³⁹ Including – Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); MHCLG, NPPF, paras. 214 and 216.

⁴⁰ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 4 – Narrative of Consultation Responses

Consultation Responses

Historic England

1. An initial response was received from Historic England on 13th March 2024 (**CD4.16**) which stated that they had '*concerns*' regarding the Application Scheme due to '*...potential visual impacts on the setting of Holy Trinity Chruch (sic), Wysall Conservation Area, Highfields and Manor Farmhouse.*'
2. Within the response, Historic England discuss the Grade I Holy Trinity Church, the Grade II listed Highfields, Grade II listed Manor Farmhouse and the Wysall Conservation Area. Whilst it is the case that Historic England are at liberty to pass comment on any aspect of the historic environment, matters relating to the setting of grade II listed buildings and Conservation Areas do not form part of the statutory requirements to consult Historic England. It is uncertain why Historic England have commented on these additional heritage assets.
3. The Historic England consultation response at this stage set out that insufficient information had been presented and as such the assets could not be properly assessed. Specifically, it was set out that the understanding of interconnecting views between the assets listed above (though Manor Farmhouse was excluded from the list referenced in the response) as well as the wider landscape through which the church can be viewed and appreciated had not been suitably assessed. Further down the response, they request increased assessment and '*suitable photographs for assessment*'.
4. It is noted that within this response, Historic England did not allege any harm to any of these assets, but had simply identified the assets in closest proximity to the Appeal Site.
5. Following this initial response, Pegasus undertook a site visit with Historic England to visually assess the assets of concern on site and to understand the topography and current baseline vegetation of the area by walking along the PRoWs. Subsequently, Pegasus provided a written response to the consultation comments in October 2024 in a document called Response to Historic England Comments (**CD2.21**). This document sets out the discussions held on site with Historic England and the details of further information sent across following the initial consultation response. Within the response, at §2.7, Pegasus reference an email sent from Historic England to Pegasus on 13th September 2024 which set out that Historic England were '*more comfortable with the proposal*' and thought it positive that the field boundaries were to be retained.
6. It is noted that at §2.13 of the Response note, Historic England make it clear they were going to make contact with the Conservation Officer to discuss the scheme and provide comments. At that point, the Conservation Officer had made no comment on the Scheme and would not for a further two months.
7. A further response was then received from Historic England of 29th November 2024 (**CD4.55**). Importantly, within this response, they do not object to the Scheme. Further, they also state that the initial concerns raised in the March 2024 response had been alleviated due to the site visit they carried out with Pegasus and further assessment. They do state that concerns remain, however as I will set out, these appear to be entirely new concerns given that their previous

concerns related entirely to visual impact. It is my opinion that these new concerns are not related to heritage matters.

8. Within the November 2024 response, Historic England set out:

"The proposed development will alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings. Yet, the development is more enclosed due to the topography and existing vegetation than previously identified, therefore, the impact upon the setting of the conservation is mitigated. In addition to this, the visibility of Holy Trinity Church, Wysall, and Highfields from within the site and from the assets are limited by the existing vegetation or are only gained by forcing the view from particular locations, otherwise the connecting views are transitional as people move through the site."

9. This appears to be an acceptance that there are very limited, if any views of the identified heritage assets and that any views are "forced" or perhaps contrived in that these would not be views which contribute to significance. They also appear to back away from the interconnecting views and potential harm arising from these which was a feature of their initial consultation response. I also note that there is no reference to Manor Farmhouse in this paragraph, indeed, the asset is not mentioned at all in reference to experiencing any harm.
10. In terms of the new concerns which Historic England have, they state that '*The site viewed within the wider landscape demonstrates harm to the setting of Wysall, its landscape character and the nearby heritage assets.*' I would note that views of new development from or towards heritage assets is not necessarily harmful. It only becomes harmful if this affects an element of the significance of the asset. Otherwise, this is a matter of landscape and amenity. This is a principle commonly accepted and set out in the Historic England GPA 3 Setting guidance (CD5.35) at §14 – 16 in a section called Landscape Assessment and Amenity. Paragraphs 14 and 16 of the guidance state:

"14. 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. Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape.

...

16 Similarly, setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.⁴¹"

11. To evidence this claim, Historic England refer at page 3 of the November 2024 consultation response, to a number of viewpoints and visualisations which formed part of the LVIA for original submission:

"Appendix 4 of LVIA:

⁴¹ Historic England, GPA:3, p. 7. CD X.XX

Views 4, 7, 11a and 11b

Photomontage Views within LVIA:

View 8

The Landmark Practice views within LVIA:

Views A – E”

12. However, looking at the visualisations that have been referenced, it is clear that Historic England may have been mistaken or misunderstood what some of these visualisations actually showed. The views referenced under Appendix 4 of LVIA (**CD2.16**) are views and photomontages (4, 7, 11a and 11b) which are not of the Scheme but were produced for the neighbouring Highfields Solar Farm at Bunny Hill (Ref: 22/00303/FUL) located directly west of the Appeal Site. They were reproduced in the LVIA simply for completeness. As such, the solar farm shown within these photomontages is not the Scheme. I note, Historic England made no comment on the Highfields Solar application during the course of its determination.
13. In terms of the other views referenced, Photomontage view 8 within the original LVIA (**CD2.16**) is not taken from a heritage asset, looking towards or through a heritage asset. It is an image taken from PROW Costock FP7 and Wysall FP3 within the northern parcel of the Appeal Site. This footpath is not a heritage asset. There are no views of Wysall at all or any other heritage asset. Whilst it is a view of the wider landscape that would experience change, this is not related in any way to the heritage significance of any heritage asset.
14. The Landmark Practice views within the revised LVIA (views A–E) (**CD2.16**); none of these are taken to specifically illustrate heritage assets. Whilst there may be a glimpse of the Grade II Highfields in View A, this was not the primary purpose of the image and is not a key view of this asset which illustrates its significance. These are landscape related images and have no connection to heritage.
15. These views do not help to justify the assignment of harm to the heritage assets within the consultation response. Historic England provide no explanation as to why these images relate to the significance of the heritage assets they identify or provide a justification as to why these images support a finding of a medium level of less than substantial harm to the significance of these assets.
16. In the section titled 'Position', Historic England state:

"Historic England has concerns with the proposed development due to the visibility of the site within the wider landscape setting and from areas within the site. The concerns previously raised have been alleviated."

17. The alleged harm is not from the visibility of the Scheme from or towards specific assets or in any key views, but rather the visibility of the Scheme itself in the wider landscape. Historic England do not set out how that wider landscape change will then affect the significance of heritage assets as they have not set out how this wider landscape contributes to the significance of the assets in the first place.
18. A number of landscape mitigation measures are proposed, however many of these do not appear to relate to mitigating harm to specific asset but are rather about the general landscape

- for example suggestions of bolstering planting along the border of the western edge of the Appeal Site. No specific views from or towards heritage assets are mentioned within these mitigation suggestions.

19. The conclusion of the response is that Historic England have concerns about the application.

20. As part of the consultation on the proposed Scheme amendments, Historic England provided a further consultation response on this (**CD4.68**) on 22nd January 2026. Historic England state the proposed amendments would not meaningfully impact their assessment and advice set out in the November 2024 response.

21. Their conclusions are very similar to the previous response but is more specific in this latest response stating their position as:

"Historic England maintains its concerns with the proposed development due to the visibility of the site within the wider landscape setting and the harmful impact this would have on views to and from a number of designated heritage assets."

22. It is the case that this puts Historic England at odds with the position of the Appellant and the LPA in this Appeal (as set out in the table of Matters Not in Agreement within the Heritage SoCG (**CD8.3.2A**) on the grade II listed assets of Highfields where I conclude no harm and the LPA conclude low less than substantial harm and the grade II Manor Farmhouse where both the LPA and I are in agreement that there would be no harm to the significance of this asset.

23. Ultimately, Historic England do not object.

Rushcliffe Borough Council Conservation Officer

24. The planning application for the Scheme was validated on 16th February 2024. The Rushcliffe Borough Council Conservation Officer (RBCCO) did not provide any consultation response on the planning application until 20th December 2024 (**CD4.60**), 10 months after the application had been validated. It is insinuated in this December 2024 response that previous advice had been issued but there is no evidence of this in the planning application submission on the RBC website. The Conservation Officer only provided a response after being reconsulted on the resubmitted information after minor amendments to the Application Scheme made in October / November 2024.

25. It is noted at the outset that the consultation response from the RBCCO is heavily reliant on the Historic England response, with the text of the response being very similar and, in some places, a carbon copy of the HE response.

26. The Conservation Officer does not make any unique comments on the application. With regards to the application, the RBCCO states:

27. "I consider the proposal would alter the contribution the rural landscape makes to the character and significance of the conservation area and the historic buildings."

28. The RBCCO goes on to agree with the Historic England conclusion that the topography and existing vegetation encloses the proposed development and states: '*...therefore, the impact upon the setting of the conservation (sic) is mitigated.*' It is difficult to understand why harm has still been alleged if the RBCCO is satisfied that the impact to the Conservation Area is mitigated.

29. The conclusions of the consultation response are non-specific with harm seemingly arising from change to landscape character as much as anything heritage specific. The response states:

"I agree that some concerns remain in terms of harm. This includes the site being visible within the wider landscape which in my view harms to the setting of Wysall, its landscape character and the nearby heritage assets. As landscape harm establishes this is likely to change and harm may be caused from within the site. I would refer you to the examples given by HE and would recommend that additional measures be sought to address visibility the site within the wider landscape setting and from areas within the site. Historic England has suggested multiple mitigation measures across three paragraphs that are supported by Conservation. I would recommend that the Senior Landscape and Design Officer and the specialist Landscape Advisor be consulted for their expert specialist advice on these and other potential measures."

30. These comments with regards to landscape character are not matters of heritage unless specifically contributing to the significance of heritage assets.

Nottinghamshire County Council Archaeologist (LPA Archaeologist)

31. The LPA Archaeologist provided a number of consultation responses throughout the determination of the application, mainly in relation to the requirement for pre-determination trial trenching, which was carried out at the end of 2024, early 2025. The most recent comments were from 16th April 2025 (**CD4.62**) which noted that the trial trench evaluation had been carried out, identifying archaeology which would require mitigation as part of a post-consent scheme of fieldwork. The LPA Archaeologist goes on to recommend the wording of a condition to secure these post-consent works. The Appellant has no issue with these suggested conditions.

32. The LPA Archaeologist provided an updated consultation response (**CD4.69**) following the consultation on the amended proposals for the Scheme. This was received on 17th December 2025. Within this, the LPA Archaeologist noted that the amended Scheme included a further area of skylark mitigation to the east of Field 10, east of the redline boundary

33. The LPA reiterated the need for further phases of archaeology to be secured via condition but agreed that the archaeology could be dealt with via condition.

34. They stated that the evaluation identified the remains of a probable robbed out Roman villa – but I would point out that the evaluation report by YAT does not mention this term nor is this a term used to describe the possible building located in the area of Trench 64 (**CD3.10**).

35. Within the response, the LPA commented that the work carried out in the area of field 10 was 'very limited' and 'has not removed all risk of encountering nationally significant archaeological remains in that area'. Firstly, these remains have not been identified by any party as being of national significance. Secondly, the purpose of an evaluation is not to completely de-risk a proposal – the only way this would be achieved is to entirely strip the Site to expose the ground surface – obviously not a realistic proposition. The level of trenching within the evaluation was agreed with the LPA and the works were ultimately signed off by them. As such, it is considered that the trenching carried out for the Field 10 area was proportionate to the aims of the evaluation.

36. They go on to mention the ability to mitigate archaeological features through the design of the scheme and confusingly state that this *'minimises the complexity and knock-on impacts of mitigation...'* The mitigation strategy would be informed by further archaeological works were

required which would allow the complexities to be fully understood and an appropriate response would be implemented. It is also the case that solar is a unique form of development given its very low-level of actual ground disturbance. The bulk of the footprint of the Scheme contains panels which are on pile driven frames and the level of impact is so low, often less than 1% of the entire Site area. As such, it has nowhere near the same level of impact as other forms of development. Another unique element is the flexibility of the proposals. Solar has a level of flexibility that other forms of development simply do not. Panels, tracks, cable runs can all be elevated above ground-level to avoid any impacts. The inflexible elements of solar – that is area of battery storage, substations etc should be subject to suitable evaluation to assess impacts as these cannot be moved or shifted above ground. In this case, these fixed elements are in areas of the Site where the archaeological fieldwork found very little of significance.

37. As such, even if archaeology of a national significance was put forward, the inherent flexibility of solar is such that these could be mitigated. This does not denigrate the complexity of such archaeological deposits – rather the opposite. It recognises the significance of assets and responds accordingly.
38. Ultimately, it is an agreed position between the LPA and the Appellant that matters of below-ground archaeology can be dealt with via condition.

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