Heritage Statement.

Land west of Tattenhall Road, Tattenhall, Cheshire.

On behalf of Gladman Developments Limited.

Date: April 2025| Pegasus Ref: P24-2708

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Document Management.

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1. Introduction

1.1. Pegasus Group have been commissioned by Gladman Developments Limited to prepare a Heritage Statement to consider a proposed residential development on land west of Tattenhall Road, Tattenhall, Cheshire, as shown on the Site Location Plan (Plate 1).



Plate 1: Site Location Plan.

1.2. The Site does not contain any Listed Buildings and is not located within a Conservation Area. There is a single Conservation Area within the Site's wider 1km study area, as well as 1 Grade II* Listed Building, and 16 Grade II Listed Buildings.

1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 207 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".[1]

1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 212 to 215 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.5. As required by paragraph 207 of the *NPPF*, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".[2]

[1] Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, December 2024), para. 207.

[2] MHCLG, *NPPF*, para. 207.

2. Proposed Development

2.1. The proposed development would see the construction of a residential development with up to 110 dwellings, including associated infrastructure, landscaping, and access works, on land to the west of Tattenhall Road (Plate 2).

2.2. The residential development area would be located within the central extent of the Site, surrounded by a landscape buffer. The main access to the development would be from the western side of Tattenhall Road, with a central tree-lined route extending westwards.

2.3. Within the central extent of the development, an amenity open space and play area is proposed. The landscape buffer surrounding the residential development would see new trees, hedgerows, and ponds, to provide a wildlife corridor within the Site. Informal footpaths would traverse the area.



Plate 2: Proposed Site Plan.

3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage resource within the Site and study area, to assess any contribution that the Site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

3.2. This assessment considers archaeological resource and built heritage.

Sources

3.3. The following key sources have been consulted as part of this assessment:

- The Cheshire Historic Environment Record (HER) for information on the recorded heritage resource within the vicinity of the Site;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- Other online resources, including Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscapes Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

3.4. For digital datasets, information was sourced for a 1km study area measured from the boundaries of the Site. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as ***Appendix 1*** and maps illustrating the resource and study area are included as ***Appendix 2***.

3.5. Heritage assets in the wider area were assessed as deemed appropriate (see Section 5).

Site Visit

3.6. A Site visit was undertaken by a Heritage Consultant from Pegasus Group on 29th January 2025, during which the Site and its surrounds were assessed.

Photographs

3.7. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

3.8. Full details of the assessment methodology used in the preparation of this Report are provided within ***Appendix 3***. However, for clarity, this methodology has been informed by the following:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;[3]
- *Historic Environment Good Practice Advice in Planning: 2 - Managing Significance in Decision-Taking in the Historic Environment (*hereafter *GPA:2)*;[4]
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) - The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);[5]
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);[6] and
- *Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment*.[7]

Consideration of Harm

3.9. It is important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 214 and 215 of the *NPPF*.[8] With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.[9]

3.10. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.[10]

3.11. The guidance set out within the PPG also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development which is to be assessed.[11] In

[3] Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).
[4] Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).
[5] Historic England, *Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).
[6] Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).
[7] English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).
[8] MHCLG, *NPPF*, paras. 214 and 215.
[9] MHCLG, *NPPF*, para. 216.
[10] MHCLG, *Planning Practice Guidance (PPG)*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[11] MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

addition, it has been clarified in a High Court Judgement of 2013 that substantial harm 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."[12]

[12] EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

4. Site Description and Planning History

Site Description

4.1. The Site is located on western side of Tattenhall Road, at the northern edge of the village of Tattenhall, Cheshire. It is comprised of a single agricultural field parcel, currently used for grazing horses, with the topography of the land rising slightly from south to north. Several modern agricultural buildings are located within the north-eastern extent of the Site, bounding Tattenhall Road. An undulation currently filled with water within the north-western extent of the Site appears to correspond with an oval shaped woodland parcel previously noted on historic cartographic sources. A small pond is also present adjacent to the north-eastern boundary, noted on cartographic sources.

4.2. The outer boundaries of the Site are lined with hedgerows, with trees interspersed along the boundary. The Site is bounded by Tattenhall Road to the east, with the Keys Brook to the south, an agricultural field to the west, and an access road to Greaves Farm to the north. The Site is also bounded by Greaves Cottage and its rear garden to the north-east. Greaves Farm is located adjacent to the Site to the north-west. A modern housing estate is located to the south of the Site on the southern side of the Keys Brook.



Plate 3: View across the Site facing west.



Plate 4: Modern structures within the north-eastern extent of the Site.



Plate 5: The undulation within the north-western extent of the Site.



Plate 6: The pond within the north-eastern extent of the Site.



Plate 7: Greaves cottage to the north-east of the Site.



Plate 8: Greaves Farm, to the north-west of the Site.



Plate 9: The housing estate to the south of the Site.

Planning History

4.3. A review of Cheshire West and Chester Council's planning register has identified the following relevant applications at the Site.

12/02352/OUT | Outline permission for residential development of up to 137 dwellings including public open space, access and associated works | Refused 2nd October 2012

4.4. The outline application was refused on landscape grounds, with the decision notice stating the development would be contrary to Policies GE1, ENV2 and ENV24 of the Chester District Local Plan. The application was then taken to appeal (Application Ref. No. APP/A0665/A/12/2185667), where it was allowed by the Planning Inspector. This was then quashed by the Secretary of State on 21st April 2017, who dismissed the appeal and refused planning permission. Heritage **did not** represent a reason for dismissal, with the decision stating the following:

"For the reasons given at OR520-541, the Secretary of State agrees with the Inspector's overall conclusion at OR543 that the appeal scheme would have no adverse impact on the layout and character of Tattenhall and its heritage assets."

13/01329/OUT | Outline permission for residential development of up to 30 dwellings, public open space, access and associated works | Refused 13th February 2018

4.5. The refusal **did not** cite heritage as a reason for refusal. No comments were raised regarding the potential impact to the significance of designated heritage assets through

change to setting. On archaeological matters, the Officer's Report stated the following:

"A desk-based Archaeological Assessment was submitted with the application which the Council's Archaeology officer has reviewed. It has concluded that there is some potential for archaeological remains to exist within the development area, and as such it is recommended that some archaeological investigation is undertaken before development commences, should planning permission be granted (to be covered by condition)."

4.6. The application was then taken to appeal, where it was dismissed on 3rd December 2018 (Application Ref. No. APP/A0665/W/18/3202053). Heritage did not represent a reason for dismissal.

5. Policy Framework

Legislation

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

5.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.[13]

5.3. Full details of the relevant legislation are provided in ***Appendix 4***.

National Planning Policy Guidance

5.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework* (NPPF), an updated version of which was published in December 2024. The NPPF is also supplemented by the national *Planning Policy Guidance* (*PPG*) which comprises a full and consolidated review of planning practice guidance documents to be read alongside the NPPF and which contains a section related to the Historic Environment.[14] The *PPG* also contains the *National Design Guide*.[15]

5.5. Full details of the relevant national policy guidance are provided within ***Appendix 5***.

The Development Plan

5.6. Applications for Planning Permission are currently considered against the policy and guidance set out within the Cheshire West and Chester Local Plan (adopted 29th January 2015).

5.7. Details of the policies relevant to the application proposals are provided within ***Appendix 6***.

[13] UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).
[14] Ministry of Housing, Communities & Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 14th February 2024), https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment.
[15] Ministry of Housing, Communities & Local Government (MHCLG), *National Design Guide* (London, January 2021).

6. The Historic Environment

6.1. This section provides a review of the recorded heritage resource within the Site and its vicinity in order to identify any extant heritage assets within the Site and to assess the potential for below-ground archaeological remains.

6.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix 'EGM' and HER 'monument' numbers have the prefix 'HER'.

6.3. A gazetteer of relevant heritage data is included as Appendix 1. Designated heritage assets, HER records and LiDAR are illustrated on Figures 1-3 in Appendix 2.

Previous Archaeological Works

6.4. A Desk-Based Assessment was produced by Wardell Armstrong in 2012 in support of the refused outline planning application (Ref. No. 13/01329/OUT).

6.5. Other archaeological events are recorded outside the Site within the wider study area, with the results of these discussed below, where relevant to the potential archaeological resource of the Site.

Topography and Geology

6.6. Topographically the land of the Site is relatively flat, with a slight rise in elevation from south to north.

6.7. The geology of the Site has been mapped by the British Geology Survey (BGS).[16] The underlying geology of the Site is formed of Chester Formation, comprised of pebbly sandstone, representing sedimentary bedrock formed in the Triassic Period.

6.8. The superficial deposits are predominantly recorded as Devensian Till, Diamicton, formed in the Quaternary Period. A section of Alluvium superficial deposits, forming clay, silt, sand and gravel, extends across the southern extent of the Site, from west to east, formed in the Quaternary Period.

6.9. The soils of the Site are recorded as Soilscape 18, noted as '*Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils*.'[17]

[16] British Geological Survey, *Geology of Britain Viewer*, https://www.bgs.ac.uk/map-viewers/geology-of-britain-viewer/.

[17] Cranfield University, *Soilscapes*, http://www.landis.org.uk/soilscapes/.

Archaeological Baseline

Prehistoric (pre-43 AD) and Romano-British (AD 43 – 410)

6.10. There is a paucity of evidence relating to the prehistoric period within the Site study area. A single findspot dating from the late Iron Age to the early Romano-British period was found *c.*760m to the south-west of the Site, relating to a to cast copper alloy terret rings (7025).

6.11. There is no evidence relating to the Romano-British period within the Site, though there is evidence of activity within the wider 1km study area. This evidence includes building remains at Oak Ridge Court, *c.*585m to the south of the Site. This included two parallel ditches, likely forming a beam slot and probable hearth (15997). The ditches also produced pottery from the late 1st to early 3rd centuries. A possible Roman feature was also found at St Alban's Church, *c.*635m to the south-west of the Site, as part of drainage works in 1982. Within the foundations, three blocks of sandstone were found, with layers of painted plaster on their outer faces. Roman pottery was also found. Probable Roman pits, post holes and a gully were also found during a watching brief *c.*490m to the south of the Site. One of the pits contained an assemblage of locally-manufactured Roman pottery, dated to the 2nd century AD (14007).

6.12. Several Romano-British findspots are also recorded within the Site study area. This includes a 1st-century copper alloy trumpet broach (14112), *c.*620m to the north-west of the Site, two denarii coins thought to be part of a larger hoard (2346), *c.*515m to the south of the Site, a Roman radiate coin from the 3rd century (7023), *c.*295m to the west of the Site, and a Barbarous Radiate coin from the 3rd century (7024), *c.*260m to the south-west of the Site.

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

6.13. Tattenhall is recorded in the Domesday Survey of 1086 as '*Tatenale*' under land owned by William Malbank, and comprising 2 villagers, with 2 smallholders and 1 Frenchman.[18] The land is recorded with 6 ploughlands and 1 league of woodland, with 1 lord's plough team, 2 men's plough teams. The name Tattenhall derives from the Old English meaning '*Nook of land of a man called Tāta*.'[19]

6.14. There is no medieval activity recorded within the Site. The Site is however recorded within the HLC data as an Ancient Field System, suggesting it had likely formed agricultural land during the medieval period, and may have been farmed as open strip fields.

6.15. The Grade II* Listed Church of St Alban (NHLE 1230254), located *c.*635m to the south-west of the Site, is the only building within the wider study area that dates from the medieval period within the settlement of Tattenhall. A church is thought to have been present on the site of the Church of St Alban during the Norman conquest. The extant church primarily dates from the early 16th century, with a restoration and remodelling undertaken by John Douglas in 1869-70. As part of these works, early church remains were found, showing an earlier structure was

[18] Open Domesday. *Tattenhall.* https://opendomesday.org/place/SJ4858/tattenhall/

[19] Mills, A. D. 2011. *Tattenhall.* A Dictionary of British Place Names.

destroyed by fire. The restoration works also uncovered several medieval finds, including a large skeleton, and coin or token, with drainage works in 1982 also finding fragments of medieval painted window glass (1821/2/2).

6.16. The site of a medieval mill is also recorded *c.*910m to the south of the Site (1821/2/2). Documents from the 14th century refer to a watermill in Tattenhall in 1414, with no material evidence for the mill uncovered.

6.17. There are a range of medieval findspots within the wider Site study area, evidencing activity within the wider area. Only a single findspot appears to date from the early medieval period, relating to an incomplete, copper-alloy strap-end, from 800-1100AD (14122), *c.*425m to the north-west of the Site.

6.18. The closest recorded evidence dating from the medieval period for the Site is a medieval coin, found *c.*120m to the south of the Site (1829).

6.19. The medieval findspots within the wider study area are primarily located within concentrated areas to the north-west and south of the Site. A range of finds were found to the north-west of the Site, between *c.*225m and *c.*590m from the Site. These included a several silver coins (14099 & 14107), a buckle (14101), a lead spindle whorl (14109), and a key (14123). A range of finds were also recorded between *c.*950m to *c.*995m to the south of the Site. These included several silver pennies (14069, 14082, and 14244), a late medieval buckle (14096), and a medieval coin (1821/1/2).

6.20. Several findspots were also recorded dating from the late medieval to early post-medieval periods. A copper alloy handle lug from a chafing dish (14106) was recorded *c.*75m to the north of the Site, representing the closest recorded evidence of any date on the HER to the Site. The HER also recorded an assemblage of coins (7022), *c.*253m to the west, a cauldron foot (14114), *c.*575m to the north-west, and an assemblage of medieval and post-medieval finds (14091), *c.*900m to the south of the Site.

<u>Post-medieval (1540 – 1750)</u>

6.21. The Site appears to have had a continued agricultural use throughout the post-medieval period, with no activity recorded during this period within the Site.

6.22. The village of Tattenhall saw continued expansion throughout the post-medieval period, with a range of buildings surviving. These are primarily concentrated within the centre of the village, off High Street. The earliest of the surviving buildings is the Grade II Listed Rock Bank and Rock Cottage (NHLE 1230477), located *c.*800m to the south-west of the Site. This comprises a former farmhouse, now a house and shop, dated 1601. The Grade II Listed National Westminster Bank and adjoining House (NHLE 1230257) also dates to the 17th century, comprising a timber framed former farmhouse. This is located *c.*730m to the south-west of the Site.

6.23. The majority of surviving post-medieval buildings within the wider Study area comprise houses, cottages, and farmhouses, dating between the later 18th to mid-19th centuries. These includes 11 Grade II Listed Buildings, which are all located between *c.*640m to *c.*990m to the south/south-west of the Site within the centre of Tattenhall.

6.24. Several records identify some limited industrial activity within the post-medieval period; however, the wider

study area had primarily been of an agrarian character during this period. The industrial activity includes Tattenhall Flour Mill and its mill pond, which date from the 18th century (1821/4/1 & 1821/4/2). These are located *c.*875m to the south-west of the Site. The site of a former 19th-century windmill (7053) is also located *c.*650m to the south of the Site.

6.25. A range of post-medieval finds were recovered during a metal detecting rally in Tattenhall in 2011. These are concentrated to the southern extent of study area, between *c.*750m to *c.*1km from the Site. A total of 25 post-medieval findspots were recorded, which are summarised below:

- A total of 13 pistol and musket balls/shots dating from the 17th century. The cluster of these within the southern extent of the Site are suggestive of a skirmish, potentially from the English Civil War (14063 14067, 14073, 14083, 14085, 14086, 14087, 14093, 14095, 14097, 14098, 14232, & 14247).
- A total of four post-medieval buckles (14063, 14070, 14077, & 14251).
- A total of two post-medieval buttons (14074 & 14078).
- Other finds from the post-medieval period in this area included a stud (14079), a copper alloy vessel fragment (14081), a silver shilling (14250), and a saddle pommel (14262).

6.26. A range of 17th-century silver coins were also recorded in various parts of the 1km study area, including *c.*360m (14105) and *c.*510m (14014) to the north-west of the Site, *c.*780m to the south-west of the Site (14065), and *c.*950m to the south of the Site (14115).

6.27. The first available cartographic source to depict the Site is Bryant's 1831 Map of the County Palatine of Chester. The Site is shown as undeveloped land at this time, off the western side of Tattenhall Road, to the north of Tattenhall. Graves Farm is shown to the west of the Site, noted at '*The Graves',* and accessed via a road bounding the northern side of the Site. The farmstead is shown indicatively with two rectangular buildings. The Keys Brook is shown to the south of the Site, with a footpath shown along its southern side.



Plate 10: Bryant's 1831 Map of the County Palatine of Chester (NLSM).

6.28. The 1848 Tithe Map of the Township of Tattenhall is the first cartographic source to provide a clear depiction of the Site. This shows the Site as forming two agricultural

field parcels, with the western field (Plot C448) known as '*Rough Field*' and the eastern field (Plot C449) known as '*Hays Brook Field*'. A small pond is shown within the northern extent of the eastern field.

6.29. The fields had been owned by Robert Bulkley Orton, and occupied by Samuel Williamson. Williamson occupied Greaves Farm to the west of the Site, shown as loose courtyard farmstead, with three rectangular buildings and two small outbuildings (Plot C446). Williamson had farmed seventeen fields within the township, including those at the Site, all owned by Orton. Orton, occupied a house *c.*510m to the south-west of the Site, noted as a '*House, Buildings, Yard, Pleasure Ground, Garden etc*' (Plot C477). This house represented an earlier iteration of the Grade II Listed The Rookery (NHLE 1230258), thought to be of Elizabeth origins, and largely rebuilt in 1909.



Plate 11: The 1848 Tithe Map (The Genealogist).

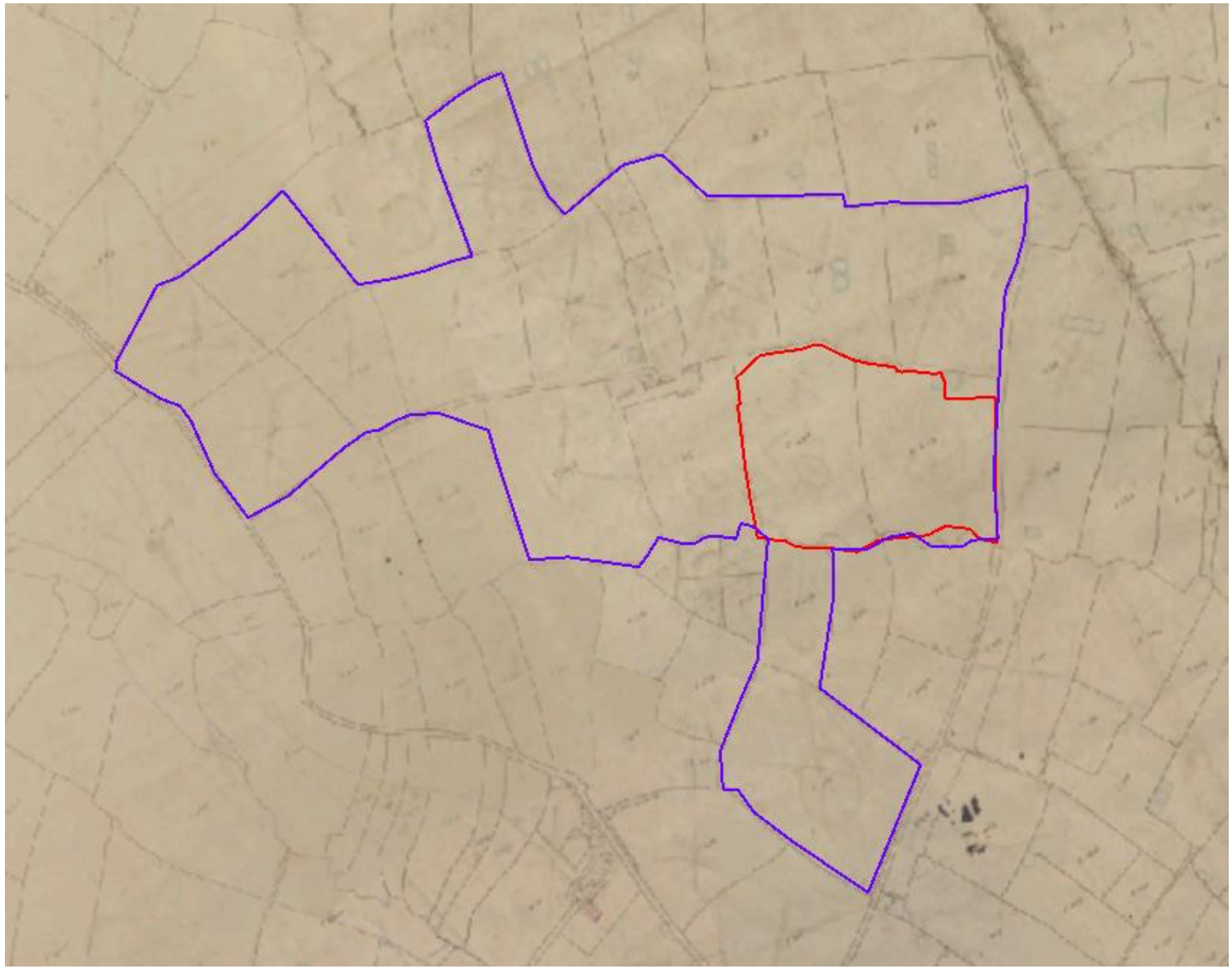


Plate 12: Land farm by Samuel Williamson (blue), with the Site highlighted (red), on the 1848 Tithe Map (The Genealogist).

6.30. By the time the 1882 Ordnance Survey Map was drawn, the field layout within the Site had been reconfigured. The Site comprised two fields, with one larger field forming the main area of the Site, and another field to the south-west forming part of a larger field to the west. An oval shaped woodland parcel is depicted within the north-western extent of the Site, with the mapping showing the Site with treelined boundaries. A rectangular land parcel had been created bounding the Site to the north-east, with a square structure shown off Tattenhall Road. The farmstead to the west is noted as '*The Greaves Farm*', with several new structures depicted, as well as an orchard.

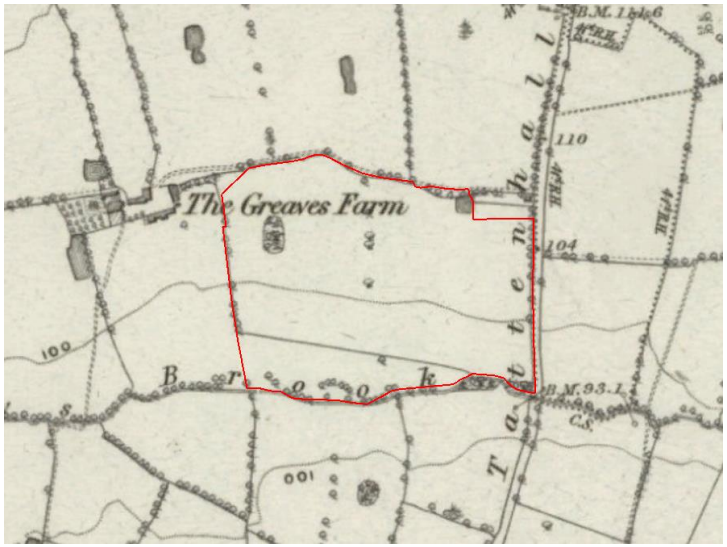


Plate 13: The 1882 Ordnance Survey Map (NLSM).

6.31. The 1899 Ordnance Survey Map shows that the Site had comprised three field parcels, with the larger field subdivided into two fields by the time the mapping was drawn. This mapping also shows that several villa-style houses had been built on the eastern side of Tattenhall Road.

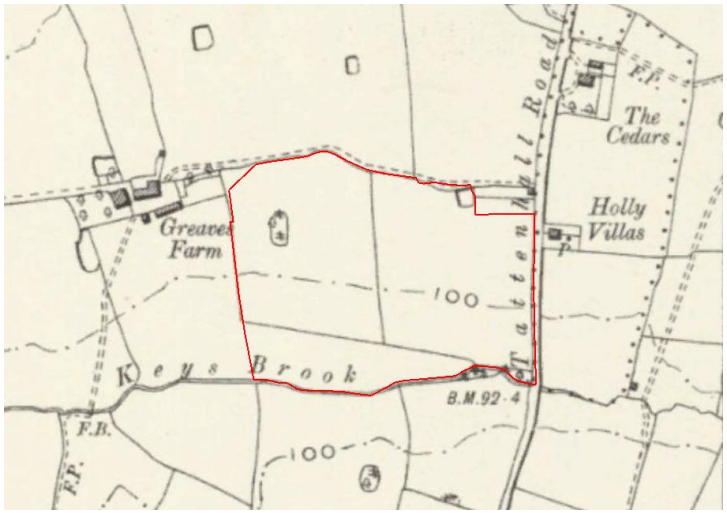


Plate 14: The 1899 Ordnance Survey Map (NLSM).

Modern (1901 – present)

6.32. There had been minimal changes to the Site and its immediate surrounds in the early 20th century. By the time the 1953 Ordnance Survey Map was drawn, a range of buildings had been constructed to the south-east of the Site on the eastern side of Tattenhall Road, with new structures built at Greaves Farm.

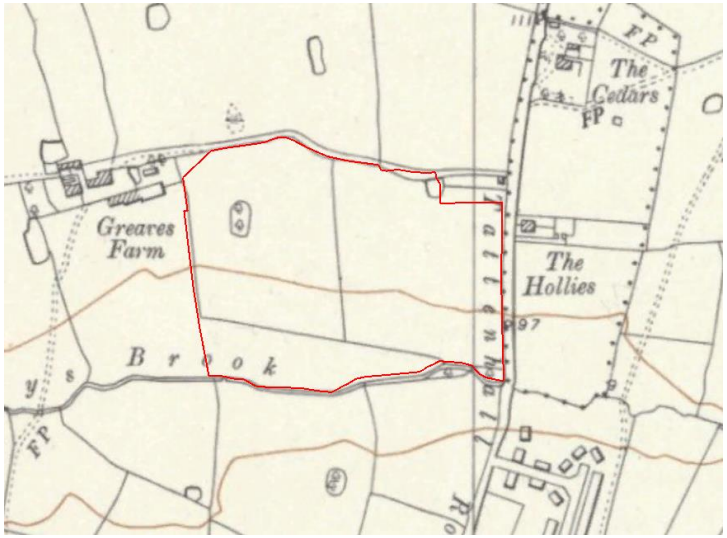


Plate 15: The 1953 Ordnance Survey Map (NLSM).

6.33. The 1971 National Grid Map shows that the Site had formed two field parcels by this date, with the two parcels within the main area of the Site merged. A small pond is shown within the northern extent of the Site, with several clusters of trees depicted within the central extent of the Site. To the south of the Keys Brook, a large housing estate had been constructed, associated with the residential expansion of Tattenhall. At this time, the building bounding the Site to the north-east is noted as '*Grange Cottage*', with several modern agricultural buildings added to Greaves Farm.



Plate 16: The 1971 National Grid Map (NLSM).

6.34. The 2005 Satellite Image shows the Site within its extant boundaries, formed of a single agricultural field parcel. Ridge and furrow earthworks are discernible within this imagery, within fields to the west and north of the Site. Several modern agricultural buildings grouped around a yard had been added to the north-eastern extent of the Site by the 2015 Satellite Image. A narrow track extended from this yard across the Site, with three parcels divided in the northern extent of the Site. This track and field divisions had been removed by the 2021 Satellite Image, with no other notable changes up to present day.



Plate 17: The 2005 Satellite Image (Google Earth).



Plate 18: The 2015 Satellite Image (Google Earth).



Plate 19: The 2021 Satellite Image (Google Earth).

Archaeological Potential

6.35. There is a paucity of prehistoric archaeological activity within the wider study area, with no activity recorded within the Site. Whilst there is Romano-British activity within the wider study area, including structural evidence, ditches, and findspots, these are concentrated away from the Site, predominantly to the south and south-west. Based on the recorded heritage, the Site is considered to have **low potential** for archaeological remains from these periods.

6.36. There is extensive medieval settlement activity within the wider study area, but this activity is predominantly located at a distance from the Site. The Site appears to have seen a continued agricultural use since the medieval period, with the Site recorded as an Ancient Field System within the HLC data (although this is not reflected in the configuration of the site itself). The agricultural use of the Site continued throughout the post-medieval period, as evidenced by the historic cartographic sources. However, medieval and post-medieval archaeological activity appears primarily concentrated away from the Site in the centre of Tattenhall village. Based on the recorded heritage, the Site is considered to have a **low potential** for archaeological remains from the medieval and post-medieval periods.

7. Setting Assessment

7.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.

7.2. As set out in ***Section 1***, the Site does not contain any Listed Buildings and is not located within a Conservation Area. There is a single Conservation Area within the Site's wider 1km study area, as well as 1 Grade II* Listed Building, and 16 Grade II Listed Buildings.

7.3. With regards to other heritage assets within the surrounds of the Site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development. [20]

7.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.

7.5. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.

7.6. Consideration, based upon professional judgement and on-Site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the Site as part of their setting, whether the Site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.

7.7. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 214 and 215 of the *NPPF*.[21] The PPG clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.[22]

7.8. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.[23] In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

[20] Historic England, *GPA:3*, p. 4.
[21] MHCLG, *NPPF*, paras. 214 and 215.
[22] DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019)
[23] DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

"…have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."[24]

7.9. It has been observed that the Tattenhall Conservation Area has the potential to be sensitive to the development proposals and thus has been taken forward for further assessment below.

7.10. With regard to other heritage assets in the vicinity of the Site, assessment has concluded that the Site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

Tattenhall Conservation Area

7.11. The Tattenhall Conservation Area was first designated in 1970, and has seen subsequent alterations to the boundary in 1985 and 1996. The designation area is centred upon the historic village core off High Street, with several areas of open space off Chester Road. A Conservation Area Appraisal was adopted for the Conservation Area on 5th June 2013.

7.12. The Site is located *c.*375m from the Conservation Area, separated from it by modern development, and visibility of the Site from the Area is localised to a small area on Chester Road. Therefore, the assessment is predominantly localised to this area.

7.13. Tattenhall is thought to have been settled prior to the Norman Conquest, and grew to a place of some significance during the medieval period, following the construction of the GI Listed Church, the oldest parts of which now date from the 16th century. The earliest domestic buildings within Tattenhall date to the 17th century, and are predominantly constructed with oak timber framing. The arrival of the Chester Canal in 1772 provided enhanced economic opportunities for the settlement, allowing for its growth. The 18th and 19th centuries saw the construction of a range of dwellings within the centre, predominantly of red brick. The economy of the settlement had remained predominantly agricultural, though the introduction of the canal and

[24] EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

railway also allowed some industrial activity, including brick works.



Plate 20: The Tattenhall Conservation Area boundary (blue), with the Site boundary highlighted (red).

7.14. The historic core of Tattenhall broadly follows the curved High Street, with several offshoot roads including Chester Road. High Street retains buildings from the 17th century onwards, with 18th- and 19th-century buildings comprising the dominant period of historic built form. Buildings from the 17th century retain oak timber framing, with the later buildings predominantly of orange and red brick, as well as stucco render. A range of buildings are also in a neo-vernacular style, with thatched roofing.

7.15. The Conservation Area is also known for its open and green spaces, including within the south-eastern and north-western extent of the boundary.

7.16. Tattenhall is located within a rural landscape, partly surrounded by agricultural fields, some of which help to demonstrate its historic agrarian economy. The Conservation Area is also bounded by a range of modern housing developments, constructed from the later 20th century. Within the areas closer to the Site, this includes the estates branching off Tattenhall Road and Chester Road, along Rookery Drive, Oaklands Avenue, Oaklands Centre and Greenlands.

Association with the Site, including Intervisibility and Co-visibility

7.17. The Site is located *c.*375m to the north of the Conservation Area. There is no known historic association between the Site and the Conservation, with the Site forming part of the wider agricultural landscape, not directly adjacent to the Conservation Area.

7.18. Visibility of the Site from the Conservation Area is predominantly blocked by intervening built form. There is one part of the Conservation Area from where there is visibility of the Site, from Chester Road within the north-western extent of the Conservation Area. This represents a glimpsed view of part of the field within the Site, when facing northwards across an open agricultural field directly bounding the Conservation Area. This view also contains the modern housing estate located between the Site and Conservation Area. This does not represent a key view within the Area. When moving along Chester Road, the dynamic views are primarily focused to the west and east, away from the Site, with peripheral views of the field directly bounding the Conservation Area. The Site can only be seen in long distanced views when facing directly northwards on Chester Road.



Plate 21: Glimpsed view of the Site from the Conservation Area.

Statement of Significance

7.19. The heritage significance of the Tattenhall Conservation Area is principally embodied in its historic built form, including its Listed Buildings. These include the Grade I Listed Church, as well as timber framed buildings from the 17th century, with the historic built form of the Conservation Area predominantly dating to the 18th to 19th centuries. The significance of the Conservation Area is also derived from its settlement pattern, characterised by historic built form along the curved High Street, with several key open spaces.

7.20. There is no statutory protection for the settings of Conservation Areas. In the case of the Tattenhall Conservation Area, its setting does nonetheless make some contribution to its significance, although the relative contribution is considerably less than that derived from the intrinsic elements of character and appearance. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance comprise:

- The surrounding agricultural fields immediately bounding the Conservation Area. These fields help to illustrate the rural landscape within the immediate vicinity of the Conservation Area, as well as the historic agrarian economy of the settlement.

Any Contribution of the Site through Setting

7.21. There is no known historic association between the Site and Conservation Area. The Site is only visible from one small part of the Conservation Area, which does not represent a key part or focal point of the Area. The visibility comprises a long distanced glimpse of the Site, facing across an agricultural field that directly bounds the Conservation Area. This includes a modern housing estate. The Conservation Area is not clearly visible from the Site, nor is there any co-visibility between them, due to intervening built form.

7.22. Overall, the Site is deemed to make **no contribution** to the significance of the Tattenhall Conservation Area through setting.

Impact Assessment

7.23. The proposed development would see the construction of a residential development within the Site, including associated infrastructure, landscaping, and access works, on land to the west of Tattenhall Road.

7.24. There is anticipated to be some visibility of the residential development from the Conservation Area. However, this would represent a long-distanced glimpse of the new houses, with this view already containing a modern housing estate, which is closer to the Conservation Area. A wide landscape buffer has been included within the south-western extent of the Site, which should further limit visibility from the Conservation Area.

7.25. The ability to view the new housing scheme from this small part of the Conservation Area would not change the

ability to understand or appreciate its significance. Whilst the Site currently comprises agricultural fields, these do not make a contribution to its significance through setting, due to their distance from the Site. Within this part of the Conservation Area, the field immediately adjacent to the north does help to illustrate the rural landscape within the immediate vicinity. This field will continue be the main focus of the view northwards, with some limited and long-distanced glimpses of new houses to the rear, in combination with the extant houses to the south of the Site.

7.26. Overall, the proposed changes are deemed to cause **no harm** to the significance of the Tattenhall Conservation Area, through change to its wider setting.

8. Conclusions

Archaeology

8.1. There is a paucity of prehistoric archaeological activity within the wider study area, with no activity recorded within the Site. Whilst there is Romano-British activity within the wider study area, including structural evidence, ditches, and findspots, these are concentrated away from the Site, predominantly to the south and south-west. Based on the recorded heritage, the Site is considered to have **low potential** for archaeological remains from these periods.

8.2. There is extensive medieval settlement activity within the wider study area, but this activity is predominantly located at a distance from the Site. The Site appears to have seen a continued agricultural use since the medieval period, with the Site recorded as an Ancient Field System within the HLC data (although this is not reflected in the current configuration of the site). The agricultural use of the Site continued throughout the post-medieval period, as evidenced by the historic cartographic sources. However, medieval and post-medieval archaeological activity are concentrated away from the Site, predominantly in the centre of Tattenhall village. Based on the recorded heritage, the Site is considered to have a **low potential** for archaeological remains from the medieval and post-medieval periods.

Built Heritage

8.3. The Site does not contain any Listed Buildings and is not located within a Conservation Area. There is a single Conservation Area within the Site's wider 1km study area, as well as one Grade II* Listed Building, and 16 Grade II Listed Buildings.

8.4. The Tattenhall Conservation Area was the only designated heritage asset that had the potential to be sensitive to the development proposals.

8.5. The assessment determined that there is no known historic association between the Site and Conservation Area, with only a limited and long-distanced glimpse of the Site possible from one small part of the Conservation Area. The Site is deemed to make **no contribution** to the significance of the Tattenhall Conservation Area through setting. The proposed changes are deemed to cause **no harm** to the significance of the Tattenhall Conservation Area, through change to its wider setting.

8.6. Overall, the proposed development has been assessed as causing **no harm** to the significance of any heritage assets arising from the implementation of the proposals, and thus accords with the duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies of the Local Plan, and Section 16 of the NPPF.

Appendix 1: Gazetteer

Heritage Data

HER Event Data

Ev UID	Name	Event Type
ECH7051	Drainage trench at St Albans Church, Tattenhall 1982 – Grosvenor Museum	Trial Trenches
ECH3538	Archaeological Evaluation at High Street, Tattenhall 1992 – Giffords Consulting Engineers (Chester)	Archaeological Evaluation
ECH3542	Land south of High Street, Tattenhall: Evaluation 1993 – Chester Archaeology	Archaeological Evaluation
ECH3694	Report on a Second Phase of Archaeological Evaluation of Land at High Street, Tattenhall, Cheshire 1994 – Giffords Consulting Engineers (Chester)	Archaeological Evaluation
ECH4332	Watching Brief at the Old Chapel House, High Street, Tattenhall, Cheshire.2004 – Earthworks Archaeological Services	Watching Brief
ECH4797	Bank House, Church Bank, Tattenhall, Cheshire 2005 – Castlering Archaeology	Watching Brief
ECH4632	Archaeological Evaluation at the Site of the Proposed New Parsonage, Tattenhall, Cheshire 2009 - Northamptonshire Archaeology	Archaeological Evaluation
ECH4698	Frog Hall Farm, Tattenhall: Archaeological Desk-Based Assessment 2009 - Giffords Consulting Engineers (Chester)	Desk-Based Assessment

ECH4614	Outbuilding at Church Bank, Tattenhall 2010 - Cheshire Archaeology Planning Advisory Service	Watching Brief
ECH4633	An Archaeological Evaluation, St Alban's Church, Tattenhall, Cheshire 2010 - Kevin Cootes (Archaeological Contractor)	Archaeological Evaluation
ECH4704	Ravensholme Lane, Tattenhall: an Archaeological Watching Brief 2010 - Giffords Consulting Engineers (Chester)	Watching Brief
ECH4731	Archaeological Evaluation at Frog Hall Farm, Tattenhall, Cheshire 2010 - Northamptonshire Archaeology	Archaeological Evaluation
ECH5284	Archaeological Excavation at the Site of the new Parsonage, Tattenhall, Cheshire 2011 – Northamptonshire Archaeology	Excavation
ECH5423	Chester Road Tattenhall Desk Based Archaeology Report 2012 – WSP UK Limited	Desk-Based Assessment
ECH5920	Land to the West of Tattenhall Road, Tattenhall, Chester, Cheshire 2012 – Wardell Armstrong Archaeology Ltd	Desk-Based Assessment
ECH5708	Historic Building recording of The Oak Room, Newton-by-Tattenhall 2013 – Nexus Heritage	Historic Building Recording
ECH5916	Archaeological Evaluation Trenches at the Oak Room, Tattenhall 2014 – Aeon Archaeology	Archaeological Evaluation
ECH6018	Metal Detecting Survey, Topographic Survey and Trial Trenching. Land off Harding Avenue, Tattenhall. Cheshire 2014 – Wessex Archaeology	Metal Detecting Survey

ECH6080	Frog Hall Farm, Tattenhall: Archaeological Strip and Map Report 2015 – L-P Archaeology	Strip, Map and Sample
ECH6171	Archaeological Watching Brief at St Albans Church, Tattenhall 2015 – Aeon Archaeology	Watching Brief
ECH7124	Brook House, Tattenhall - Research and Recording 2016 – Cheshire Gardens Trust	Historic Building Recording
ECH6277	Archaeological Monitoring and recording. New Dwelling and garage on land adjacent to Lion House, Tattenhall 2016	Monitoring and Recording
ECH6415	Archaeological Watching Brief at Tattenhall Park Primary School, Chester Road, August 2017 – Cheshire Archaeology Planning Advisory Service	Watching Brief
ECH6455	Proposed Residential Development at Tattenhall Gateway Land off Chester Road, Tattenhall: Archaeological and Cultural Heritage Assessment 2017 – Wardell Armstrong	Heritage Statement
ECH6594	Land at Blackham Reclamation, Newton By Tattenhall, Cheshire. CH3 9QQ: Archaeological Evaluation 2018 – Aeon Archaeology	Archaeological Evaluation
ECH7329	Archaeological Watching Brief Report: Low Ridge, Tattenhall 2021 – LP Archaeology	Watching Brief

HER Monument Data

Mon UID	Name	Mon Type	Period
7025	Late Iron Age/ early Roman Harness fitting from Tattenhall	Findspot	Late Iron Age/Romano-British
14007	Probable Roman Pits, Post Holes and a Gully, Tattenhall Primary School	Post Hole, Gully, Pit	Romano-British
14112	Roman Trumpet Brooch from Tattenhall	Findspot	Romano-British
15997	Roman building remains, Oak Ridge Court, Tattenhall	Structure	Romano-British
2046	Possible Roman features at St Alban's Church	Structure	Romano-British
2346	Roman coins from Tattenhall	Findspot	Romano-British
7023	Roman radiate coin from Tattenhall	Findspot	Romano-British
7024	Barbarous Radiate from Tattenhall	Findspot	Romano-British
14069	Medieval Silver penny from Tattenhall Rally 2011	Findspot	Medieval
14082	Medieval Silver Penny from Tattenhall Rally 2011	Findspot	Medieval
14096	Late Medieval Buckle from Tattenhall Rally 2011	Findspot	Medieval
14099	Medieval Silver Coin from Golborne Bellow	Findspot	Medieval

14101	Medieval Buckle from Golborne Bellow	Findspot	Medieval
14107	Two medieval silver coins from Tattenhall	Findspot	Medieval
14109	Medieval lead spindle whorl from Hatton	Findspot	Medieval
14121	Medieval lead spindle whorl from Tattenhall	Findspot	Medieval
14122	Early Medieval strap end from Newton-by-Tattenhall	Findspot	Medieval
14123	Medieval key from Newton-by-Tattenhall	Findspot	Medieval
14244	Silver Penny of Edward I from Tattenhall Rally 2011	Findspot	Medieval
1821/1/1	Medieval Mill at Tattenhall	Site	Medieval
1821/1/2	Medieval coin from Tattenhall	Findspot	Medieval
1821/2/1	Church of St Alban	Building	Medieval
1821/2/2	Medieval finds from Church of St Alban	Findspot	Medieval
1829	Medieval coin from Tattenhall	Findspot	Medieval
14091	Finds from Tattenhall Rally 2012	Findspot	Medieval/Post-Medieval

14106	Chafing dish fragment from Tattenhall	Findspot	Medieval/Post-Medieval
14114	Medieval or Post Medieval Cauldron foot from Newton-by-Tattenhall	Findspot	Medieval/Post-Medieval
7022	Two Cast Copper Alloy Jettons and a Silver Sixpence from Tattenhall	Findspot	Medieval/Post-Medieval
14014	Seventeenth century silver coin from Tattenhall	Findspot	Post-Medieval
14063	Seventeenth century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14064	Post Medieval Buckle found at Tattenhall Rally 2011	Findspot	Post-Medieval
14065	Seventeenth century silver coin from Tattenhall	Findspot	Post-Medieval
14067	Seventeenth century lead pistol ball from Tattenhall Rally 2011	Findspot	Post-Medieval
14068	Seventeenth century lead pistol ball from Tattenhall Rally 2011	Findspot	Post-Medieval
14070	Post medieval buckle from Tattenhall Rally 2011	Findspot	Post-Medieval
14071	Post medieval belt mount from Tattenhall Rally 2011	Findspot	Post-Medieval
14073	Seventeenth century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14074	Post Medieval button from Tattenhall Rally 2011	Findspot	Post-Medieval

14077	Post medieval buckle from Tattenhall Rally 2011	Findspot	Post-Medieval
14078	Post medieval button from Tattenhall Rally 2011	Findspot	Post-Medieval
14079	Post medieval stud from Tattenhall Rally 2011	Findspot	Post-Medieval
14081	Copper alloy vessel fragment from Tattenhall Rally 2011	Findspot	Post-Medieval
14083	Seventeenth century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14085	Seventeenth Century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14086	Seventeenth Century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14087	Seventeenth Century Lead Shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14093	Seventeenth Century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14095	Seventeenth century lead pistol ball from Tattenhall Rally 2011	Findspot	Post-Medieval
14097	Seventeenth century lead musket ball from Tattenhall Rally 2011	Findspot	Post-Medieval
14098	Seventeenth Century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14105	Seventeenth century silver coin from Newton-by- Tattenhall	Findspot	Post-Medieval
14115	Seventeenth century silver coin from Tattenhall	Findspot	Post-Medieval

14232	17th century lead shot from Tattenhall Rally 2011	Findspot	Post-Medieval
14247	17th century lead musket ball from Tattenhall Rally 2011	Findspot	Post-Medieval
14250	17th century Silver Shilling from Tattenhall Rally 2011	Findspot	Post-Medieval
14251	Post Medieval Buckle from Tattenhall Rally 2011	Findspot	Post-Medieval
14262	Post Medieval Saddle Pommel from Tattenhall Rally 2011	Findspot	Post-Medieval
1821/0/2	Rock Bank & Rock Cottage	Building	Post-Medieval
1821/0/1	National Westminster Bank & House adjoining to the south	Building	Post-Medieval
15742/1	Brook House, Tattenhall	Building	Post-Medieval
15742/2	Gardens and Parkland at Brook House, Tattenhall	Parkland	Post-Medieval
1821/0/4	Post Medieval Features in Tattenhall	Drain, Ditch	Post-Medieval
1821/0/5	Medway House	Building	Post-Medieval
1821/4/1	Tattenhall Flour Mill	Building	Post-Medieval
1821/4/2	Tattenhall Mill Pond	Pond	Post-Medieval
1821/5/1	Site of Four Farm Buildings at Tattenhall Hall	Site	Post-Medieval

2468/4/0	Tattenhall to Whitchurch Line (L & NWR)	Railway	Post-Medieval
7051	Frog Hall Farm	Building	Post-Medieval
7051/0/2	Cobbled Surface at Frog Hall Farm	Trackway	Post-Medieval
7053	Site of Windmill near Tattenhall	Site	Post-Medieval
7182	Congregational Chapel in Tattenhall High Street	Building	Post-Medieval
14072	Lead spindle whorl from Tattenhall Rally 2011	Findspot	Undated (Romano-British to English Civil War)
14075	Lead spindle whorl from Tattenhall Rally 2011	Findspot	Undated (Romano-British to English Civil War)
14076	Lead spindle whorl from Tattenhall Rally 2011	Findspot	Undated (Romano-British to English Civil War)
1821/0/3	Undated Pit in Tattenhall	Pit	Undated

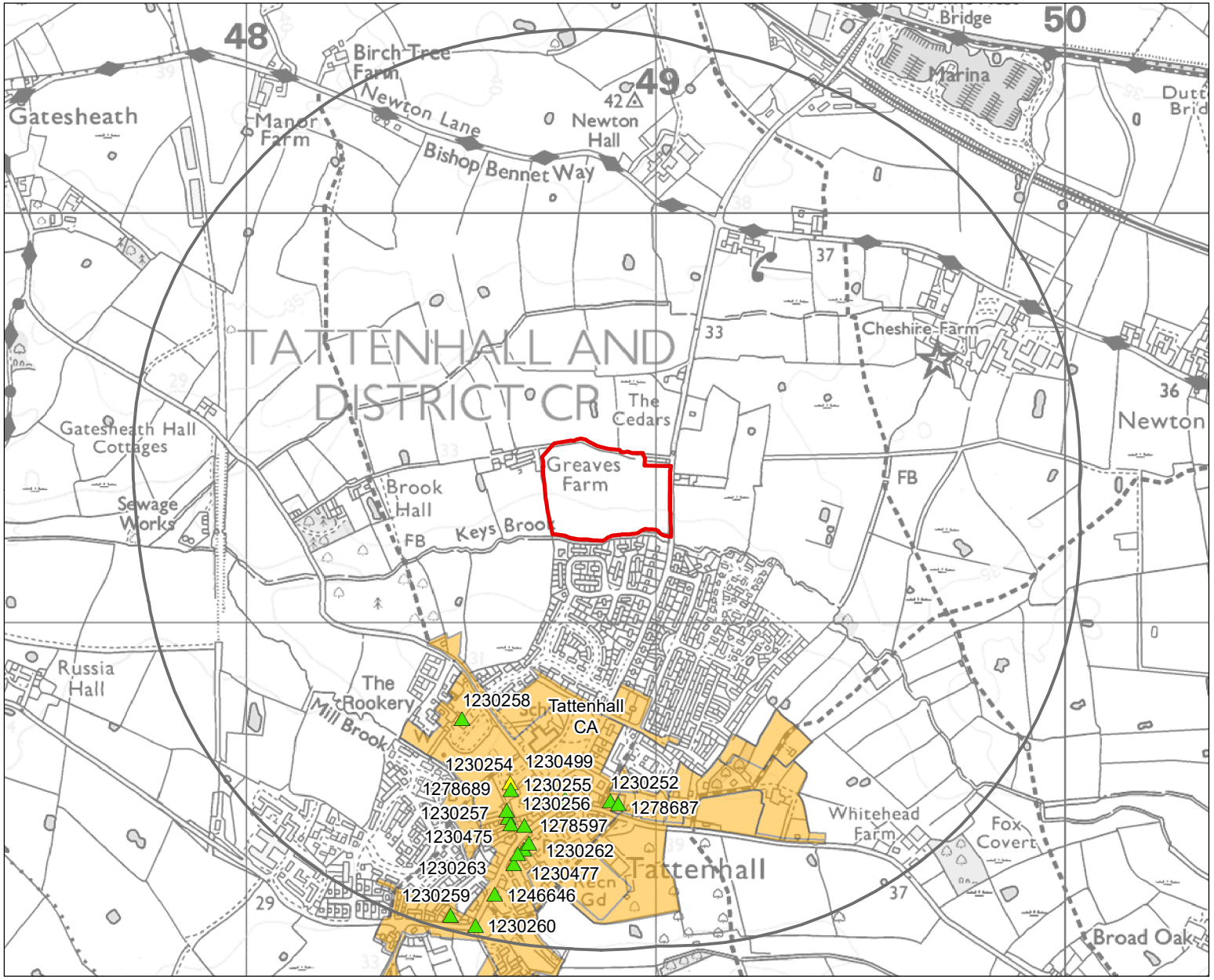
Historic England Data

Historic England Listed Buildings

List Entry	Name	Grade	National Grid Reference
1230254	CHURCH OF ST ALBAN	II*	SJ 4864 5860
1230255	SUNDIAL IN CHURCH OF ST ALBAN'S CHURCHYARD	II	SJ 4864 5859
1278687	CLAREMONT	II	SJ 4890 5855
1230256	CONIFERS | THE COTTAGE	II	SJ 4863 5852
1230260	GATE PIERS AND WING WALLS TO TATTENHALL HALL	II	SJ 4855 5826
1230252	GREENGATES	II	SJ 4888 5856
1230259	LAUREL BANK	II	SJ 4849 5828
1230475	MEDWAY HOUSE	II	SJ 4867 5850
1230257	NATIONAL WESTMINSTER BANK AND HOUSE ADJOINING TO THE SOUTH	II	SJ 4864 5850
1230262	OFFICE PREMISES OF CALYPSO COMPANY LIMITED	II	SJ 4865 5841
1278597	OLYMPUS HOUSE	II	SJ 4869 5846
1230477	ROCK BANK | ROCK COTTAGE	II	SJ 4866 5843

1230499	ROSEBANK	II	SJ 4877 5857
1278689	ST ALBANS | ST ALBANS HOUSE	II	SJ 4863 5854
1230263	THE MOUNT	II	SJ 4867 5844
1230258	THE ROOKERY	II	SJ 4852 5876

Appendix 2: Figures



KEY

- Site
- 1km Buffer
- Conservation Area

Listed Buildings

- Grade II
- Grade II*

Revisions:
First Issue- 20/01/2025 AW

Figure 1- Designated Heritage Assets

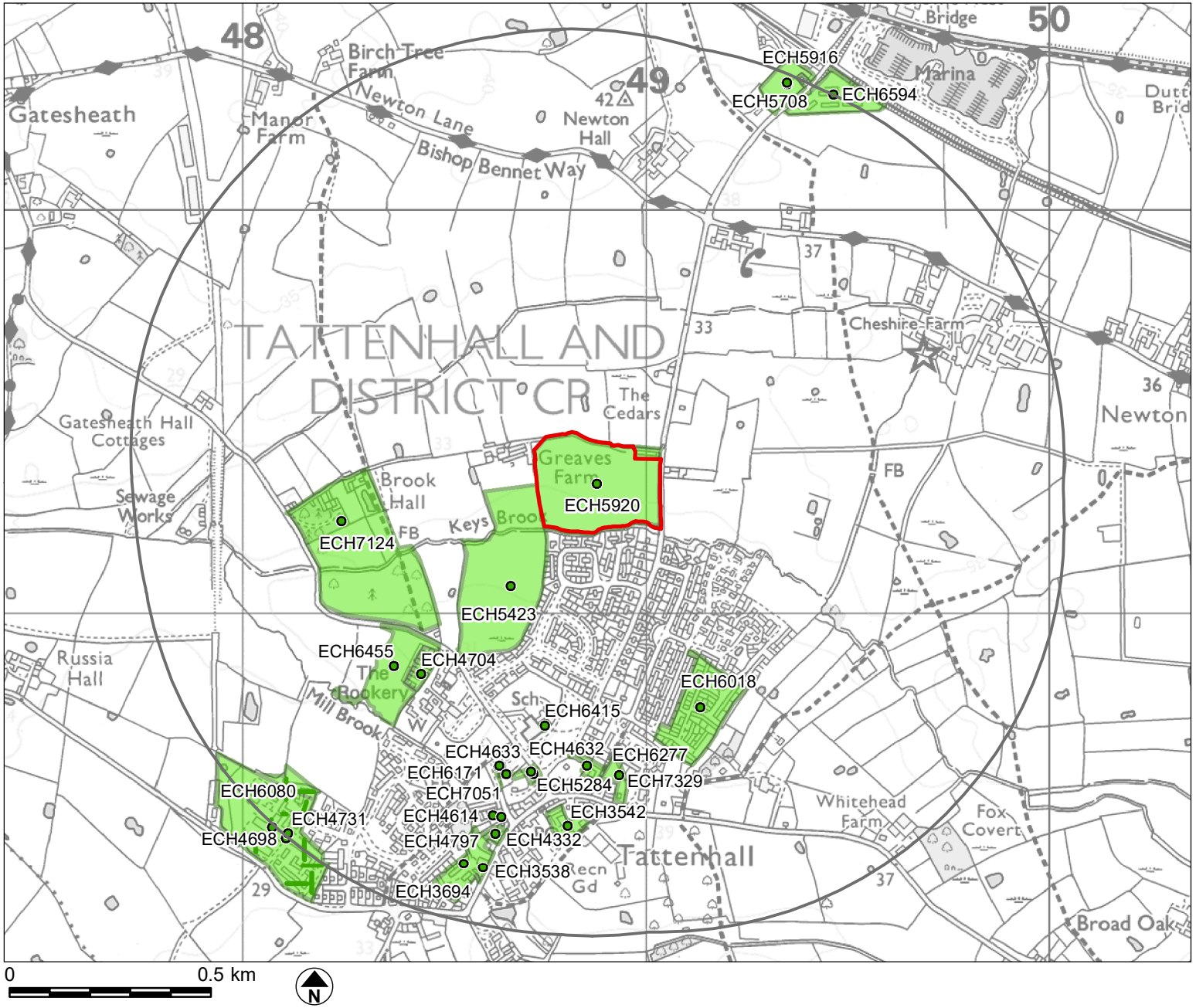
Land west of Tattenhall Road

Client: Gladman Developments Limited
DRWG No: **P24-2708_01** Sheet No: - REV: -
Drawn by: AW Approved by: JE
Date: 19/01/2025
Scale: 1:14,500 @ A4

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KEY

- Site
- 1km Buffer
- Event Points
- Event Lines
- Event Polygons

Revisions:
First Issue- 20/01/2025 AW

Figure 2- HER Events

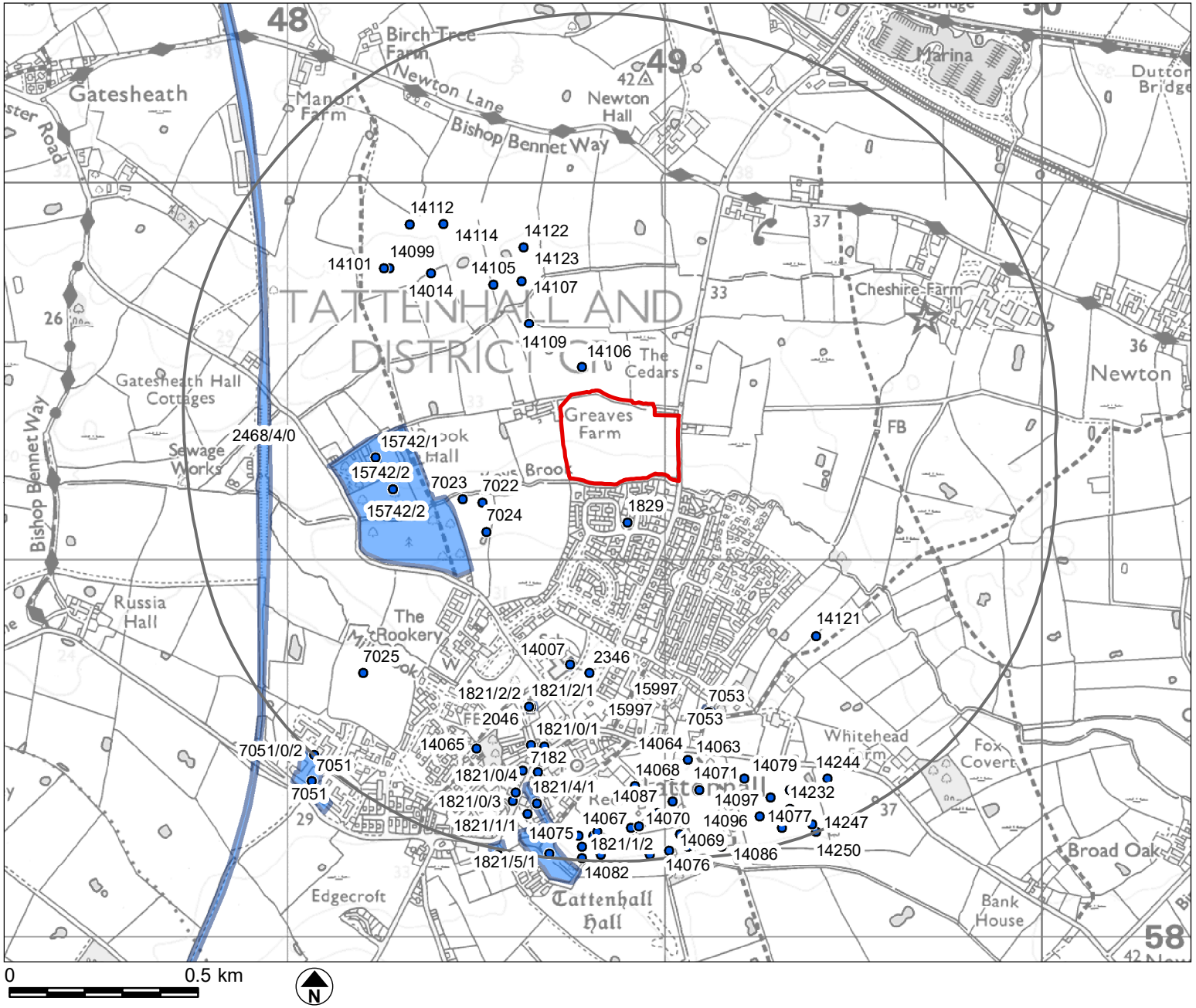
Land west of Tattenhall Road

Client: Gladman Developments Limited
DRWG No: **P24-2708_02** Sheet No: - REV: -
Drawn by: AW Approved by: JE
Date: 19/01/2025
Scale: 1:14,500 @ A4

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KEY

- Site
- 1km Buffer
- MonumentsPoints
- MonumentsPolygons

Revisions:
First Issue- 20/01/2025 AW

Figure 3- HER Monuments

Land west of Tattenhall Road

Client: Gladman Developments Limited
DRWG No: **P24-2708_03** Sheet No: - REV: -
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Date: 19/01/2025
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Appendix 3: Assessment Methodology

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."***[25]

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.[26]

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.[27] These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.[28]

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.[29]

[25] MHCLG, *NPPF*, Annex 2.
[26] Historic England, *GPA:2*.
[27] Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see idem pp. 28–32.
[28] MHCLG, *NPPF*, *Annex 2*; MHCLG, *PPG, paragraph 006, reference ID: 18a-006-20190723*.
[29] MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

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 Report. [30]

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.

Setting and significance

As defined in the NPPF:

> ***"Significance derives not only from a heritage asset's physical presence, but also from its setting."*** [31]

Setting is defined as:

> ***"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*** [32]

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of "*what matters and why*". [33]

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

[30] Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).
[31] MHCLG, *NPPF*, Annex 2.
[32] MHCLG, *NPPF*, Annex 2.
[33] Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

> ***Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".***
>
> ***Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."*** [34]

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:

- **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;[35]

- **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);[36] and

[34] Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.
[35] MHCLG, *NPPF*, para. 213 and fn. 75.
[36] MHCLG, *NPPF,* para. 213.

- **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*".[37]

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*";[38] 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."***[39]

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.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, "*preserving*" means doing "*no harm*".[40]

[37] MHCLG, *PPG*, paragraph 039, reference ID: 18a-039-20190723.
[38] Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.
[39] MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[40] R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".[41] 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*".[42] Of particular relevance is the checklist given on page 13 of *GPA:3*.[43]

It should be noted that this key document also states:

> ***"Setting is not itself a heritage asset, nor a heritage designation…"***[44]

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".***[45]

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.[46]

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, 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 proposals.[47]

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 216.[48]

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).***

[41] Historic England, *GPA:2*, p. 9.
[42] Historic England, *GPA:3*, p. 8.
[43] Historic England, *GPA:3*, p. 13.
[44] Historic England, *GPA:3*, p. 4.
[45] Historic England, *GPA 3.*, p. 8.
[46] Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
[47] MHCLG, *NPPF,* paras. 214 and 215.
[48] 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.

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."***[49]

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.

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.

[49] MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 4: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.[50] Section 66(1) of the Act goes on to state 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."***[51]

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."***[52]

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 version of the NPPF, the requirements of which are now given in paragraph 215 of the current, revised NPPF), this is in keeping with the requirements of the 1990 Act.[53]

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

> ***"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."***[54]

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all

[50] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
[51] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).
[52] Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.
[53] Jones v Mordue [2015] EWCA Civ 1243.
[54] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.[55]

[55] UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 5: National Policy Guidance

The National Planning Policy Framework (December 2023)

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.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

> ***"Plans and decisions should apply a presumption in favour of sustainable development.***
>
> ***For plan-making this means that:***
>
> ***a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
>
> ***b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
>
> ***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

a. approving development proposals that accord with an up-to-date development plan without delay; or

b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."[56]

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

> ***"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."***[57] (our emphasis)

The *NPPF* continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

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***

[56] MHCLG, *NPPF*, para. 11.

[57] MHCLG, *NPPF*, para. 11, fn. 7.

assets and assets identified by the local planning authority (including local listing)."[58]

The NPPF goes on to define a Designated Heritage Asset as a:

> ***"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."***[59]

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."***[60]

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 208 that:

> ***"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."***[61]

Paragraph 210 goes on to state that:

> ***"In determining planning applications, local planning authorities should take account of:***
>
> ***a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
>
> ***b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
>
> ***c. the desirability of new development making a positive contribution to local character and distinctiveness."***[62]

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 212 and 213 are relevant and read as follows:

> ***"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the***

[58] MHCLG, *NPPF*, Annex 2.
[59] MHCLG, *NPPF*, Annex 2.
[60] MHCLG, *NPPF*, Annex 2.
[61] MHCLG, *NPPF*, para. 208.
[62] MHCLG, *NPPF*, para. 210.

asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."[63]

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."[64]

Section b) of paragraph 213, which describes assets of the highest significance, also includes footnote 75 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 214 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a. the nature of the heritage asset prevents all reasonable uses of the site; and

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use."[65]

Paragraph 215 goes on to state:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."[66]

[63] MHCLG, *NPPF*, para. 212.
[64] MHCLG, *NPPF*, para. 213.
[65] MHCLG, *NPPF*, para. 214.
[66] MHCLG, *NPPF*, para. 215.

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 219 that:

> ***"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."***[67]

Paragraph 220 goes on to recognise that "*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*" and with regard to the potential harm from a proposed development states:

> ***"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site <u>as a whole</u>."***[68] (our emphasis)

With regards to non-designated heritage assets, paragraph 216 of NPPF states that:

> ***"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."***[69]

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government (MHCLG)) 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.

[67] MHCLG, *NPPF*, para 219.
[68] MHCLG, *NPPF*, para. 220.
[69] MHCLG, *NPPF*, para. 216.

The PPG has a discrete section on the subject of the Historic Environment, 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."***[70]

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 harm or no harm at all. However, even minor works have the potential to cause substantial harm."***[71] (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

> ***"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape."***[72]
>
> ***"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way."***[73]

It goes on to state that:

> ***"Well-designed places and buildings are influenced positively by:***

[70] MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.
[71] MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[72] MHCLG, *NDG*, para. 46.
[73] MHCLG, *NDG*, para. 47.

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

- ***the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;***

- ***the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details - see Identity.***

Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."[74]

[74] MHCLG, *NDG*, paras. 48-49.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission within Tattenhall are currently considered against the Cheshire West and Chester Local Plan (adopted 29th January 2015), which was developed as Part One Strategic Policies and Part Two Land Allocations and Detailed Policies.

The following policies of the Local Plan have been deemed as relevant to the proposed development works.

Part One Strategic Policies

Policy ENV5 – Historic Environment

The Local Plan will protect the borough's unique and significant heritage assets through the protection and identification of designated and non-designated heritage assets and their settings.*

Development should safeguard or enhance both designated and non-designated heritage assets and the character and setting of areas of acknowledged significance. The degree of protection afforded to a heritage asset will reflect its position within the hierarchy of designations.

Development will be required to respect and respond positively to designated heritage assets and their settings, avoiding loss or harm to their significance. Proposals that involve securing a viable future use or improvement to an asset on the Heritage at Risk register will be supported.

Development which is likely to have a significant adverse impact on designated heritage assets and their settings which cannot be avoided or where the heritage asset cannot be preserved in situ will not be permitted.

Where fully justified and assessed, the Council may consent to the minimal level of enabling development consistent with securing a building's future in an appropriate viable use.

Development in Chester should ensure the city's unique archaeological and historic character is protected or enhanced.

**Heritage assets are defined as a building, monument, site, place, structure, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and non-designated heritage assets identified in the Cheshire Historic Environment Record, including local assets.*

Part One Land Allocations and Detailed Policies

Policy DM 46 – Development in Conservation Areas

In line with Local Plan (Part One) policy ENV 5, development within or affecting the setting of conservation areas, as identified on the policies map, will be expected to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, taking account of the significance of heritage assets.

Where applicable, development proposals should take into consideration:

1. *topography, landscape setting and natural features;*
2. *existing townscapes, local landmarks, views and skylines;*
3. *the architecture of surrounding buildings;*
4. *the quality and nature of materials, both traditional and modern;*
5. *the established layout and spatial character of building plots, the existing alignments and widths of historic routes and street hierarchy (where physically and historically evident);*
6. *the contribution that open areas make to the special character and appearance of the conservation area;*
7. *the scale, height, bulk and massing of adjacent townscape;*
8. *architectural, historical and archaeological features and their settings;*
9. *the need to retain historic boundary and surface treatments;*
10. *the local dominant building materials, the building typology that best reflects the special character and appearance of the area and features and detailing; and*
11. *minimising and mitigating the loss of hedgerows, trees and other landscape features.*

Development proposals which will not be supported include the following:

12. *demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas, other than in exceptional circumstances;*
13. *the erection of buildings and structures which are unsympathetic in design, scale, mass and use of materials;*
14. *alterations and extensions which are unsympathetic in design, scale, mass and use of materials;*
15. *the erection or extension of buildings and structures which will obstruct important views within, or views in or out of conservation areas.*

Where consent for demolition is granted, conditions will be attached to ensure no demolition shall take place until a scheme for redevelopment has been approved and a contract for the works has been made. Where appropriate and on a case by case basis, where permission is granted for the demolition of non-listed buildings, they should be appropriately recorded before demolition.

Applicants will be expected to submit a Heritage Impact Assessment for all applications which affect heritage assets, including as a minimum, a description of their significance and the impact which proposals may have upon this.

Policy DM 47 – Listed Buildings

In line with Local Plan (Part One) policy ENV 5, development proposals or works, including alterations, extensions and changes of use 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. Where relevant,

development proposals or works will only be supported which would:

1. *conserve the significance of a listed building and its setting, securing its optimum viable use;*

2. *preserve or enhance a listed building or structure, and any curtilage listed structures or features of special architectural or historic landscape interest.*

Development proposals or works within or affecting the setting of listed buildings will be expected to achieve a high quality of design, making a positive relationship between the proposed and existing context by taking account of:

3. *topography, landscape setting and natural features;*

4. *existing townscapes, local landmarks, views and skylines;*

5. *the architecture of surrounding buildings*

6. *the need to retain trees;*

7. *the quality and nature of materials, both traditional and modern;*

8. *established layout and spatial character;*

9. *the scale, height, bulk and massing of adjacent townscape;*

10. *architectural, historical and archaeological features and their settings; and*

11. *the need to retain historic boundary and surface treatments*

In the rare event that permission for demolition is granted, conditions will be attached to ensure no demolition shall take place until a scheme for redevelopment has been approved and a contract for the works has been made. This will also apply to any curtilage buildings of the listed building or structures.

All applications for development proposals or works to listed buildings must be accompanied by a Heritage Impact Assessment which clearly identifies, as a minimum, the significance of the building; the proposed works of alteration; any loss of historic fabric; and the effect on the character and appearance which the proposed works will have. A copy of this statement should also be submitted to the Local Authority's Historic Environment Record.

Policy DM 48 – Non-designated heritage assets

In line with Local Plan (Part Two) policy ENV 5, development proposals will be encouraged and supported where they are designed to preserve or enhance the significance of non-designated heritage assets.

The significance of non-designated heritage assets and their setting should be assessed in development proposals or works, against the following criteria, namely the:

1. *special qualities of architectural and historic interest;*

2. *features of interest and the setting of the non-designated historic asset;*

3. *contribution the non-designated historic asset makes to local distinctiveness; local townscape; or rural character; and*

4. *conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest.*

Development which would remove, harm or undermine the significance of such non-designated heritage assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the non-designated heritage asset.

Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation. The results of which should be deposited on the Historic Environment Record.

It is recognised that not all buildings, structures or landscapes of significance are captured on either the national lists or local lists and these are termed undesignated heritage assets. Where the significance of these buildings, structures or landscapes can be demonstrated, the above policy consideration should be applied.

Policy DM 50 - Archaeology

Development proposals affecting archaeological heritage assets which meet the requirements of Local Plan (Part One) policy ENV 5 will be supported.

Development proposals will need to take into account the significance of the heritage asset and their setting, and the scale of any loss or harm.

For sites of known or potential archaeological interest, applications must be accompanied by an appropriate archaeological assessment of the archaeological impact of the development. A field evaluation prior to determination of the planning application may also be required. Where remains are of national significance e.g. within a Primary Archaeological Zone as defined by the Chester Archaeological Plan, detailed agreement on ground impacts should be secured before planning permission is granted.

Where necessary to secure the protection of the heritage asset or a programme of archaeological mitigation, conditions will be attached to permissions. These may include requirements for detailed agreement on ground impacts and programmes of archaeological investigation, building recording, reporting and archiving.

For development proposals within Chester, the Chester Archaeological Plan must be consulted which defines Areas of Archaeological Significance and the Primary and Secondary Archaeological Character Zones.

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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