



# Appendix 1: Gazetteer

## Heritage Data

### HER Event Data

Ev UID	Name	Event Type
EKE10890	Evaluation at Long Meadow Hall, Headcorn	Intrusive Event
EKE4666	GREAT TONG HISTORIC LANDSCAPE SURVEY	Non-Intrusive Event
EKE14366	Land between Ulcombe Road and Mill Bank, Headcorn: Desk-Based Assessment	Non-Intrusive Event
EKE16211	Detail Magnetometer Survey on land south of Moat Road, Headcorn, Kent TN22 9NT	Non-Intrusive Event
EKE16304	Archaeological evaluation report, Land south of Moat Road, Headcorn, Kent	Intrusive Event
EKE17574	Land at Ulcombe Road, Headcorn, Kent, Archaeological evaluation report	Intrusive Event
EKE14378	Desk Based Assessment, Land at the Oast House, Lenham Road, Headcorn, Draft	Non-Intrusive Event
EKE10889	Evaluation at the Foreman Centre, Headcorn	Intrusive Event
EKE13050	Watching brief at the Foreman Centre, Headcorn	Intrusive Event
EKE12729	Watching brief at The Moat, Headcorn	Intrusive Event
EKE20927	Watching brief at Moat Farm, Headcorn	Intrusive Event



## HER Monument Data

Mon UID	HER Number	Name	Mon Type	Period
	TQ 84 SW 7	Polished flint axe	Findspot	Neolithic
MKE55729		Neolithic flint axe	Findspot	Neolithic
	TQ 84 SW 257	Possible mid- to late bronze age vessel in a pit, Ulcombe Road, Headcorn	Monument	Bronze Age
	TQ 84 SW 258	Late iron age / early Roman features, Ulcome Road	Monument	Iron Age to Romano-British
MKE79691		copper alloy seal box	Findspot	Romano-British
MKE79692		silver finger ring	Findspot	Romano-British
MKE79693		copper alloy key (locking)	Findspot	Romano-British
	TQ 84 SW 2	Church of SS Peter & Paul, Headcorn	Listed Building	Medieval to Modern
	TQ 84 SW 5	Remains of a homestead moat, Moat Farm, Headcorn	Monument	Medieval to Post Medieval
	TQ 84 SW 10	Cloth Hall, Headcorn	Listed Building	Medieval to Modern
	TQ 84 SW 16	Headcorn	Monument	Medieval
	TQ 84 NW 168	TILDEN, Headcorn	Listed Building	Medieval to Modern



	TQ 84 SW 131	CHEQUERS	Listed Building	Medieval to Modern
	TQ 84 SW 111	BARN AT TQ 829 449	Listed Building	Medieval to Modern
	TQ 84 SW 159	1,2,3,4 CHURCH WALK	Listed Building	Medieval to Early Modern
	TQ 84 SW 161	9 AND 10 CHURCH WALK	Listed Building	Medieval to Post Medieval
	TQ 84 SW 163	HEADCORN MANOR	Listed Building	Medieval to Modern
	TQ 84 SW 157	1-5 FORGE LANE	Listed Building	Medieval to Modern
	TQ 84 SW 168	THE MOAT	Listed Building	Medieval to Modern
	TQ 84 SW 129	STEPHENS BRIDGE	Listed Building	Medieval to Post Medieval
MKE79678		Medieval to Post Medieval gold finger ring	Findspot	Medieval to Post Medieval
MKE95621		Post Medieval Lead Alloy seal	Findspot	Medieval to Early Modern
MKE95622		Medieval Lead Alloy weight	Findspot	Medieval to Post Medieval
MKE95623		Iron Age Lead Alloy weight	Findspot	Early Medieval to Early Modern
MKE95658		Medieval Lead Alloy seal matrix	Findspot	Medieval
MKE95810		Lead Alloy pipe tamper	Findspot	Medieval to Early Modern
MKE96034		Medieval Copper alloy purse	Findspot	Medieval to Post Medieval



	TQ 84 SW 259	Late medieval ditch, Ulcome Road	Monument	Medieval to Unknown
	TQ 84 SW 13	Tenterden to Headcorn branch line (dismantled)	Monument	Modern
	TQ 84 SW 18	Windmill, Headcorn	Monument	Post Medieval
	TQ 84 SW 20	Headcorn Station	Monument	Post Medieval to Modern
	TQ 84 SW 21	Site of Headcorn Junction Station	Monument	Modern
	TQ 84 SW 22	Former site of Oak Farm	Monument	Post Medieval to Modern
	TQ 84 NW 50	Bethersden marble quarry (disused)	Monument	Post Medieval to Early Modern
	TQ 84 SW 26	Site of Royal Observer Corps (ROC) Underground Monitoring Post, Headcorn	Monument	Modern
	TQ 84 SW 115	TABLE TOMB ABOUT 2 METRES SOUTH OF SOUTH CHAPEL OF CHURCH OF ST PETER AND ST PAUL	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 138	TABLE TOMB ABOUT 10 METRES EAST OF CHANCEL OF CHURCH OF ST PETER AND ST PAUL	Listed Building	Post Medieval
	TQ 84 SW 126	THE INSTITUTE	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 116	L.A. BURDEN, CORN AND SEEDS	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 113	TRUMPETER	Listed Building	Post Medieval
	TQ 84 SW 108	HUBBLE'S STORES	Listed Building	Post Medieval to Early Modern



	TQ 84 SW 109	RAILINGS AND GATE ABOUT 2 METRES NORTH OF MANOR FARMHOUSE	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 112	53-57 HIGH STREET	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 133	THE BAPTIST CHAPEL	Listed Building	Early Modern
	TQ 84 SW 119	THE MANSE	Listed Building	Early Modern
	TQ 84 NW 227	MALTMANS	Listed Building	Post Medieval
	TQ 84 SW 120	HAZELPITS FARMHOUSE	Listed Building	Early Modern
	TQ 84 SW 121	WATER LANE COTTAGES	Listed Building	Early Modern
	TQ 84 SW 160	PETITE COTTAGE, BLESS COTTAGE AND WEAVERS COTTAGE	Listed Building	Early Modern to Modern
	TQ 84 SW 170	GLEBE COTTAGE HERON COTTAGE CHURCH COTTAGE	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 153	MORTLEY AND THE VILLAGE SHOP	Listed Building	Post Medieval to Modern
	TQ 84 SW 152	THE MORTGAGE SHOP, LLOYDS BANK AND AP DAVIS, CHEMIST	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 150	69 HIGH STREET	Listed Building	Early Modern
	TQ 84 SW 145	6-18 HIGH STREET	Listed Building	Early Modern
	TQ 84 SW 143	THE OLD VICARAGE	Listed Building	Early Modern to Modern
	TQ 84 SW 118	RUSHFORD MANOR	Listed Building	Early Modern



	TQ 84 SW 158	TABLE TOMB ABOUT 5 METRES SOUTH OF SOUTH PORCH OF CHURCH OF ST PETER AND ST PAUL	Listed Building	Post Medieval
	TQ 84 SW 130	TABLE TOMB ABOUT 5 METRES SOUTH OF SOUTH CHAPEL OF CHURCH OF ST PETER AND ST PAUL	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 107	1 AND 2 MOAT ROAD	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 114	PUMP ADJACENT TO NO.30	Listed Building	Early Modern to Modern
	TQ 84 SW 169	OLDFIELD	Listed Building	Early Modern
	TQ 84 SW 164	SHAKESPEARE HOUSE AND PATH BETWEEN FRONT DOOR AND HIGH STREET	Listed Building	Post Medieval to Modern
	TQ 84 SW 142	MANOR FARMHOUSE	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 155	FORSTAL FARMHOUSE	Listed Building	Post Medieval to Early Modern
	TQ 84 NW 101	RAMHURST FARMHOUSE	Listed Building	Post Medieval
	TQ 84 NW 128	OASTHOUSE ABOUT 10 METRES NORTH OF TILDEN	Listed Building	Early Modern
	TQ 84 SW 149	21-25 HIGH STREET	Listed Building	Post Medieval to Modern
	TQ 84 SW 127	MANOR COTTAGES AND PUMP ATTACHED	Listed Building	Post Medieval to Modern
	TQ 84 SW 132	THE KINGS ARMS INN AND SHOP ADJOINING TO RIGHT	Listed Building	Post Medieval to Early Modern
	TQ 84 SW 124	31 High Street Headcorn	Listed Building	Post Medieval to Early Modern



	TQ 84 SW 1	LONDON AND DOVER RAILWAY	Monument	Post Medieval to Modern
MKE70346		Post Medieval spoon	Findspot	Post Medieval
	TQ 84 SW 240	Milestone, Mill Bank (A274), Headcorn	Building	Post Medieval to Modern
MKE82235		Mexenden	Farmstead	Post Medieval to Early Modern
MKE82236		Forstal Cottage	Farmstead	Post Medieval to Early Modern
MKE82237		Forstal Farm (Snaggs Forstal)	Farmstead	Post Medieval
MKE82238		Waterlane Farm	Farmstead	Post Medieval to Early Modern
MKE82239		The Moat (Moat Farm)	Farmstead	Post Medieval
MKE82240		Billiards House (Summer Hill)	Farmstead	Post Medieval to Early Modern
MKE82242		Hazelpits	Farmstead	Post Medieval
MKE82243		Sunhill Farm	Farmstead	Post Medieval to Early Modern
MKE82244		Ramhurst Farm	Farmstead	Post Medieval
MKE82245		Stone Stile House (Stonestile Farm)	Farmstead	Post Medieval to Early Modern
MKE82247		Pinkhorn Green Farm	Farmstead	Post Medieval to Early Modern



MKE82265		Tilden	Farmstead	Post Medieval
MKE82266		Oak Farm	Farmstead	Post Medieval to Early Modern
MKE82268		Newhouse Farm	Farmstead	Post Medieval to Early Modern
	TQ 84 NW 253	Crash site of Messerschmitt Bf109E-4	Crash Site	Modern
	TQ 84 SW 244	Crash site of Messerschmitt Bf109E-4	Crash Site	Modern
	TQ 84 SW 249	Homeville/Uplands, 18/20 Millbank, Headcorn	Building	Modern
	TQ 84 SW 250	Methodist Chapel, High Street, Headcorn	Building	Early Modern to Modern
	TQ 84 SW 251	St Thomas of Canterbury Church, Station Road, Headcorn	Building	Modern
	TQ 84 SW 255	The White Mill (Headcorn)	Monument	Modern
	TQ 84 SW 256	Site of former National School, High Street, Headcorn, Maidstone	Monument	Early Modern
MKE82241		Barn west north west of Hazelpits	Farmstead	Undated
MKE95811		Ceramic unidentified object	Findspot	Undated
MKE95903		Copper alloy unidentified object	Findspot	Undated





## Historic England Data

### Historic England Listed Buildings

List Entry	Name	Grade	Eastings	Northings
1039865	THE INSTITUTE	II	583356.906	144233.6918
1039879	L.A. BURDEN, CORN AND SEEDS THE BEAMS RESTAURANT	II	583444.955	144231.7708
1045836	TRUMPETER	II	582332	143697.3608
1045860	TILDEN	II	583609.89	145377.0248
1049035	TABLE TOMB ABOUT 2 METRES SOUTH OF SOUTH CHAPEL OF CHURCH OF ST PETER AND ST PAUL	II	583191.442	144195.3838
1049057	CHURCH OF ST PETER AND ST PAUL	I	583182	144204.3608
1051046	TABLE TOMB ABOUT 10 METRES EAST OF CHANCEL OF CHURCH OF ST PETER AND ST PAUL	II	583208	144207.3608
1054005	CHEQUERS	II	583364.414	144195.7818
1054015	HUBBLE'S STORES POST OFFICE	II	583404	144206.3608
1054054	RAILINGS AND GATE ABOUT 2 METRES NORTH OF MANOR FARMHOUSE	II	583492.591	144200.9798
1054090	BARN AT TQ 829 449	II	582939.593	144954.6178



1054691	53-57, HIGH STREET	II	583493.729	144224.9018
1060812	THE BAPTIST CHAPEL	II	583608.553	144200.5018
1060813	THE MANSE	II	583628.678	144185.9138
1060815	MALTMANS	II	582882	145534.3608
1060819	HAZELPITS FARMHOUSE	II	583311	144885.3608
1060820	WATER LANE COTTAGES	II	582334.571	143727.6078
1060831	1,2,3,4, CHURCH WALK	II	583285.473	144249.0618
1060832	PETITE COTTAGE, BLESS COTTAGE AND WEAVERS COTTAGE	II	583250.629	144242.3618
1060833	9 AND 10, CHURCH WALK	II	583221.094	144244.9968
1060834	GLEBE COTTAGE HERON COTTAGE CHURCH COTTAGE	II	583197.729	144247.4518
1060835	HEADCORN MANOR	II*	583128.744	144229.0818
1060837	1-5, FORGE LANE	II	583506.375	144253.0608
1060841	MORTLEY AND THE VILLAGE SHOP	II	583338.531	144233.3748
1060842	THE MORTGAGE SHOP, LLOYDS BANK AND AP DAVIS, CHEMIST	II	583433.91	144232.2608



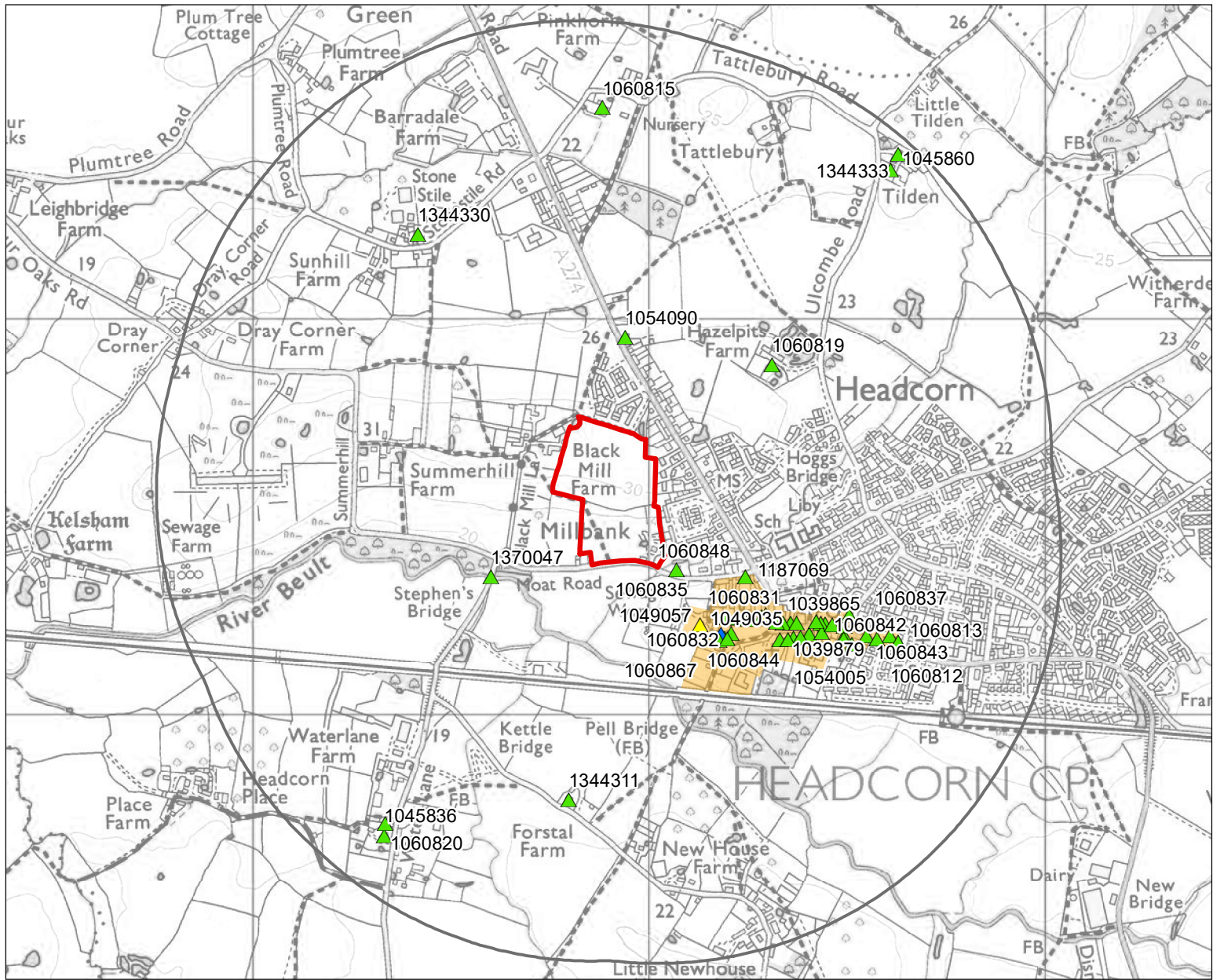
1060843	69, HIGH STREET	II	583549.609	144201.2738
1060844	6-18, HIGH STREET	II	583331.295	144191.3138
1060845	THE OLD VICARAGE	II	583383	144197.3608
1060846	RUSHFORD MANOR	II	583512	144180.0798
1060848	THE MOAT	II	583068.997	144367.1908
1060867	TABLE TOMB ABOUT 5 METRES SOUTH OF SOUTH PORCH OF CHURCH OF ST PETER AND ST PAUL	II	583177.071	144189.1498
1060868	TABLE TOMB ABOUT 5 METRES SOUTH OF SOUTH CHAPEL OF CHURCH OF ST PETER AND ST PAUL	II	583198	144193.3608
1187069	1 AND 2, MOAT ROAD	II	583242.851	144350.9988
1187127	PUMP ADJACENT TO NO 30	II	583435.8265	144209.1549
1344307	OLDFIELD POLLY ANNA	II	583462.879	144228.7518
1344308	SHAKESPEARE HOUSE AND PATH BETWEEN FRONT DOOR AND HIGH STREET	II	583351	144192.3608
1344309	MANOR FARMHOUSE	II	583492	144193.7538
1344311	FORSTAL FARMHOUSE	II	582797	143787.3608



1344312	CLOTH HALL	II*	583295.262	144253.9008
1344330	RAMHURST FARMHOUSE	II	582416.369	145214.7798
1344333	OASTHOUSE ABOUT 10 METRES NORTH OF TILDEN	II	583629	145417.3608
1344345	21-25, HIGH STREET	II	583372.51	144233.9808
1367141	MANOR COTTAGES AND PUMP ATTACHED	II	583575.454	144193.6258
1370047	STEPHENS BRIDGE	II	582600.21	144350.0078
1372096	THE KINGS ARMS INN AND SHOP ADJOINING TO RIGHT	II	583321.936	144235.6938
1372126	31, HIGH STREET	II	583421.905	144237.0628



## Appendix 2: Figures



**KEY**

- Site
- Site\_Buffer

**Grade**

- ▲ I
- ▲ II
- ▲ II\*

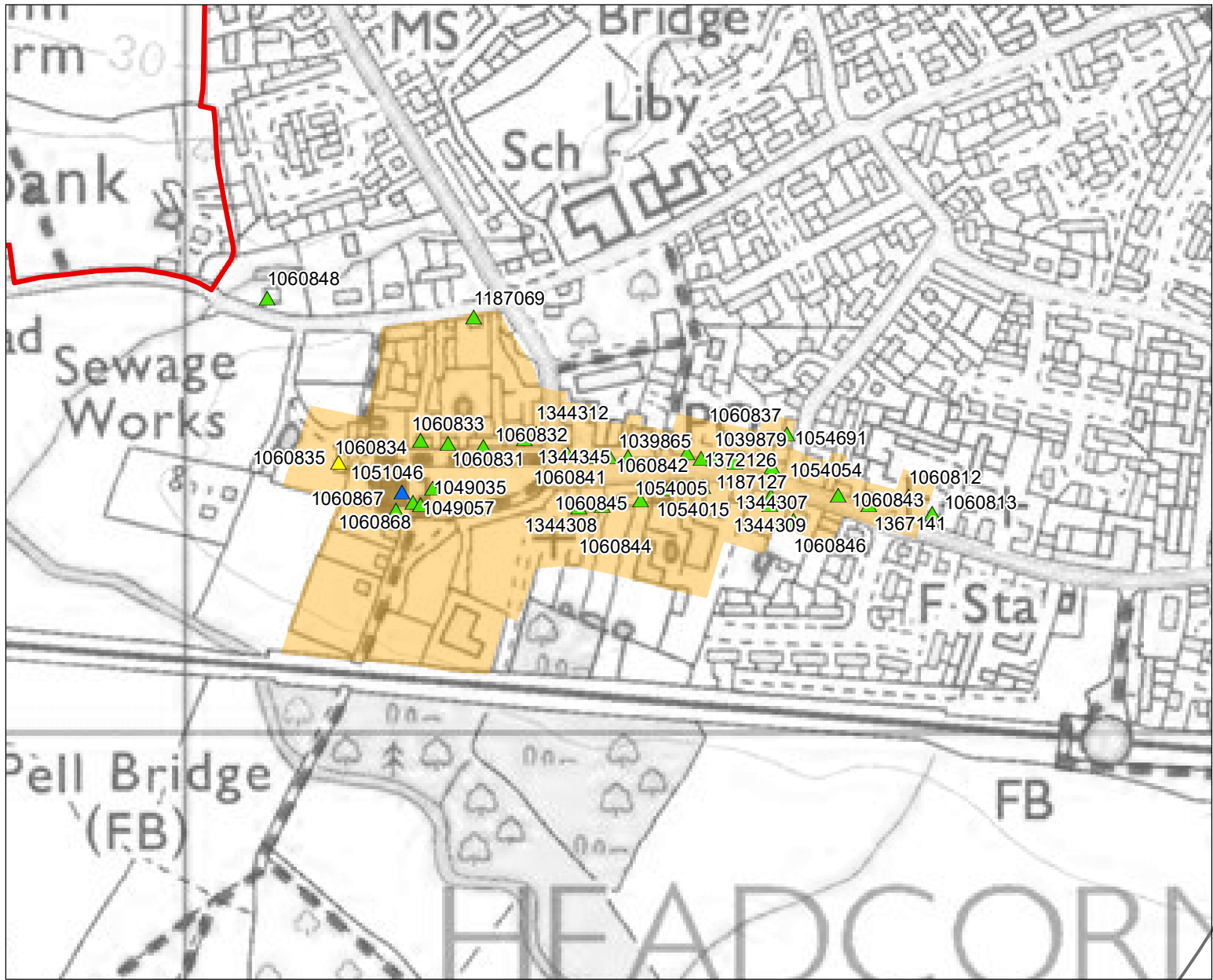
Conservation Area

**Figure 1a:**  
**Designated Heritage Assets**

**Moat Road, Headcorn**

Client: Catesby Estates Plc  
 DRWG No: **P21-3568-1** Sheet No: - REV: -  
 Drawn by: AT Approved by: GS  
 Date: 26/10/22  
 Scale: 1:15,000 @ A4





**KEY**

- Site
- Site\_Buffer

**Grade**

- ▲ I
- ▲ II
- ▲ II\*

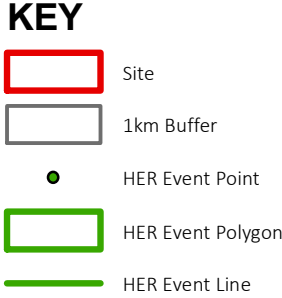
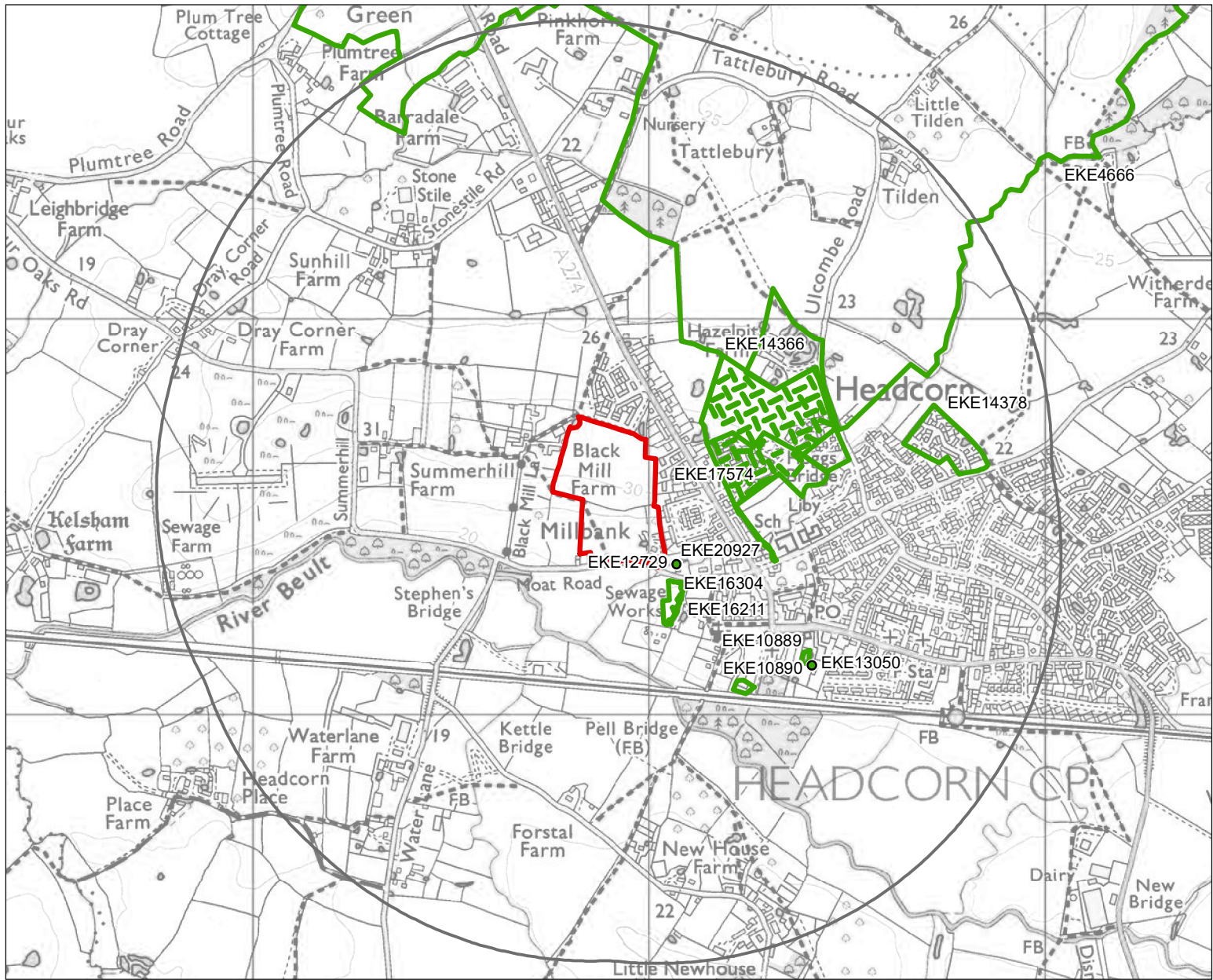
Conservation Area

**Figure 1b:**  
**Designated Heritage Assets**  
**in Headcorn Conservation**  
**Area**

Moat Road, Headcorn

Client: Catesby Estates Plc  
 DRWG No: **P21-3568-1b** Sheet No: REV:  
 Drawn by: AT Approved by: GS  
 Date: 26/10/22  
 Scale: 1:5,000 @ A4

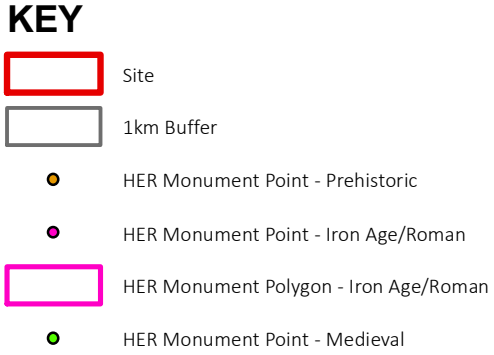
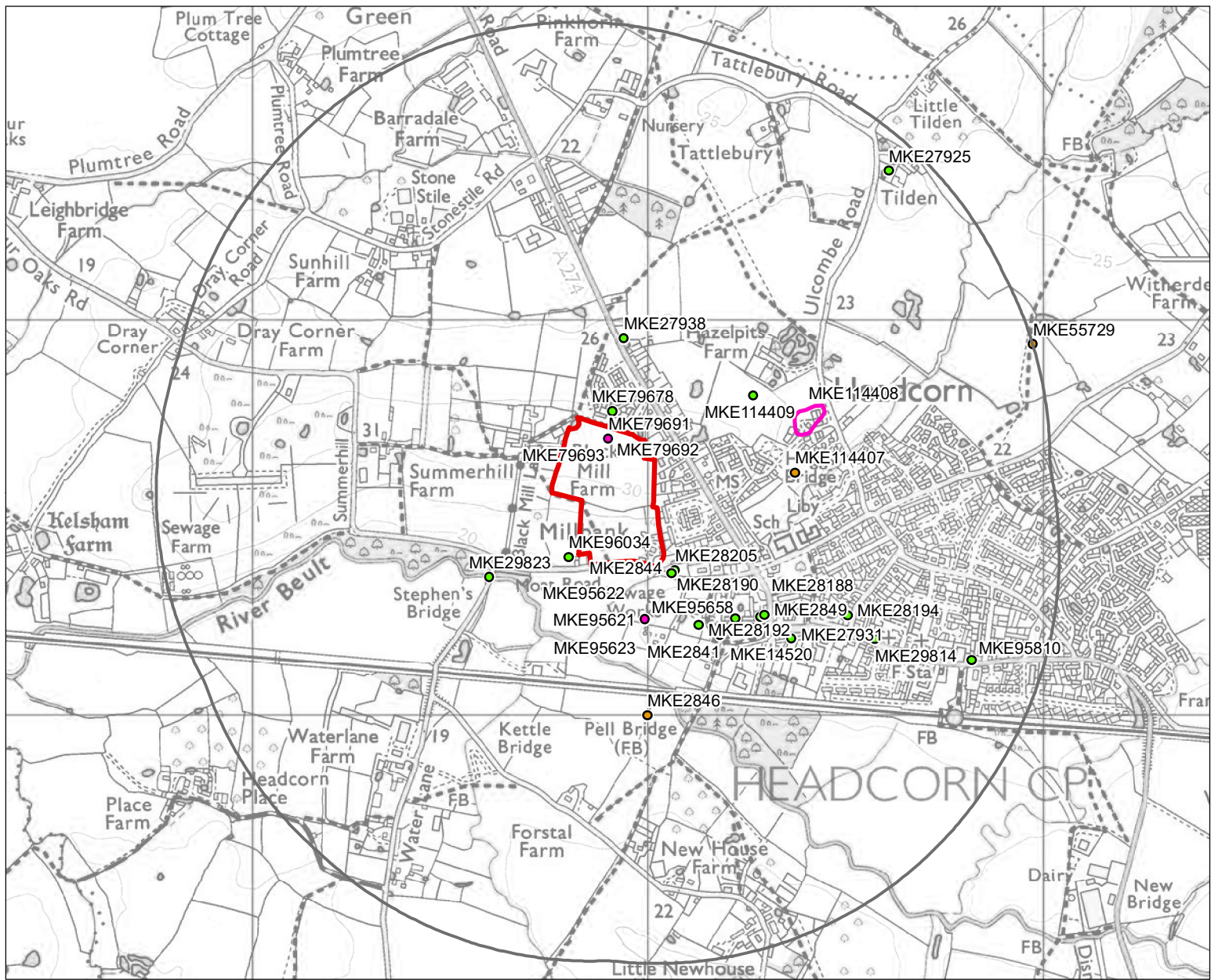




**Figure 2:**  
**HER Events**  
 Moat Road, Headcorn

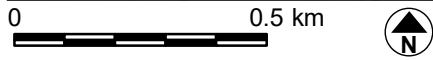
Client: Catesby Estates Plc  
 DRWG No: **P21-3568-2** Sheet No: - REV:-  
 Drawn by: AT Approved by: -  
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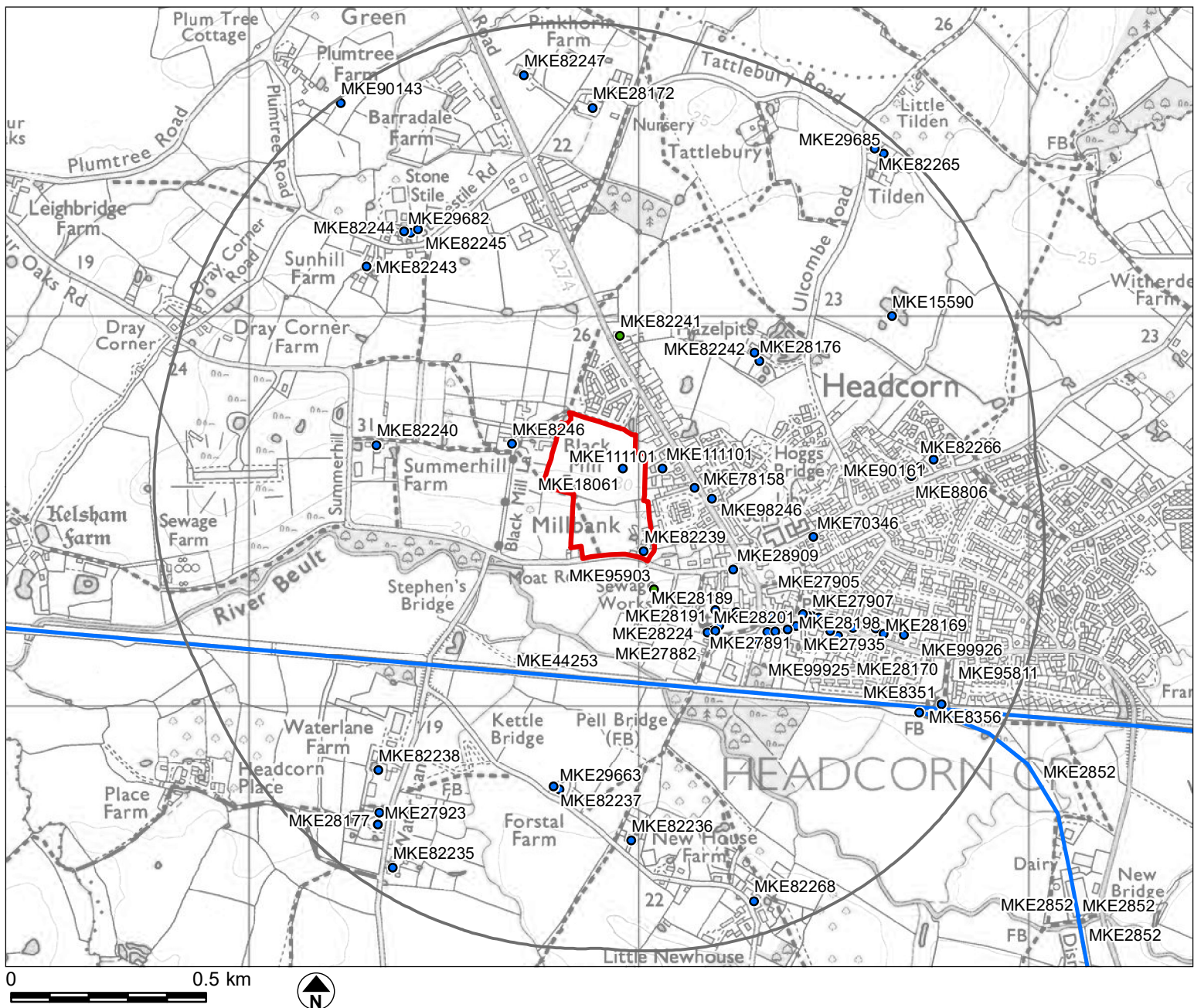









**Figure 3:**  
**HER Monuments -**  
**Prehistoric to Medieval**  
 Moat Road, Headcorn

Client: Catesby Estates Plc  
 DRWG No: **P21-3568-3** Sheet No: - REV:-  
 Drawn by: AT Approved by: GS  
 Date: 26/10/22  
 Scale: 1:15,000 @ A4





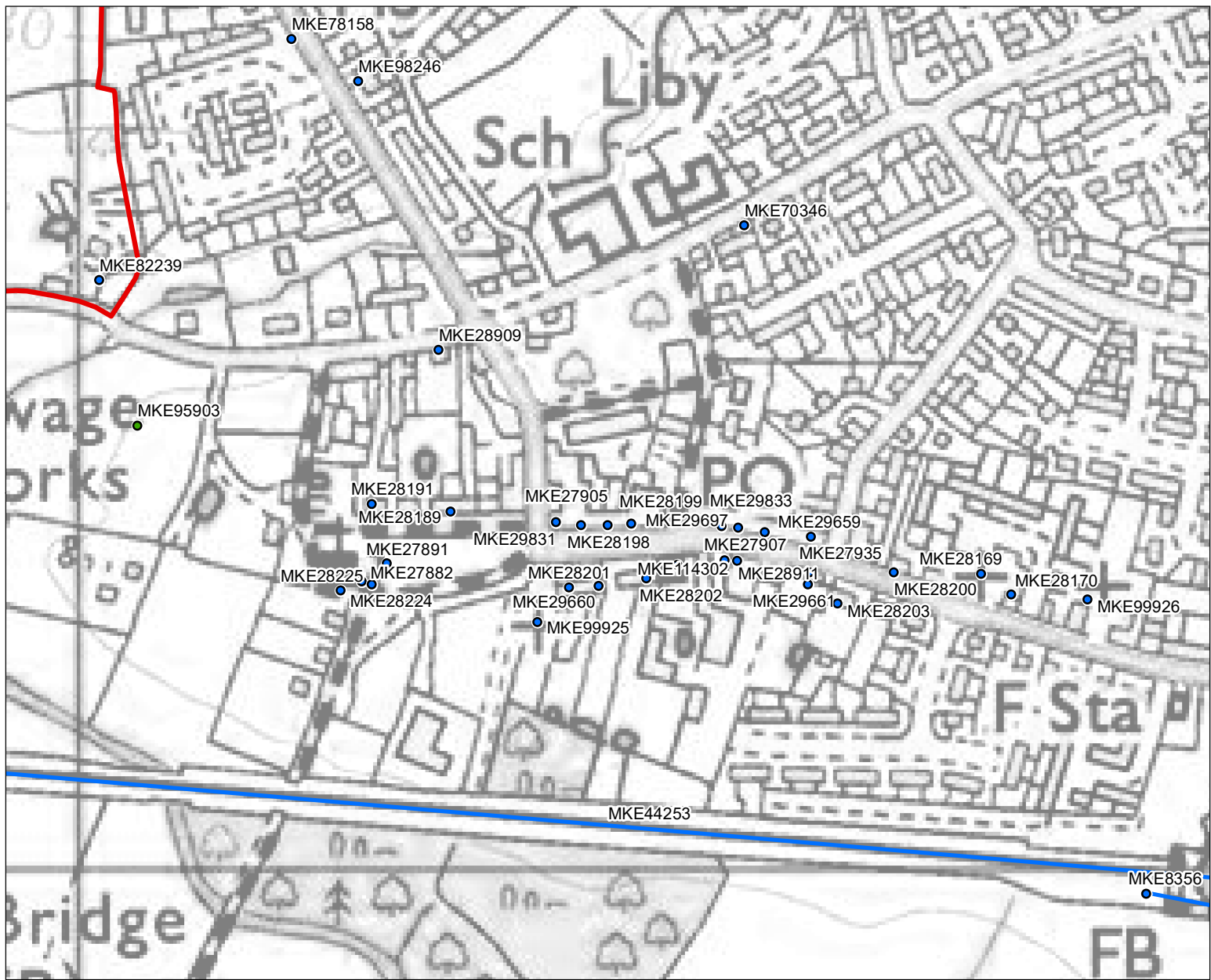
**KEY**

-  Site
-  1km Buffer
-  HER Monument Point - Post-Medieval/Modern
-  HER Monument Line - Post-Medieval/Modern
-  HER Monument Point - Undated

**Figure 4a:  
HER Monuments -  
Post-Medieval and Modern**

**Moat Road, Headcorn**

Client: Catesby Estates Plc  
 DRWG No: P21-3568-46 Sheet No: - REV: -  
 Drawn by: AT Approved by: GS  
 Date: 26/10/22  
 Scale: 1:15,000 @ A4



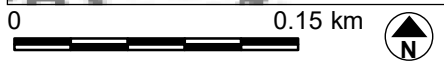
**KEY**

- Site
- 1km Buffer
- HER Monument Point - Post-Medieval/Modern
- HER Monument Line - Post-Medieval/Modern
- HER Monument Point - Undated

**Figure 4b:**  
**HER Monuments -**  
**Post-Medieval and Modern**  
**in Headcorn**

Moat Road, Headcorn

Client: Catesby Estates Plc  
 DRWG No: **P21-3568-4** Sheet No: - REV: -  
 Drawn by: AT Approved by: GS  
 Date: 26/10/22  
 Scale: 1:4,000 @ A4



## 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.”<sup>28</sup>*

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.<sup>29</sup>

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*.<sup>30</sup> These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.<sup>31</sup>

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.<sup>32</sup>

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

<sup>28</sup> DLUHC, *NPPF*, pp. 71–72.

<sup>29</sup> Historic England, *GPA:2*.

<sup>30</sup> 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.

<sup>31</sup> DLUHC, *NPPF*, p. 71; DLUHC, *PPG, Annex 2*.

<sup>32</sup> DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued 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.<sup>33</sup>

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.”<sup>34</sup>***

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.”<sup>35</sup>***

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*”.<sup>36</sup>

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

<sup>33</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

<sup>34</sup> DLUHC, *NPPF*, p. 72.

<sup>35</sup> DLUHC, *NPPF*, p. 71.

<sup>36</sup> 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.”<sup>37</sup>***

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<sup>37</sup> Catesby Estates Ltd. v. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

<sup>38</sup> DLUHC, NPPF, para. 200 and fn. 68.

## **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 200 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 68 of the NPPF;<sup>38</sup>
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas),<sup>39</sup> and

<sup>39</sup> DLUHC, NPPF, para. 200.

- **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”*.<sup>40</sup>

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

### Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

***“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative***

***assessment using professional judgement is inevitably involved.”***<sup>41</sup>

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

<sup>40</sup> DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

<sup>41</sup> International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

### 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/weighting 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"*;<sup>42</sup> 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."***<sup>43</sup>

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"*.<sup>44</sup>

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"*.<sup>45</sup> 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.

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<sup>42</sup> Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

<sup>43</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

<sup>44</sup> R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

<sup>45</sup> Historic England, GPA:2, p. 9.



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*”.<sup>46</sup> Of particular relevance is the checklist given on page 13 of *GPA:3*.<sup>47</sup>

It should be noted that this key document also states:

***“Setting is not itself a heritage asset, nor a heritage designation...”***<sup>48</sup>

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”.***<sup>49</sup>

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.<sup>50</sup>

## Benefits

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<sup>46</sup> Historic England, *GPA:3*, p. 8.

<sup>47</sup> Historic England, *GPA:3*, p. 13.

<sup>48</sup> Historic England, *GPA:3*, p. 4.

<sup>49</sup> Historic England, *GPA 3*, p. 8.

<sup>50</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

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.

As detailed further in **Appendix 5**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.<sup>51</sup>

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.<sup>52</sup>

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

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

<sup>51</sup> DLUHC, *NPPF*, paras. 201 and 202.

<sup>52</sup> Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.



***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.***<sup>53</sup>

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.

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<sup>53</sup> MHCLG, *PPG*, paragraph O20, reference ID: 18a-O20-20190723.

## 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.<sup>54</sup> It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 66(1) of the Act states that:

***“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”<sup>55</sup>***

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.”<sup>56</sup>***

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 202 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.<sup>57</sup>

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservation Area) Act 1990*, 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.<sup>58</sup>

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<sup>54</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>55</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

<sup>56</sup> Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

<sup>57</sup> Jones v Mordue [2015] EWCA Civ 1243.

<sup>58</sup> UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

## Appendix 5: National Policy Guidance

### The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. 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 clear 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.***<sup>59</sup>

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 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, 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 68); and areas at risk of flooding or coastal change.”***<sup>60</sup> (our emphasis)

The NPPF continues to recognise that the planning system is planned 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 assets and assets identified by the local planning authority (including local listing).”***<sup>61</sup>

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<sup>59</sup> DLUHC, NPPF, para. 11.

<sup>60</sup> DLUHC, NPPF, para. 11, fn. 7.

<sup>61</sup> DLUHC, NPPF, p. 67.

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.”<sup>62</sup>***

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.”<sup>63</sup>***

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 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.”<sup>64</sup>***

Paragraph 197 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.”<sup>65</sup>***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 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 asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to***

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<sup>62</sup> DLUHC, NPPF, p. 66.

<sup>63</sup> DLUHC, NPPF, pp. 71-72.

<sup>64</sup> DLUHC, NPPF, para. 195.

<sup>65</sup> DLUHC, NPPF, para. 197.