

Written Representations Appeal Heritage Statement of Case

LPA Reference: 17/00093/FUL

Land between Stourport Rd & the B4197,
Great Witley
Worcestershire
WR6 6HR

Appeal By Marsden Developments (Worcester) Ltd against the decision of Malvern Hills District Council to refuse planning permission in respect of Erection of 70 no. affordable and 105 no. market dwellings, formation of new accesses onto Stourport Road (the A451 road) and the B4197 road, public open space, dedication of land for bowling green, surface and foul water management system and landscaping

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1	Issued Report		

¹ Dr Peter Wardle has 42 years' experience of working in the Historic Environment. He has run the Historic Environment Consultancy for 27 years. Notable work includes the Heritage Master Planning for the 2012 Olympic Games and his work for the Church of England on redundant Churches for which he was awarded membership of the Association of Diocesan and Cathedral Archaeologists for his notable work on Church Archaeology. He is an accredited Locally Listed Heritage Asset Assessor for the West Berkshire Heritage Forum. He is a member of the West Berkshire Local List of Heritage Assets Selection Panel. He has recorded circa 2400 Parish Churches. (see www.theparishchurch.co.uk) A full CV and examples of his work can be found on www.historicenvironment.co.uk.

1. Heritage Statement

1.1 This statement of case should be read in conjunction with the Heritage Statement (Document Reference Number 2016/1349 dated 12/12/2016) and Archaeological Desk Based Assessment (Document Reference Number 2016/1348 dated 12/12/2016).

1.2 The assessment of impact used an innovative method of analysing what can and cannot be seen from a given building. A major advantage of this method is the fact that there is an objective, simple way of determining what can and cannot be seen from any given point, including those places that are not publicly accessible.

1.3 The Heritage Statement makes it clear that part of the application area is within a "Registered Historic Park and Garden". The application contains an offer to restore this land to its historic form.

1.4 The Officer's Report lists the Heritage Assets Considered in the Heritage Statement paragraph 6 that is

- Witley Court
- Witley Court Park
- Rosery Lodge
- The Old Rectory
- Redmarley
- Robin's Croft
- The Dairy
- Abberley Clock Tower

1.5 This is to be compared with the list in the Conservation Officer's report

- Grade I Witley Court, whose
- grade II* Park takes in a small area of the proposal site in the south east corner.
- The Old Rectory – Grade II
- Redmarley – II
- Stourport Lodge – Grade II (Rectory Lodge)
- Robin's Croft – Grade II
- The Dairy – Grade II

1.6 Thus it can be seen that the Heritage Statement does address the impact on nearby Heritage Assets.

1.7 The Officer's Report states "The Conservation Officer considers the current submission fails to fulfil the requirements of paragraph 128. Therefore further information concerning the built and landscape heritage assets and their settings plus an assessment of the impact of the proposals on those assets is required." Section 5.10 fourth paragraph from the end.

1.8 This repeats the position of the Conservation Officer in their consultation response which states *"The Heritage Statement does not contain any mention of the surrounding built heritage assets, their significance or setting, and there doesn't appear to be another companion statement relating to the built heritage. Consequently it appears that no assessment of the impact of the 175no. houses proposed on the built heritage assets, the Parkland or the settings and therefore no consideration of the level of harm that might result."*

1.9 Thus the comments of the Conservation Officer are flawed.

1.10 In the section headed MHDC Conservation Officer it is stated that “Though an assessment of the heritage assets and their settings has been submitted, in compliance with both the NPPF paragraph 128 and Local Plan Policy SWDP24”. Thus the officer’s report contradicts itself.

2. Actual Harm

2.1 Apart from a small part of the “Registered Historic Park and Garden” there is by definition no actual harm to any designated Heritage Assets. These assets are in the ownership of others

2.2 The Conservation Officer’s report states “assessment of the impact of the 175no. houses proposed on the built heritage assets, or the settings”

2.3 As the Heritage Statement makes it clear it is the impact on the “Settings” which is the issue, apart from restoring the historic boundary of the Historic Park by tree planting to match that shown on the 1885 OS plan if that is considered desirable.

2.4 Thus the statement made by Historic England in their letter of objection of 4/5/2017 when they say “the Grade II listed Rosery Lodge and the Old Rectory will cause considerable harm to these and other heritage assets” is in a strict sense untrue.

3. Supporters

3.1 I note that English Heritage, the occupiers and operators of Witley Court, have made no objections to the application. That is English Heritage must consider that the visitor experience of the 66,000 visitors will not be significantly affected.

3.2 Historic England states that “Mitigation may alleviate the harm caused by the development in the western part of the site” that is detailed consideration of the landscaping, that is this matter can be dealt with by condition. That is Historic England are saying some of the land is suitable for housing from a Heritage point of view.

4. Reason for Refusal

4.1 Reason 5 of the reasons for refusal states

It is considered that the development would introduce a significant suburban housing estate in this open rural landscape resulting in a prominent and dominant feature within the setting of Witley Court (Registered Park and Garden grade II). This will significantly interfere with the open views of Witley Park causing harm to its setting. The suburbanisation of this part of the village will also have a detrimental impact upon the setting of a number of listed buildings (including Rosery Lodge; Robins Croft and The Dairy) as well as some non-designated assets including Victorian chapel sponsored by Witley Court, the village school, paid for Queen Adelaide when resident at Witley Court and the White House, the former Estate Office. Whilst the harm is considered to be less than substantial, the harm that has been identified is not considered to be outweighed by the public benefits of the development. The proposal fails to accord with policies SWDP6 & SWDP24 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework including paragraphs 128, 132, 133 & 134.*

4.2 Of concern is the statement that a number of buildings are deemed to be “non-designated assets” (it is assumed that this refers to Non-designated Heritage Assets as

Heritage Appeal Statement Land between Stourport Rd & the B4197, opposed to Community Assets) and this was not brought to the attention of the appellant during the application process as the framework requires to be done.

4.3 It is the prerogative of Local Authorities to deem that a building is a Heritage Asset, but the norm is for these buildings to be mentioned in things such as conservation area appraisals or added to the local list of heritage assets. It is noted that one of the above mentioned heritage assets was not treated as a heritage asset in a more recent planning permission directly.

4.4 In addition the Senior Conservation Officer's comments of 24/3/2017 note the following heritage assets as being present.

- The Old Rectory – Grade II
- Redmarley – II
- Stourport Lodge – Grade II (Rectory Lodge)
- Robin's Croft – Grade II
- The Dairy – Grade II

4.5 The Senior Conservation Officer in this note also requests an assessment of the impact on these Heritage Assets.

4.6 At this stage what is and is not a heritage asset normally becomes fixed.

4.7 Historic England have no formal role in stating what is and is not an undesignated heritage asset. The status of their letter of objection is therefore questioned when it states that some buildings are undesignated Heritage Assets.

4.8 Where there is less than "substantial harm" then there is a requirement by the framework to balance this harm against the public benefits of the proposal. In particular the importance of the Heritage Assets has to be considered.

4.9 The Local Authority have singly failed to do this. Instead they have treated all the heritage assets as having the same importance and are requiring the public benefits to outweigh the harm to buildings which are questionable as Heritage Assets as well as designated Heritage Assets. In contrast Historic England do classify the harm caused to a degree.

4.10 The local authority have failed to take account of a Heritage Benefit offered, that is the Proposal to restore an area of woodland to how it would have been in the Victorian Period.

4.11 The issue that the Local Authority should have considered is whether the harm to the settings of heritage assets is so great that it cannot be mitigated. They have not done so.

4.12 Historic England note that with mitigation housing in the North-West field would be acceptable.

5. Historic England Comments

5.1 Paragraph 4 Page 3 of the Historic England Letter of Objection states "The effect on all these buildings could have a cumulative impact that may cause harm to Witley Court itself."

It is unclear what the basis of this comment is given what they say in page 2 paragraph 2
“This lodge was added to the northwestern entrance to Witley Court in circa 1860,
probably by S Daukes, to signal the presence of the estate at a point where the golden
cupola of Witley Church and the buildings of Witley Court itself are not visible.