

LAND AT HIGH STREET  
ROCESTER

**BUILT  
HERITAGE  
STATEMENT**

PREPARED BY PEGASUS GROUP ON  
BEHALF OF SEP GROUP LTD.

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DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

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**ON BEHALF OF: SEP GROUP LTD.**

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# 1. Introduction

1.1 Pegasus Group have been commissioned by SEP Group Ltd. to prepare a Built Heritage Statement to consider the redevelopment at Land at High Street, Rocester, as shown on the Site Location Plan provided at [Plate 1](#).



*Plate 1: Site location plan.*

1.2 The Site comprises an undeveloped area of land on the southern side of the High Street, at the junction with Riversfield Drive. The Site is located within the Rocester Conservation Area and in proximity to a number of Listed Buildings.

1.3 Planning Permission is sought for the construction of the new convenience store and associated landscaping and highways works, including a car park.

1.4 This Built Heritage Statement provides information with regards to the significance of the built historic environment to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF<sup>1</sup>) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*<sup>2</sup>

1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the built historic environment, following paragraphs 199 to 203 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

<sup>1</sup> Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, July 2021).

<sup>2</sup> MHCLG, *NPPF*, paragraph 194.

1.6 As required by paragraph 194 of the NPPF, the detail and assessment in this Report is considered to be “*proportionate to the asset’s importance*”<sup>3</sup>

*there would be demonstrable public benefits (creation of employment etc.) which could be set to outweigh the harm which arises and allow a planning permission to be granted.”*

1.7 An overview of the archaeological resource of the Site in order to inform archaeological potential and the requirement for further archaeological works, also prepared by Pegasus Group, is forthcoming.

1.10 In order to respond to Highways concerns a number of alterations to the scheme have been required, although the general form and position of the proposed building has remains as per the Pre-Application submission.

### **Pre-Application Advice**

1.8 Pre-Application advice was sought from East Staffordshire Borough Council (ESBC) in September 2021. A meeting was held between the Project Team and the ESBC Case Officer on 4<sup>th</sup> November 2021, with a formal response provided on 14<sup>th</sup> December 2021 (LPA Ref: QU\2021\ENQ\0394).

1.11 Further details on the differences between the Pre-Application scheme and that which is the subject of this application is provided at [Section 3](#).

1.9 The following comments from the Conservation Officer were included within the response:

*“The proposal will result in harm through the development of a positive open space, structures have been carefully positioned to maintain views of other heritage assets within the conservation area (non-designated ones) and some frontage tree planting and walls providing enclosure can be maintained, there will still be harm (I would say certainly towards the lower part of the less than substantial scale, perhaps not right at the bottom end as the submission suggests, but still low down the scale) but the manner of the proposal has kept them as small as is practical and in my view it is likely that*

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<sup>3</sup> MHCLG, NPPF, paragraph 194.



## 2. Site Description and Planning History

- 2.1 The Site comprises an undeveloped area of land on the southern side of the High Street, at the junction with Riversfield Drive. The northern boundary of the Site abuts the pavement on the southern side of the High Street, which in this location is c.8m wide and incorporates a bus stop and shelter. Historic sources (see below) indicate that this arrangement was established in the mid-late 20<sup>th</sup> century.
- 2.2 The north and west boundaries of the Site are marked by red brick walls, with mature vegetation along the south and east boundaries. The western boundary wall is thought to have the potential to be a remnant of a 19<sup>th</sup> century boundary, with the northern wall mid-late 20<sup>th</sup> century in date and associated with the changes discussed above.
- 2.3 Located to the south of the Site is Riversfield House, an early 19<sup>th</sup> century detached villa.
- 2.4 A review of historic sources demonstrates that the Site formed part of the grounds associated with Riversfield House since its construction until the late 20<sup>th</sup> century (see below).



*Plate 2: Aerial photograph of the Site (red) and its environs.*





*Plate 3: View west across the Site.*



*Plate 5: Western boundary of the Site.*



*Plate 4: Northern boundary of the Site.*



*Plate 6: View of the Site from the north.*





*Plate 7: The Site as seen from the High Street to the northwest.*

### **Site Development**

- 2.5 The first identified source to depict the Site in detail is the Rochester Tithe Map of 1838 (Plate 8). The Site is shown as forming part of an area of undeveloped land (Plot 624) to the north of the Riversfield House (Plot 628).
- 2.6 The accompanying Apportionment identifies that the Site (described as forming part of a 'shrubbery') and Riversfield House was owned by Whieldon Baddeley. The 1831 Census identifies that Baddeley was a solicitor, and in 1831 was living at Riversfield House with his wife Frances and their one year old son Richard. The property is referred to within the census as

'new house' on the High Street, with this possibly suggesting property was constructed post the 1821 census. An early 19<sup>th</sup> century date is also suggested by way of the architectural detailing of Riversfield House.

- 2.7 The landholdings associated with Riversfield House in the 1830s are shaded green on Plate 8.



*Plate 8: Extract from the Rochester Tithe Map, 1838.*

*The extent of landholdings associated with Riversfield House is shaded green with the approximate boundary of the Site in red.*

- 2.8 At this date the 'shrubbery', of which the Site formed part of, extended to the southside of the roadway of the High Street

(i.e., the current pavement arrangement had yet to be established). Riversfield Drive was also absent at this date, with the Site bounded by open land to the west.

- 2.9 Riversfield House appears to have remained under the ownership of the Baddeley family until the 1850s/1860s, with the Keeling Family recorded as in residence by the 1871 Census. The Keeling Family appear to have had connections to the pottery and timber industries.
- 2.10 The Ordnance Survey Map of 1880 (Plate 9) provides further detail as to the form of the Site and the landholdings associated with Riversfield House.
- 2.11 The Site is shown as forming part of the designed gardens to the front of the house, situated to the north of a turning circle and west of the principal approach from the High Street. The northern gardens are largely open with interspersed planting and a circular pathway which would appear to provide access to the High Street in the northwest corner.
- 2.12 Further gardens were located to the south of Riversfield House, with this area incorporating a greater degree of design intent. To the east of Riversfield House were further gardens, ancillary areas (including an ancillary outbuilding shown on the Tithe Map and still present today) and kitchen gardens / greenhouses.
- 2.13 A similar composition is shown on the Ordnance Survey Map of 1922 (Plate 10).



Plate 9: Extract from the Ordnance Survey Map of 1880. Approximate site boundary in red.

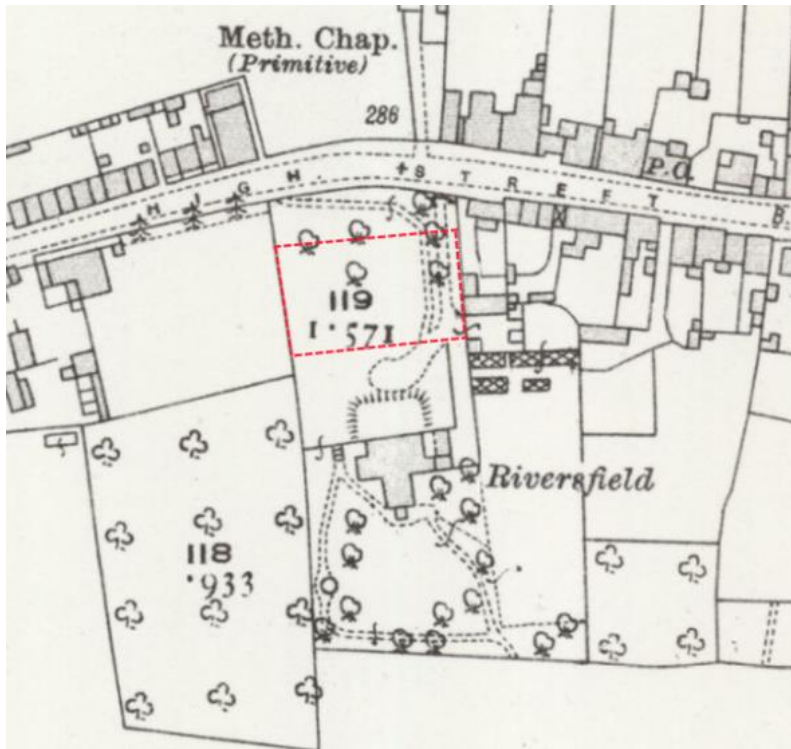


Plate 10: Extract from the Ordnance Survey Map of 1922. Approximate site boundary in red.

- 2.14 Census records would suggest that the Keeling Family retained ownership of Riversfield House until the early 1910s / 1920s, with the Shaw Family recorded at the property on the '1939 record'.
- 2.15 An advertisement for the auction of Riversfield House in 1947 provides an indication as to the composition of the house and its landholdings (including the Site) at this date (Plate 11).

With Vacant Possession of the Residence  
**ROCESTER, STAFFORDSHIRE**  
 On the Borders of Derbyshire

The charming FREEHOLD RESIDENTIAL PROPERTY, known as RIVERSFIELD, situate at Rocester, near Uttoxeter; also Two Excellent ACCOMMODATION FIELDS. To be SOLD by AUCTION by Messrs W. S. BAGSHAW & SONS, at the CROSS KEYS HOTEL, UTTOXETER, at 4 p.m. on WEDNESDAY, MAY 21

LOT 1—The FREEHOLD GEORGIAN RESIDENCE, known as RIVERSFIELD, occupying a charming position with fine views over the Weaver Hills and the Dove Valley. It is substantially built of Brick with Slate Roof, and contains Entrance Hall, Staircase Hall, 3 Reception Rooms, Billiards Room, capital Domestic Quarters, 5 Bedrooms, 2 Bathrooms, &c.

Capital BUILDINGS with garage. Excellent KITCHEN GARDEN with Vinery, Greenhouse, Fern House and Tomato House. Attractive PLEASURE GROUNDS with Tennis and Croquet Lawns, fine Forest Trees and Shrubs; the Whole extending to an area of 1 Acre 2 Roods 11 Perches. In the occupation of the owner, Mr. S. Keeling.

LOT 2.—Field of ACCOMMODATION LAND known as RACKHOUSE FIELD, adjoining Lot 1; area 6 Acres 1 Rood 24 Perches. Let to Mr. W. E. Atkins.

LOT 3.—A Valuable ACCOMMODATION FIELD known as SMITHY CROFT, with Frontage to High Street; area 3 Acres 2 Roods 57 Perches. Let to Mr. J. Chisholme.

LOT 4.—A Plot of LAND, together with Valuable BUILDINGS thereon (suitable for a Garage or other Business Premises); area 1 Rood 3 Perches. Let to Mr. J. Chisholm.

For further particulars apply to the Auctioneers, Uttoxeter and Ashbourne, or to Messrs Wilkins and Thompson, Solicitors, Uttoxeter.

Plate 11: Auction advertisements from the Staffordshire Advertiser, 10<sup>th</sup> May 1947.



- 2.16 Riversfield Drive was established to the west of the Site in the mid-late 20<sup>th</sup> century, with the current northern boundary of the Site also established in the same period. The latter resulted in the erosion of the landholdings to the norther of the property.
- 2.17 Planning History records detail that, during the latter part of the 20<sup>th</sup> century, Riversfield House was in use as a school. Change of use into a hotel was granted in 1997 (LPA Ref: CU/22167/003). There are also a number of late 20<sup>th</sup> century applications which detail alterations to the principal building in association with its various uses.
- 2.18 By the late 1990s, the Site formed an area of open space to the north of a gravelled area to the 'front' of Riversfield House. At this date, elements of the former gardens to the south remained extant; however, ancillary areas to the east had been subject to development in the form of the BT Telephone Exchange and the residential conversion of the former outbuildings.



*Plate 12: Aerial photograph of the Site (red) and its environs, 1999.*

- 2.19 In c.2011, a hedge was planted along the southern part of the Site with this representing the beginning of the separation between the Site and Riversfield House (see further discussion in [Section 6](#)).
- 2.20 In 2016, Planning Permission was granted for the construction of five dwellings in the former gardens to the south of Riversfield House (LPA Ref: P/2015/01422). The associated Officer Report, whilst identifying that some harm would arise to the Conservation Area as a result of the development of the former gardens, concluded that *"It is not considered that the proposed development will cause significance change to the character of the conservation and other heritage asset that it could be refused."*
- 2.21 These dwellings have now been constructed and form part of the existing baseline ([Plate 2](#)).
- 2.22 In November 2021, change of use from a hotel to residential care home (Class C2) was granted for Riversfield House (LPA Ref: P/2021/01110).

### **Planning History**

- 2.23 A review of the Planning History records held online by EDBC has identified a number of applications relating to the use and development of Riversfield House and its landholdings during the late 20<sup>th</sup> and early 21<sup>st</sup> century. Relevant applications are discussed above.

# 3. Proposed Development

3.1 Planning Permission is sought for the construction of the new convenience store and associated landscaping and highways works, including a car park.

3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

- *21-1875/10 – Proposed Site Plan.*
- *21-1875/11 – Proposed Plans and Elevations.*
- *21-1875/12 – Proposed Streetscene Elevations*

3.3 In order to respond to Highways concerns a number of changes have been required to the scheme submitted as part of the 2021 Pre-Application enquiry.

3.4 In summary, the changes are as follows:

- *Relocation of the proposed built form further to the northeast.*
- *The vehicular access to the proposed car park is from Riversfield Drive as opposed to the High Street – this is in response to Highways concerns. A section of the western boundary wall requires removal in order to facilitate the new opening.*
- *Further loss of mature trees on the north and west boundary of the Site in order to facilitate the access from Riversfield Drive and the required car parking spaces.*

- *The inclusion of a delivery bay on the High Street, in the vicinity of the current bus stop.*

3.5 The scheme, as now proposed, has been established following the exploration of various options to alleviate Highways concerns, whilst also seeking to appropriately respond to the surrounding historic environment.

3.6 The general form and posting of the proposed building remains as per the Pre-Application submission, as does the inclusion of a pedestrian access from the High Street. Despite the removal of further mature trees, existing mature trees on the northern and southern boundary are to be retained, as is the hedge which marks the southern boundary. New planting is also proposed.

3.7 [Section 7](#) of this Report presents an analysis of the harm to, or benefits, of the proposed development upon the significance of the identified heritage assets discussed at [Section 6](#).



# 4. Methodology

4.1 The aims of this Built Heritage Statement are to assess the significance of the heritage resource within the Site, the contribution that the Site may make to the heritage significance of identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals. The level of any harm caused will also be identified, if relevant.

## Sources

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

- *The National Heritage List for England for information on designated heritage assets;*
- *The Rocester Conservation Area Appraisal as adopted by EDBC in 2015;*
- *The 'Rocester Historic Character Assessment, forming part of the Staffordshire Extensive Urban Surveys prepared by Staffordshire County Council and Historic England (then English Heritage) in 2014; and*
- *Archival sources, including historic maps, newspaper archives and aerial photographs, held via online sources.*

## Site Visit

4.3 A site visit was undertaken by an Associate Heritage Consultant from Pegasus Group in June 2021, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

4.4 The visibility on this day was clear. Surrounding vegetation was in full leaf at the time of the site visit, and thus the potential screening that this affords was also considered when assessing potential intervisibility between the site and surrounding areas.

## Assessment of significance

4.5 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>4</sup>

4.6 Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice*

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<sup>4</sup> MHCLG, *NPPF*, pp. 71-72.

*Advice in Planning: 2*<sup>5</sup> (hereafter 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.

4.7 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>6</sup> These essentially cover the heritage 'interests' given in the glossary of the NPPF<sup>7</sup> and the online Planning Practice Guidance on the Historic Environment<sup>8</sup> (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.

4.8 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*

<sup>5</sup> Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2<sup>nd</sup> edition, Swindon, July 2015).

<sup>6</sup> English Heritage, *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>7</sup> MHCLG, *NPPF*, p. 71.

*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>9</sup>

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

4.10 The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, *Historic England Advice Note 12*,<sup>10</sup> advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

<sup>8</sup> Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

<sup>9</sup> MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

<sup>10</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, *Historic England Advice Note 12* (Swindon, October 2019).

4.11 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

4.12 As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."<sup>11</sup>*

4.13 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>12</sup>*

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

Assessing change through alteration to setting

4.15 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*<sup>13</sup> (henceforth referred to as 'GPA 3'), particularly the

checklist given on page 11. This advocates the clear articulation of "what matters and why".<sup>14</sup>

4.16 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.

4.17 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.

4.18 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 also that

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<sup>11</sup> MHCLG, *NPPF*, p. 72.

<sup>12</sup> MHCLG, *NPPF*, p. 71.

<sup>13</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017).

<sup>14</sup> Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2<sup>nd</sup> edition, Swindon, December 2017), p. 8.

factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)<sup>15</sup>:

*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.”*

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<sup>15</sup> *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

#### Levels of significance

- 4.19 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.
- 4.20 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;*
  - *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); and*
  - *Non-designated heritage assets. Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or*

*landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.*<sup>16</sup>

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

Assessment of harm

4.22 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.

4.23 In order to relate to 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>17</sup> and
- *Less than substantial harm. Harm of a lesser level than that defined above.*

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<sup>16</sup> MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

<sup>17</sup> *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

4.24 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>18</sup>

4.25 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 of the spectrum and upper end of the less than substantial harm scale.

4.26 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. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

4.27 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.<sup>19</sup>

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

<sup>19</sup> *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

4.28 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>20</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.

4.29 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating “what matters and why”. Of particular relevance is the checklist given on page 13 of GPA 3.

4.30 It should be noted that this key document also states that:

*“Setting is not itself a heritage asset, nor a heritage designation...”<sup>21</sup>*

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

4.32 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>22</sup>*

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<sup>20</sup> Historic England, *GPA 2*, p. 9.

<sup>21</sup> Historic England, *GPA 3*, p. 4.

4.33 Additionally, it is also important to note that, as clarified in the Court of Appeal, 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.<sup>23</sup>

#### Benefits

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

4.35 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.

4.36 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 and 202.

4.37 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*

<sup>22</sup> Historic England, *GPA 3.*, p. 8.

<sup>23</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

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

*Examples of heritage benefits may include:*

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation.<sup>24</sup>*

4.38 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>24</sup> MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

# 5. Planning Policy Framework

5.1 This Section sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

## Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,<sup>25</sup> which provides statutory protection for Listed Buildings and Conservation Areas.

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

*"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*<sup>26</sup>

<sup>25</sup> UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

<sup>26</sup> *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

5.4 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>27</sup>

5.5 A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.<sup>28</sup>

5.6 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*

<sup>27</sup> *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

<sup>28</sup> *Jones v Mordue* [2015] EWCA Civ 1243.



*(2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

5.7 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 planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>29</sup>

### **National Planning Policy Guidance**

#### The National Planning Policy Framework (July 2021)

5.8 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.9 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.

5.10 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.

5.11 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:

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<sup>29</sup> UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

*"Plans and decisions should apply a presumption in favour of sustainable development.*

...

*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>30</sup>*

5.12 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*

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<sup>30</sup> MHCLG, *NPPF*, para. 11.

<sup>31</sup> MHCLG, *NPPF*, para. 11, fn.7.

*180) 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>31</sup> (our emphasis)

5.13 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.

5.14 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>32</sup>

5.15 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>33</sup> (our emphasis)

<sup>32</sup> MHCLG, *NPPF*, p. 67.

<sup>33</sup> MHCLG, *NPPF*, p. 66.

5.16 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>34</sup>

5.17 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>35</sup>

5.18 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>36</sup>

5.19 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 substantial harm, total loss or less than substantial harm to its significance."*<sup>37</sup>

*"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\**

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<sup>34</sup> MHCLG, *NPPF*, pp. 71-72.

<sup>35</sup> MHCLG, *NPPF*, para. 195.

<sup>36</sup> MHCLG, *NPPF*, para. 197.

<sup>37</sup> MHCLG, *NPPF*, para. 199.

*listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”<sup>38</sup>*

5.20 In the context of the above, it should be noted that paragraph 201 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.”<sup>39</sup>*

5.21 Paragraph 202 goes on to state:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated*

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<sup>38</sup> MHCLG, *NPPF*, para. 200.

<sup>39</sup> MHCLG, *NPPF*, para. 201.

<sup>40</sup> MHCLG, *NPPF*, para. 202.

*heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”<sup>40</sup>*

5.22 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 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.”<sup>41</sup>*

5.23 Paragraph 207 goes on to recognise that “*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*”<sup>42</sup> 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 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation*

<sup>41</sup> MHCLG, *NPPF*, para. 206.

<sup>42</sup> MHCLG, *NPPF*, para. 207.

*Area or World Heritage Site as a whole.*<sup>43</sup> (our emphasis)

5.24 With regards to non-designated heritage assets, paragraph 203 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."*<sup>44</sup>

5.25 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

5.26 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance

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<sup>43</sup> Ibid.

<sup>44</sup> MHCLG, NPPF, para. 203.

web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

5.27 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.

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

5.29 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*

<sup>45</sup> MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

*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.”<sup>46</sup> (our emphasis)*

### **Local Planning Policy**

5.30 Planning applications within Rocester are currently considered against the policy and guidance set out within the East Staffordshire Borough Council Local Plan 2012-2031, as adopted in October 2015.

5.31 Strategic Policy 25 relates to the Historic Environment and sets out that:

*"Development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including*

*conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.*

*This should include the use of high quality design as stipulated in the NPPF and the Borough Council's Design SPD. Development proposals that are likely to have negative impacts on the historic environment should demonstrate how harm can be effectively and justifiably mitigated.*

*Development proposals should be informed by the various information sources and evidence base that are available."*

5.32 Detailed Policy 5 of the Local Plan relates to 'Protecting the Historic Environment: All Heritage Assets, Listed Buildings, and Conservation Areas and Archaeology' and sets out that:

*"The significance of the Borough's historic environment and heritage assets (designated and undesignated) will be protected and enhanced where new development proposals will be expected to make a positive contribution to the fabric and integrity of existing buildings, conservation areas or other non-designated areas where there is distinctive character, strategic views or a sense of place.*

*All heritage assets*

*New development proposals within the historic environment such as within conservation areas or which fixes or adjoins a listed building must respect the context of the character and appearance of such heritage assets in terms of using sound design*

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<sup>46</sup> MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

*principles which are stipulated in the Design SPD. The design of new development must be informed by the context of its surroundings and take account of the local character through the Historic Environment Record and/or other relevant sources of information/evidence base.*

*There may be an opportunity to introduce innovative development which complements the existing historic environment through high quality contemporary architecture and energy efficient technology, where such technology would not cause harm to the character, setting or fabric of the heritage asset.*

*The reuse of heritage assets contributes to viable places and should be seen as a positive opportunity. The reuse of a heritage asset should continue in its original function where possible, but where this is not economically viable, a sensitive change of use should be considered which retains the significance of the heritage asset. Development Proposals should articulate how the heritage asset can accommodate the new use without causing significant harm to the context and fabric of the asset.*

#### *Listed Buildings*

*Alterations, extensions to listed buildings or development within the listed curtilage or that which affects the setting of a listed building will be considered if accompanied with a Statement of Significance which sets out how the proposal would potentially affect the significance of the asset. It is expected that alterations and extensions to listed buildings should generally preserve and enhance the integrity and setting of a listed building without harm.*

*If harm cannot be avoided, then this must be articulated in the Statement of Significance with clear justification as to why harm is not avoidable and how such harm can be mitigated. Development Proposals to reuse vacant listed buildings, such as those that are at risk or neglected, for reuse are supported, subject to appropriate methods of repair and that conversions do not have an undue impact on the existing fabric of the building.*

*The loss of listed buildings or significant fabric of a listed building, a significant building in a conservation area or heritage asset normally constitutes substantial harm and therefore should be considered 'wholly exceptional'. The loss of historic fabric through a development proposal must be clearly justified and the loss of an entire listed building must be accompanied by a structural survey and full economic viability study which should provide evidence as to why the listed building cannot be retained. Where any loss (either fully or partly) has been determined to be justified then suitable mitigation in the form of a record should be made to advance understanding of the heritage asset's significance*

#### *Conservation Areas*

*Development will be permitted in conservation areas, including demolition of existing buildings or structures, where it can be demonstrated that it would protect and enhance the character and appearance, including the setting of the conservation area and is in accordance with the principles set out in the Design SPD as well as using guidance set out in relevant Conservation Area Appraisals.*

*Should a Conservation Area Appraisal be absent, then a Character Statement should be submitted. It will be expected that any new development within or*



*adjacent the conservation area will respect the existing character in terms of scale, form, materials and detailing. Key views into and out of the conservation (some of which may be identified within a Conservation Area Appraisal) will remain uninhibited."*

5.33 Detailed Policy 6 provides SCC's policy regarding non-designated heritage assets, and sets out that "Should planning permission be granted which includes the loss of an undesignated heritage asset an appropriate level of recording should take place prior to, and/or during, the commencement of works."

5.34 No specific reference is made with regard to the consideration of potential impacts to non-designated heritage assets associated within a change in setting.

5.35 Strategic Policy 24 addresses 'high quality design' in general, and sets out that:

*"Development proposals must contribute positively to the area in which they are proposed and:*

- Help to create a sense of place, building on the urban, suburban and rural local character, respecting local patterns of development and the historic environment, and using heritage assets to their best advantage,*

- Provide safe communities, through appropriate use of clearly defined public and private spaces, passive surveillance and active frontages*

- Reinforce character and identity, through local distinctiveness.*

- Enhance the landscape and protect and enhance biodiversity;*

- Aid movement and accessibility by providing clear and legible connections that work with existing routes and streets, and account for pedestrians and cyclists*

- Retain, enhance and expand green infrastructure assets within the development as the basis of the green infrastructure-led development.*

- Present an appropriate layout for new development that integrates with the existing environment and context, including space around dwellings, public and private space and open spaces;*

- Be adaptable in order to enable a change of uses where this is possible;*

- Provide innovative and contemporary architecture where this is appropriate;*

...

- Minimise the production of carbon through sustainable construction and reuse of materials where possible and promote the use of renewable energy source technology solutions where possible;*

*Development proposals should reflect the existing density of its locality and therefore its character and form. Intensification of an existing built area will only be allowed where the development would represent*



*a benefit and would not be harmful to the character and amenity of an area.*

*Developers will be required to demonstrate how they have responded to the above criteria in their applications, and, where appropriate, in master plans, Development Briefs, Concept Statements and Design Codes.*

*Developers should refer to the Council's Supplementary Planning Document on Design for guidance on design matters.*

*The Council will consider referring proposals to a design review panel to secure good design. Such a review will take place at an early stage of the application process and the applicant will be expected to meet any associated costs and respond positively to any recommendations."*

# 6. The Historic Environment

6.1 This Section provides an assessment of the relevant aspects of the built historic environment which require consideration in relation to the proposed development.

6.2 As set out in [Section 2](#), the Site is located within the bounds of the Rocester Conservation Area.

6.3 With regard to additional designated heritage assets which may be affected by the development proposals, Step 1 of the methodology recommended by the Historic England guidance *GPA 3: The Setting of Heritage Assets* is to identify which designated heritage assets might be affected by a proposed development.

6.4 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.

6.5 Initial consideration has concluded that any potential impacts to designated heritage assets arising from development within the Site are likely to be limited to:

- *The Grade II Listed Rose Cottage.*

6.6 Riversfield House is not a Listed Building, nor does ESBC hold a 'Local List' of non-designated buildings of local interest. Nevertheless, assessment has concluded that the building it is considered that it is of sufficient interest as to warrant classification as non-designated heritage asset in the terms of the NPPF.

6.7 The Pre-Application response from ESBC also suggested that the Local Authority would consider the building to be classified in this manner.

## **Rocester Conservation Area**

6.8 The Rocester Conservation Area was designated by ESBC in 1970, with a Conservation Area Appraisal adopted by ESBC in 2015.

6.9 The Conservation Area is split into two parts, covering the eastern and western elements of the settlement - the Site is located within the western area.

6.10 The Appraisal identifies that "Rocester has a rich history shaped by three special influences: the beginnings as a Roman settlement; the foundation of an Augustinian Abbey dedicated to St. Mary; and the growth of the settlement around the

Arkwright cotton spinning mill in the 18<sup>th</sup> Century.”<sup>47</sup>

6.11 Although not referenced within the Appraisal, the presence of JCB within the settlement since the mid-20<sup>th</sup> century has also had a notable impact upon the character and appearance. Whilst principally occupying a large, purpose-built campus to the west (outside of the Conservation Area), JCB own and operate a number of buildings within the main settlement including Arkwright's Cotton Mill (now a school / part of the JCB campus). This, coupled with activity associated with those working for JCB, has led to a continuation of the general role and character of a large industrial employer within the settlement.

6.12 The growth and character of Rocester, including the three key phases identified above, has been heavily influenced by the riverside location of the settlement, with the River Dove to the east and the River Churnet to the west.

6.13 The Appraisal identifies that:

*“Rocester, close to the confluence of the Rivers Churnet and Dove, retains a unique location that was instrumental in the industrial revolution in creating a new economic purpose for the village. The impacts of the cotton industry represent the obvious contribution to the existing and special character of the village.”<sup>48</sup>*

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<sup>47</sup> IBI Taylor Young (on behalf of ESBC), 2015, *Rochester Conservation Area Appraisal*, p. 6.

<sup>48</sup> Ibid.

6.14 Of particular interest with regard to the urban grain of the settlement and its current character is the 18<sup>th</sup> and 19<sup>th</sup> century industrial activity, with mill complexes bookending the settlement and defining the principal approaches.

6.15 To the east is the large and imposing built form of Arkwright's Cotton Mill, with this experienced on the approach and exit from the settlement. The wider landscape to the east, beyond the course of the River Dove and the stone bridge on Mill Street which marks the entrance of the settlement, comprises undeveloped farmland.

6.16 The Appraisal notes that: *“The eastern gateway benefits from mature and established landscape and creates a steady transition from countryside to the village incorporating Tutbury Mill and Abbey Fields.”<sup>49</sup>*

6.17 Read alongside the Arkwright's Cotton Mill are the associated 18<sup>th</sup> and 19<sup>th</sup> century works housing, with these set alongside the surviving elements of the medieval street pattern and viewed in conjunction with the medieval tower of the Church of St Michael.

<sup>49</sup> Ibid.



*Plate 13: Arkwright's Cotton Mill as seen on the approach from the east.*

- 6.18 The approach from the west is less imposing, with the more modest built form of Podmore's Mill (19<sup>th</sup> century) visible as one enters via the stone bridge which crosses the River Churnet. Evidence of the manipulation of this important watercourse is, also understood on this western approach by way of the weir situated alongside the bridge.
- 6.19 Areas to the west of the River Churnet are now characterised by the modern built form and landscaping associated with the JCB complex, with this being in contrast to the approach via the rural landscape to the east.



*Plate 14: Podmore's Mill as seen from the bridge over the River Churnet.*

- 6.20 The eastern and western edges of the settlement are linked together by Churnet Row, High Street and Mill Street. The boundary of the Conservation Area does not, however, extend into central parts of the settlement, reflecting the degree of modern development which has taken place in this location. Accordingly, the boundary is focused upon the vestiges of the historic (medieval and post-medieval) townscapes, and key elements of the historic development of the settlement.
- 6.21 The western part of the Conservation Area is focused upon the western approach (see above), Churnet Row and the High Street.



6.22 Churnet Row, to the west of the Site, is principally characterised by the 19<sup>th</sup> century former mill workers cottages which line its northern side, terminated by the 19<sup>th</sup> century Methodist Church located opposite the Site. Development on the southern side of the route is less dense, and is characterised by outlying elements of the Podmore’s Mill complex and a possible former farmstead.



*Plate 15: View east along the Churnet Row, northwest of the Site.*



*Plate 16: Detail of Churnet Row properties.*

- 6.23 The High Street itself is enclosed by two and three storey buildings on both its northern and southern sides. The majority of buildings are of an 18<sup>th</sup> and 19<sup>th</sup> century date, with an earlier example present in Rose Cottage, a 17<sup>th</sup> century timber-framed cottage to the east of the Site.
- 6.24 The route of the High Street forms part of the surviving street pattern of the medieval settlement, and whilst the built form which lines it is of a later date, evidence of the former street pattern can still be understood by way of the building line and remnants of the former burgage plots within current property boundaries.



*Plate 17: View west along the High Street, northeast of the Site.*

- 6.25 Riversfield House is the only detached, historic property within this locality and is set back from established building lines present on both the High Street and Churnet Road.
- 6.26 Riversfield House is described within the Appraisal as follows:

*"Riversfield House is an attractive double-fronted villa on the High Street, this is a particular feature of the conservation area. A 2m high brick boundary wall runs along Riversfield Drive. Ancillary buildings have now been converted and extended to the east of the main building to create residential accommodation. Behind this is a BT exchange facility, this is a simple single storey brick pitch roof and flat roofed building set within the centre of a hard paved site. This does not contribute positively to the townscape, albeit this building is relatively hidden from High Street."*

- 6.27 The understanding of the form and detailing of Riversfield House, alongside its wider landholdings, also contributes to the historic interest of the Conservation Area by way of providing evidence as to the wealth brought by the Industrial Revolution.
- 6.28 Within the vicinity of the Site the character of the Conservation Area is defined by a greater sense of openness than other parts of the High Street further to the east and Churnet Row to the west, both of which are lined by back of pavement buildings.
- 6.29 This openness results from:
- *The wide area of public realm to the north of the Site;*
  - *The undeveloped nature of the Site;*
  - *The set back of Riversfield House; and*
  - *The undeveloped area to the north of the High Street at the entrance to the Village Hall.*
- 6.30 This openness, when compared to the tighter urban grain in the surrounds, is considered to make a positive contribute to the character and appearance, and in turn, special interest of the Conservation Area.





*Plate 18: View east along the High Street within the vicinity of the Site.*



*Plate 19: View east opposite the Site demonstrating the set back to the north and south of the High Street.*



*Plate 20: View west along the High Street in the vicinity of the Site.*



*Plate 21: View west along the High Street at the entrance to the Village Hall and opposite the Site.*



Statement of Significance

- 6.31 When assessing the Conservation Area and its heritage significance, it is important to recognise that the asset covers a large area and includes a wide variety of built form and areas of differing characters.
- 6.32 The significance of the Conservation Area is principally derived from the character and appearance of the built form and open spaces within its bounds, principally in association with the development of the settlement of the medieval period onwards and the influence of the industrial revolution.
- 6.33 The Appraisal identifies the Site as comprising an area of 'positive open space', with a key view across the Site towards Riversfield House from the High Street (see Plate 23).
- 6.34 With regard to the identification of the Site as a 'positive open space', it is our understanding that this derives from the contribution that the undeveloped nature of the Site makes to the character and appearance of the Conservation Area in this location, and the understanding of the presence of Riversfield House. This relates to the spatial character discussed above and the understanding of the historic development, and wealth, of the settlement.
- 6.35 The identified key view allows for an appreciation of Riversfield House and the understanding of the building in terms of the historic development and use of the settlement. This is facilitated by the undeveloped nature of the Site and enhanced by the ability to view the structure within the context of its

historic grounds, despite the change which has occurred.

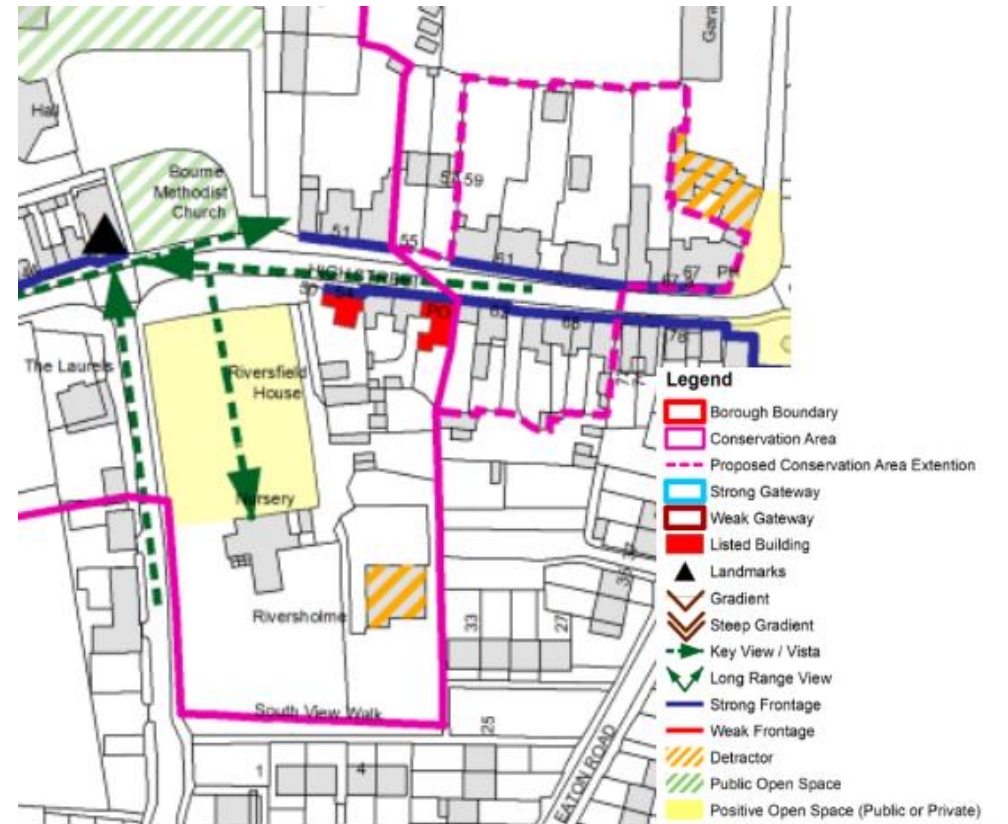


Plate 22: Extract from the Rocester Townscape Analysis plan, as provided within the Conservation Area Appraisal, focused on the Site and its environs

6.36 During the site visit it was noted that views of Riversfield House from the High Street are currently partially obscured by the height of the 21<sup>st</sup> century hedge which defines the southern boundary of the Site (Plate 24). A review of historic Streetview images; however, demonstrates that the screening has only recently occurred as a result of the lack of management of the hedge, which itself was only planted c.2010 / 2011 (Plates 25-28).



*Plate 23: View towards Riversfield House, June 2021.*



*Plate 24: View towards Riversfield House, June 2009 - prior to the planning of the hedge.*



*Plate 25: View towards Riversfield House, August 2011 - soon after the planting of the hedge.*





*Plate 26: View towards Riversfield House, October 2015.*



*Plate 27: View towards Riversfield House, June 2016.*

6.37 The extent of mature vegetation within the Site, including elements which may relate to planting shown on historic sources, also adds to the general character of the Conservation Area in this location.

#### **Riversfield House**

6.38 Riversfield House was constructed in the early 19<sup>th</sup> century and comprises a large, detached villa set back from the High Street. The principal elevation is to the north (towards the High Street) and based upon a review of the architectural detailing of the building and historic sources, it is concluded that the ability to experience the building from the High Street, alongside its associated gardens (i.e., the Site) would have formed part of the original design intent.

6.39 The north elevation differs in style and is to some degree more ancillary in character; however, the large projecting bay is considered to have been included in order to facilitate far reaching views of the countryside, as would historically have been possible and as referenced within the 1947 particulars (see [Section 2](#)).

6.40 Historic sources detail that the house was historically situated in large grounds (including the Site) with a range of ancillary buildings located to the east of the Site.

6.41 A number of the former ancillary buildings remain, although they have now been converted into separate residential use. The wider grounds to the south and southeast have been eroded by modern development.



*Plate 28: Principal elevation of Riversfield House.*



*Plate 29: Rear elevation of Riversfield House.*





*Plate 30: Converted ancillary buildings and remnants of the historic drive.*



*Plate 31: Modern BT exchange building to the southeast of the House, constructed within its former grounds.*



*Plate 32: Modern residential buildings to the south of the House, constructed within its former grounds.*

- 6.42 Areas to the north of Riversfield House (including the Site and gravelled drive) represent the only surviving undeveloped part of the former gardens. Such areas have, however, also been subject to alteration including a reduction in extent, separation from the house by the new hedge (see below) and the removal of the designed elements of the former gardens.
- 6.43 The planting of the hedge along the southern boundary of the Site in the early 21<sup>st</sup> century has resulted in a degree of disarticulation between the Site and the immediate environs of Riversfield House; however, the connection remains understood as a result of proximity, the boundary treatment, mature

planting and surviving elements of the historic drive which runs along the eastern boundary of the Site.

#### Statement of Significance

- 6.44 The heritage significance of Riversfield House is considered to primarily derive from the architectural and historic interest of its physical fabric as an example of a detached villa residence constructed as part of the growth, and wealth, of the settlement during the 19<sup>th</sup> century.
- 6.45 It is our opinion that the overall heritage interest of Riversfield House is sufficient as to warrant its classification as a non-designated heritage asset in the terms of the NPPF. The Pre-Application response from ESBC also suggested that the Local Authority would consider the building to be classified in this manner.
- 6.46 The setting of the asset also contributes to the heritage interest of the asset, although to a lesser degree than its historic fabric. Within this context, the Site is considered to contribute to the overall historic interest of the asset by way of forming a surviving part of historic landholdings, with the view across the Site from the High Street contributing to its historic and architectural interest.



### Grade II Listed Rose Cottage

- 6.47 Rose Cottage was added to the National List on 30<sup>th</sup> May 1985 with the following description:

*"Cottage. C17 with later additions and alterations. Timber framed with brick infill on painted stone plinth, partly rebuilt in brick painted as timber frame; clay tile roof; central brick stack. 2 bay lobby entry plan with staircase on opposite side of stack, C20 additions to rear. 2 storeys, formerly 1 storey and attic; 2 windows, C20 casements; 2 square panels up to original eaves level with straight braces and a further painted panel in height to present eaves level forming 3 panels in all from cill to wall plate; central boarded door. West gable end has painted panels up to eaves level and a painted king post roof truss. Interior: Exposed chamfered ceiling beams; inglenook fireplace."*

- 6.48 A full copy of the List Entry is included at Appendix 1.

#### **APPENDIX 1: LIST ENTRY – ROSE COTTAGE**

- 6.49 Rose Cottage is located on the southern side of the High Street to the northeast of the Site and marks the end of back of pavement development on the southern side of the High Street in this location.
- 6.50 A modern driveway is located to the west of the asset, leading to a rear area / garden. Aerial photographs would indicate that the extent of undeveloped land within the landholdings to the rear of the cottage has been eroded when compared to the arrangement shown on 19<sup>th</sup> century sources.



Plate 33: Rose Cottage as seen from the High Street.



Plate 34: Rose Cottage as seen from the northwest.

### Statement of Significance

- 6.51 The heritage significance of the Grade II Listed Rose Cottage is primarily derived from the architectural, historic and archaeological interest of its physical fabric as an example of a 17<sup>th</sup> century dwelling.
- 6.52 The setting of the asset also contributes to its significance, although the significance derived from its setting is less than that from its historic fabric.
- 6.53 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 position of the asset within its defined landholdings;*
  - *The relationship between the asset and the High Street; and*
  - *The experience and appreciation the asset from the High Street.*
- 6.54 The Site is visible from, and in conjunction, with Rose Cottage from various parts of the High Street, and forms part of the general townscape within which the asset is experienced. The setback nature of the Site and the separation provided by the principal approach to Riversfield House allows for a clear experience and appreciation of the asset from the High Street to the north and west. Accordingly, whilst there may be no historic functional or associative connection between Rose Cottage and the Site, it is recognised that changes within the

Site could result in a change that impact upon the experience and appreciation of the asset from the High Street.

# 7. Assessment of Harm and Benefits

- 7.1 This Section addresses the heritage planning issues that warrant consideration in the determination of the Planning application, with respect to the proposals set out in [Section 4](#) of this Report.
- 7.2 The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Sections 66(1) and 72(1) directs that special regard should be given to the preservation of the historic and architectural interest of Listed Buildings and their settings, as well as the preservation or enhancement of the character and appearance of Conservation Areas.
- 7.4 The NPPF states that the impact of development proposals upon the significance of heritage assets such as Listed Buildings and Conservation Areas should be assessment and that it is important to consider whether the proposals cause harm to the

significance of these assets. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the NPPF.

- 7.5 With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the NPPF.
- 7.6 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.<sup>50</sup>
- 7.7 The guidance set out within the PPG also states that substantial harm is a high test, and that it may not arise in many cases. The PPG also 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.<sup>51</sup> In addition, it has been clarified in a High Court Judgement of 2013<sup>52</sup> 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*".

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<sup>50</sup> MHCLG, Planning Practice Guidance, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019)

<sup>51</sup> Ibid

<sup>52</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

- 7.8 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.
- 7.9 Where the development proposals will result in an enhancement to the historic environment, and thus represent a 'heritage benefit', this will be identified for consideration by the Decision Maker alongside any identified harm to the historic environment, with the context of Paragraphs 202 and 203 of the NPPF.
- 7.10 When considering potential impacts to Rocester Conservation Area, it is important to note that the Site forms only one small part of the asset.
- 7.11 Paragraph 207 of the NPPF sets out that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?
- 7.12 This position, and how this responds to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported in Case Law with a 2020 High Court Judgement confirming that:

*"Section 72 requires an overall assessment of the likely impact of a proposed development on the*

*conservation area, and not just that part of it where the development site is located".<sup>53</sup>*

- 7.13 By virtue of developing the Site and introducing a new element of built form, the proposals would result in the removal of an area of open space which makes a positive contribution to the Rocester Conservation Area and the non-designated Riversfield House. Accordingly, a degree of harm is considered to arise to both assets.
- 7.14 The scheme has, however, been carefully developed in order to respond to character and appearance of the Conservation Area, and the manner in which Riversfield House and nearby Listed Buildings are experienced, in order to minimise the overall level of harm that would arise to the historic environment.
- 7.15 The proposed built form will be positioned in the eastern part of the Site in order to maintain views towards Riversfield House from the High Street. Accordingly, whilst there would be a change in the composition of the foreground, Riversfield House would remain visible from the High Street. The experience and understanding of Riversfield House from the High Street would therefore remain, as would the contribution that this makes to the surrounding Conservation Area.
- 7.16 It is also intended that the opportunity to enhance the management of the hedge along the southern boundary of the Site will be explored to reduce the extent of screening and

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<sup>53</sup> Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government [2020] EWHC 958 (Admin).

increase views of Riversfield House from the High Street.

- 7.17 The proposed building would be set back from the wider building line to the east and whilst this would be viewed as a change in the character of the existing townscape, such positioning allows for views of the side elevation of the Grade II Listed Rose Cottage to remain on the approach from the west, as well as providing a clear delineation between the end of the historic High Street frontage and the new development.
- 7.18 The positioning of the built form and extent of 'undeveloped' land retained in the western part of the Site will also preserve the contribution which the Site makes to the openness of the townscape at the junction of Churnet Row, High Street and Riversfield Drive.
- 7.19 In terms of massing, the proposed building will comprise a two-storey range to the front, which lowers to single storey as the building extends southwards into the Site. This reflects the general massing of buildings within the vicinity of the Site and responds to character of the existing High Street frontage to the east, including Rose Cottage.
- 7.20 The utilisation of pitched roofs, and inclusion of a faux chimney detail, also reflects the roofscape of the surrounding area, aiding in the rooting of the development in this location. Within this context it is highlighted that it is not the norm for a modern, small convenience store of this nature to be designed with a pitched roof; however, the importance of the roof detailing within the context of the surrounding historic environment has

been recognised as a key design influencer.

- 7.21 The material palette for the proposed building will utilise traditional red brick, similar to those seen elsewhere along the High Street, with a plain tile roof covering.
- 7.22 The principal High Street facing elevation has been designed so as to read as a pair of terrace houses, and thus reflect the general character of the High Street and Churnet Row. Door and window openings will incorporate reconstituted stone cils and heads, with the first floor 'windows' set high within the eaves, with this a characteristic of the surrounding built form. Additional detailing is provided via the inclusion of a 'dog tooth' course band at eaves level, a detailing seen on other High Street properties.
- 7.23 With the exception of the 'shop windows' (see below), all window units will be casement units; however, these have been designed to have a traditional appearance reflective of the area.
- 7.24 The main commercial elevation will be to the west, fronting onto the car park. This elevation will incorporate two 'shop windows' with timber fascias and brick stall risers. The simple design of the shop windows reflects those present on both traditional and modern shop frontages within the High Street.





*Plate 35: The proposed development as seen from the northwest.*



*Plate 36: The proposed development as seen from the northeast.*



- 7.25 The Site will be accessed via a new vehicle entrance from Riversfield Drive and a pedestrian access from the High Street, with new openings required within the existing boundary walls.
- 7.26 The northern wall is 20<sup>th</sup> century in date and forms part of a later reworking of the historic boundary of the Riversfield House landholdings. The introduction of the new opening will not result in a loss of historic fabric, nor will it result in a notable change to overall character of the boundary when viewed from the High Street due to the limited size of the proposed opening.
- 7.27 The new opening in the western wall will result in a loss of presumed 19<sup>th</sup> century fabric and would erode the extent of this historic boundary feature. This will result in a minor change to the character of Riversfield Drive, although it is noted that this route is principally characterised by modern development.
- 7.28 The inclusion of the vehicular access from Riversfield Drive has been required in order to respond to concerns raised by the Highways in relation to the scheme submitted at Pre-Application stage.
- 7.29 The proposed vehicular entrance will require the removal of three existing trees along the western part of the Site, including a mature Category A tree.
- 7.30 A grouping of Category C trees will also need to be removed along the northern boundary of the Site in order to facilitate the required car park, the footprint of which has also changed since Pre-Application stage due to Highways concerns.
- 7.31 Nevertheless, one of the existing mature trees along the northern boundary of the Site will be retained, as will the Category A tree in the southwest corner of the Site. New planting is also proposed in the northwest and southwest corners of the Site.
- 7.32 The 'active' areas of the car park and pedestrian routes will be surfaced in tarmac and slip resistant concrete paving. It is, however, intended to retain as much green landscaping along the northern frontage and within the southwest corner of the Site as possible.
- 7.33 This considered approach to the landscaping aids in the preservation of the verdant character of the Site, and the contribution which this makes to the character and appearance of the Conservation Area and the experience of Riversfield House.
- Summary Conclusions**
- 7.34 Overall, it is concluded that the works which are the subject of application have been carefully developed in order to respond to the surrounding built historic environment, whilst also addressing wider constraints.
- 7.35 Nevertheless, by nature of developing this open space, a degree of harm is considered to arise to the heritage significance of both the Conservation Area and Riversfield House.
- 7.36 When considering the Rocester Conservation Area as a whole, alongside the bespoke and informed nature of the proposed new

development, it is considered that only a minor degree of harm would arise to the overall heritage significance of the asset. The minor impact identified would be at the lower end of *less than substantial harm*.

- 7.37 It acknowledged that Section 72(1) of the 1990 Act sets out that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance*” of a Conservation Area.
- 7.38 Under Paragraph 202 of the NPPF, the less than substantial harm (at the lower end of the scale) identified should be considered by the Decision Maker alongside the public benefits of the development proposals. Within this context, the informed nature of the scheme should be a key consideration.
- 7.39 A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 202 of the revised NPPF) this is in keeping with the requirements of the 1990 Act.<sup>54</sup>
- 7.40 There is no reason that this approach should not be considered relevant with regard to the consideration of Section 72(1) of the 1990 Act which pertains to Conservation Areas.

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<sup>54</sup> *Jones v Mordue* [2015] EWCA Civ 1243.

- 7.41 Only a minor degree of harm is considered to arise to the non-designated Riversfield House, via a change in setting. Whilst the proposals would see a further erosion of the historic grounds associated with this asset, the development has been designed so as to maintain views of the asset from the High Street and retain the verdant character in the foreground of these views.

- 7.42 With regard to non-designated heritage assets, Paragraph 203 of the 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.”*

- 7.43 High Court Judgements have confirmed that when considering potential impacts to non-designated heritage assets within the Decision-Making process, that the balanced judgement required is different from the public benefits exercise associated with designated heritage assets (as set out in Paragraphs 201 and 202 of the NPPF).

- 7.44 Within a High Court Judgment of 2017 Jarman HHJ confirmed that all that is required by the NPPF in respect to non-designated heritage assets is “*that the effect of an application on the*

*significance should be taken into account.*<sup>55</sup>

7.45 This was further expressed in the Bohm decision, which stated that:

*[34] "Unsurprisingly, given that an NDHA [non-designated heritage asset] does not itself have statutory protection, the test in para 135 is different from that in paras 132-4, which concern designated heritage assets. Paragraph 135 calls for weighing "applications" that affect an NDHA, in other words the consideration under that paragraph must be of the application as a whole, not merely the demolition but also the construction of the new building. It then requires a balanced judgement to be made by the decision maker. The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter."*<sup>56</sup>

7.46 No harm is considered to arise to the Grade II Listed Rose Cottage, via a change in setting. Although the proposals would introduce new built form that would be visible from, and in conjunction with the asset, the overall experience and appreciation of the asset would not be changed. This is achieved as a result of the setback nature and informed design of the proposed built form.

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<sup>55</sup> *Travis Perkins (Properties) Limited v Westminster City Council* [2017] EWHC 2738 (Admin), Paragraph 44.

<sup>56</sup> *Bohm* [2017] EWHC 3217 (Admin).

## 8. Conclusions

- 8.1 Planning Permission is sought for the construction of the new convenience store and associated landscaping and highways works, including a car park.
- 8.2 Overall, it is concluded that the works which are the subject of application have been carefully developed in order to respond to the surrounding built historic environment, whilst also addressing wider constraints.
- 8.3 Nevertheless, by nature of developing this open space, a degree of harm is considered to arise to the heritage significance of both the Conservation Area and Riversfield House.
- 8.4 When considering the Rocester Conservation Area as a whole, alongside the bespoke and informed nature of the proposed new development, it is considered that only a minor degree of harm would arise to the overall heritage significance of the asset. The minor impact identified would be at the lower end of *less than substantial harm*.
- 8.5 Only a minor degree of harm is considered to arise to the non-designated Riversfield House, via a change in setting. Whilst the proposals would see a further erosion of the historic grounds associated with this asset, the development has been designed so as to maintain views of the asset from the High Street and retain the verdant character in the foreground of these views.
- 8.6 The harm identified to these assets should be considered against the benefits of the scheme as per Paragraphs 202 and 203 of the NPPF.
- 8.7 No harm is considered to arise to the Grade II Listed Rose Cottage, via a change in setting. Although the proposals would introduce new built form that would be visible from, and in conjunction with the asset, the overall experience and appreciation of the asset would not be changed. This is achieved as a result of the setback nature and informed design of the proposed built form.

# Appendix 1: List Entry – Rose Cottage

## Overview

Heritage Category: Listed Building

Grade: II

List Entry Number: 1231924

Date Listed: 30-May-1985

## Location

Statutory Address: ROSE COTTAGE, 50, HIGH STREET

County: Staffordshire

District: East Staffordshire (District Authority)

Parish: Rocester

National Grid Reference: SK 10831 39324

## Details

*Cottage. C17 with later additions and alterations. Timber framed with brick infill on painted stone plinth, partly rebuilt in brick painted as timber frame; clay tile roof; central brick stack. 2 bay lobby entry plan with staircase on opposite side of stack, C20 additions to rear. 2 storeys, formerly 1 storey and attic; 2 windows, C20 casements; 2 square panels up to original eaves level with straight braces and a further painted panel in height to present eaves level forming 3 panels in all from cill to wall plate; central boarded door. West gable end has painted panels up to eaves level and a painted king post roof truss. Interior: Exposed chamfered ceiling beams; inglenook fireplace.*

## Legacy

Legacy System number: 407195

Legacy System: LBS







DESIGN



ENVIRONMENT



PLANNING



ECONOMICS



HERITAGE

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