

Heritage Addendum.

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On behalf of Boningale Developments Limited.

Date: September 2026 | Pegasus Ref: P24-O594

LPA Ref: 24/O2108/OUT



1. Introduction

- 1.1. This Addendum provides an update to my Statement on Heritage of August 2026, following the issue of an updated National Planning Policy Framework, also in August 2026. Updated appendices on Legislation and Planning Policy and Methodology are given below.

2. Updates

- 2.1. Following the updated NPPF of August 2026, the only resultant changes to my Statement on Heritage are slight ones to terminology as set out below.

Asset	Significance	My assessment of harm in my Statement	Revised terminology following NPPF update of August 2026
Boningale Conservation Area	Conservation Area	Less than substantial harm at the low end of the spectrum	A low level of harm which is not substantial
Lea Hall and Barn	Grade II Listed	Harm which is at the low to moderate extent of less than substantial	Low to moderate harm which is not substantial
Old Cottage	Grade II Listed	No harm	No harm
Old Farmhouse and Malthouse attached to rear	Grade II Listed	No harm	No harm

- 2.2. Overall, no harm is considered to occur which would seriously affect a key aspect of any of the assets' significance (NPPF Policy HE5.2c), as set out in the Statement on heritage.
- 2.3. Under Policy HE6.4, where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.

Updated Appendix 1: Legislation and Planning Policy

Legislation

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,⁴ which provides statutory protection for Listed Buildings and Conservation Areas.

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

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁵

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.”⁶

A judgment 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 Policy HE6.4 of the current, revised *NPPF*, see below), this is in keeping with the requirements of the 1990 Act.⁷

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

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

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

⁴ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*

⁵ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1)

⁶ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24

⁷ *Jones v Mordue* [2015] EWCA Civ 1243

National Planning Policy Framework (August 2026)

National policy and guidance are set out in the Government's *National Planning Policy Framework (NPPF)* published in August 2026. This replaced and updated the previous *NPPF* (December 2024). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

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

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)."⁸

Significance is 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."⁹

Section 20 of the *NPPF* relates to 'Conserving and enhancing the historic environment' and states at Policy HE4.1 and 4.2 that:

HE4.1 – *"Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:*

- a) Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and***
- b) Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance."***

⁸ MHCLG, *NPPF*

⁹ MHCLG, *NPPF*

HE4.2 – “Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.”

Policy HE5 states that:

“Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets’ importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.”

With regard to the effects of a proposal, Policy HE5 goes on to state that:

“Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

- a) Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or***
- b) Have no effect on the significance of a heritage asset; or***
- c) Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset’s significance; or***
- d) Cause the total loss of the significance of a heritage asset.”***

With regard to the effects of proposals on the significance of a heritage asset, Policy HE5.3 and Policy HE5.4 also states:

HE5.3 – “In making this assessment it is the effect on a heritage asset’s significance rather than the scale of the development which should be considered.”

HE5.4 – “Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.”

With regards to proposals affecting designated heritage assets, Policy HE6 states:

HE6.1 – “When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.”

HE6.2 – “Development proposals which would have a positive effect on a designated heritage asset should be supported.”

HE6.3 – “Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.”

HE6.4 – “Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”

With regards to substantial harm, HE6.5 and HE6.6 state:

HE6.5 – “Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

- a) The nature of the heritage asset would otherwise prevent all reasonable uses of the site;***
- b) No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;***
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and***
- d) The harm or loss is outweighed by the benefit of bringing the asset back into use.”***

HE6.6 – “Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

In the context of the above, Policy HE4.2 states that:

“Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.”

The Courts¹⁰ have held that where the decision maker works through the sequence for dealing with proposals which harm designated heritage assets in the context of the policies set out in the NPPF and finds that any harm to significance is outweighed by public benefits, then the clear and convincing justification required is in place.

With regards to non-designated heritage assets, Policy HE7 states:

¹⁰ Pugh v SoS for Communities and Local Government [2015] EWHC 3 (Admin).

HE7.1 – “Development proposals which would have a positive effect on a non-designated heritage asset should be supported.

HE7.2 – “Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.”

HE7.3 – “Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.”

High Court Judgements¹¹ have confirmed that when considering potential impacts on non-designated heritage assets within the decision-making process, the balanced judgement (as per Policy HE7.2) is different from that of the weighing of harm against public benefits as is required under Policy HE6.4 and Policy HE6.5 in regard to the consideration of designated heritage assets, and Policy HE7.3 which pertains to the consideration of ‘substantial harm’ to non-designated heritage assets.

Policy HE8 of the NPPF provides specific guidance in regard to the consideration of World Heritage Sites, and reads as follows:

HE8.1 – “To secure the long-term future of World Heritage Sites and support the conservation of their significance and Outstanding Universal Value, development proposals that affect a World Heritage Site should:

- a) a. Be designed in a way which pays particular regard to the significance and Outstanding Universal Value of the World Heritage Site (including any contribution made by its setting including any buffer zone);***
- b) b. Retain and conserve buildings and other features which make a positive contribution to the significance and Outstanding Universal Value of the World Heritage Site where possible;***
- c) c. Have regard to the World Heritage Site management plan; and***
- d) d. Be supported by an assessment of the impact, including any potential cumulative impact, on the significance and attributes of Outstanding Universal Value of the World Heritage Site. This should be informed by appropriate information such as visual impact assessments and natural environment, archaeological or historical data.***

HE8.2 – “Not all elements of a World Heritage Site will necessarily contribute to its significance or Outstanding Universal Value. Where a development proposal would result in the loss of a building or other element which contributes to the significance or Outstanding Universal Value of a World Heritage Site, the assessment of impact should take into account the significance and the contribution made to Outstanding Universal Value by the element

¹¹ Travis Perkins (Properties) Limited v Westminster City Council [2017] EWHC 2738 (Admin), Paragraph 44.

affected and its contribution to the significance of the World Heritage Site as a whole, and the effects of this considered in accordance with policies HE5 and HE6.” (our emphasis)

HE8.3 – “Proposals that conserve those elements of a World Heritage Site or its setting, including any buffer zone, that make a positive contribution to it or which better reveal its significance, should be supported..”

Footnote 65 confirms that whilst any development effect World Heritage Sites should be assessed against Policy HE8 that ***“some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.”*** Thus, in certain cases it may not be the role of the heritage assessment to consider potential effect on a World Heritage Site.

Policy HE9 of the NPPF provides specific guidance in regard to the consideration of Conservation Areas, and reads as follows:

HE9.1 – “Development proposals within or affecting the significance of conservation areas should:

- a) Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and***
- b) Consider the area’s special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.”***

HE9.2 – “Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.” (our emphasis)

HE9.3 – “Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.”

With regards to the loss or removal of heritage assets (designated or non-designated), Policy HE10 states:

HE10.1 – “Where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not):

- a) The development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset; and***
- b) The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated)***

publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved."

HE10.2 – "Heritage assets with archaeological interest should be preserved in situ where feasible. Where an asset cannot be preserved or managed on-site, appropriate provision should be made for the investigation, understanding, recording, dissemination and archiving of that asset, which should be undertaken by suitably-qualified individuals or organisations."

HE10.3 – "Development proposals to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), should retain the feature in situ where possible (and, where appropriate, be supported by an explanation of their historic and social context)."

National Planning Practice Guidance

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

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

The PPG has a discrete section on the subject of the Historic Environment,¹² 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."¹³

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

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

¹² DLUHC, *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>,

¹³ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723

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.”¹⁴ (my emphasis)

¹⁴ DLUHC PPG, paragraph 018, reference ID: 18a-018-20190723

Updated Appendix 2: Methodology

Key Documents

The key documents that have been used in the preparation of this Proof of Evidence comprise:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹⁵ (henceforth referred to as 'GPA 2');
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*¹⁶, the key guidance of assessing setting (henceforth referred to as 'GPA 3');
- *Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*¹⁷; and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*¹⁸ (henceforth referred to as 'Conservation Principles').

Assessment of Significance

In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. 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."¹⁹

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.

¹⁵ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015)

¹⁶ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017)

¹⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019)

¹⁸ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008)

¹⁹ MHCLG, *NPPF*

In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in *Conservation Principles*.²⁰ These essentially cover the heritage ‘interests’ given in the glossary of the NPPF²¹ and the PPG which are **archaeological**, **architectural and artistic** and **historic**.

The PPG provides further information on the interests it identifies:

- **Archaeological interest:** *“As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.”*
- **Architectural and artistic interest:** *“These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.”*
- **Historic interest:** *“An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.”²²*

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

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 12,²³ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Proof of Evidence.

²⁰ English Heritage, *Conservation Principles* – These heritage values are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²¹ MHCLG, *NPPF*

²² DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

²³ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019)

Setting and Significance

As defined in the NPPF:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”²⁴

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.”²⁵

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

Assessing Change Through Alteration to Setting

How setting might contribute to these values has been assessed within this Proof of Evidence with reference to GPA 3 particularly the checklist given on page 11. This advocates the clear articulation of *“what matters and why”*.²⁶

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

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

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that 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)²⁷:

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

²⁴ MHCLG, NPPF

²⁵ MHCLG, NPPF

²⁶ Historic England, GPA 3 p. 8

²⁷ *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, para. 25 and 26

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.”

Levels of Significance

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

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

- **Designated heritage assets of the highest significance**, as identified in Policy HE6.6 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 considered by the decision maker to be of equivalent significance to Scheduled Monuments, as identified in footnote 64 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in Policy HE6.6 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”*.²⁸

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

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

Assessment of Effect

Assessment of any effect 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 effect in order to inform a weighing exercise or balanced judgement as required by the *NPPF* under Policies HE6 and HE7.

In accordance with Policy HE5.2 of the *NPPF*, assessments of development proposals should identify whether they would be likely to:

- a) Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or**
- b) Have no effect on the significance of a heritage asset; or**
- c) Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or**
- d) Cause the total loss of the significance of a heritage asset.**

With regards to the identification of harm, 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."²⁹

Hence, for example, harm which is not classified as 'substantial' would be described with reference to whether it would be classified of a low, moderate or high level.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, "preserving" means doing "no harm".³⁰

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".³¹ 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.³²

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental

²⁹ DLUHC, *PPG*, paragraph 018, reference ID: 18a-018-20190723

³⁰ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

³¹ Historic England, *GPA:2*, p. 9.

³² *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin)

to this methodology is a consideration of “*what matters and why*”.³³ Of particular relevance is the checklist given on page 13 of *GPA:3*.³⁴

It should be noted that this key document also states:

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

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

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

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.³⁶ *(my emphasis)*

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.³⁷

³³ Historic England, *GPA:3*, p. 8.

³⁴ Historic England, *GPA:3*, p. 13.

³⁵ Historic England, *GPA 3*, p. 4

³⁶ Historic England, *GPA 3*, p. 8

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

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