

## Statement on Heritage.

**Evidence of Gail Stoten BA (Hons) PG Cert Res MCI fA FSA.**

Patshull Road Albrighton Shropshire.

On behalf of Boningale Developments Limited.

Date: August 2026 | Pegasus Ref: P24-O594

LPA Ref: 24/O2108/OUT

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## 1. Author's Background (CV)

- 1.1. My name is Gail Stoten. I am a Heritage Executive Director at Pegasus Planning Group, where I lead the Heritage Team, which comprises 32 specialist consultants.
- 1.2. I have been a heritage professional for 26 years, including 14 years working for Cotswold Archaeology and nine years at Pegasus Group.
- 1.3. I am a Member of the Chartered Institute for Archaeologists (MCIfA). I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology and a Post Graduate Certificate in Research.
- 1.4. I am a Trustee of Painswick Rococo Gardens and have been a member of the board of the charity for seven years.
- 1.5. I have acted as a heritage consultant on numerous large-scale developments in England, Wales and Northern Ireland, on behalf of developers, local planning authorities, and third parties.
- 1.6. I provide expert advice to clients on heritage assessment and also manage survey work (including built heritage assessments and archaeological works) carried out by our company and sub-contractors.
- 1.7. My role necessitates close liaison with heritage stakeholders such as Historic England, Local Authority heritage officers, and Amenity Group Representatives.
- 1.8. The assessment of the setting of heritage assets is an area in which I have significant expertise, and I have over twenty years' experience in completing setting assessments. I have made assessments of the setting of a wide variety of heritage assets, including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Monuments, Battlefields and World Heritage Sites. I have assessed the impact of many different types of development including residential, commercial and energy developments, including tall structures.
- 1.9. Projects I have been professionally instructed on relating to the setting of heritage assets, have included:
  - Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth, Gloucestershire. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 1500 dwellings in the wider vicinity of Listed Buildings;
  - Land west of Knights Hill Village, Grimston Road, South Wotton, Norfolk. Secretary of State decision (concurring with Inspector's recommendation) allowing the construction of up to 600 dwellings and associated works in the wider vicinity of Castle Rising Castle Listed building, Scheduled Monument and Conservation Area;
  - Land south of Gallows Hill/West of Europa Way, Heathcote, Warwick. Secretary of State Decision (concurring with Inspector's recommendation) allowing the construction of up to 450 residences, in the wider vicinity of Listed buildings, Scheduled Monument the Conservation Area and Registered Park and Garden associated with Warwick Castle and the town of Warwick;

- Land at Bocking Church Street, Braintree, Essex, where up to 265 residences and associated works were consented close to a Grade II Listed farmhouse;
- Land at Pope's Lane, Sturry, Kent, Inspector's Decision, not allowing the residential development of the site for 140 dwellings on transport grounds, but concurring with my assessment of less than substantial harm at the lower end of the spectrum for an adjacent Listed farmhouse complex.
- Land at Langford Devon, Inspector's decision, consenting a solar farm in the surrounds of a Grade II\* Listed building.
- Land at Copse Lodge, Northamptonshire, consenting a solar farm in the surrounds of a Conservation Area and Listed buildings.
- Land at Tenterden, Kent, Inspector's Decision, consenting residential development in proximity to a Conservation Area and Listed buildings.
- Squire's Hill, Belfast, Commissioner's Decision, consenting a wind turbine in proximity to a Scheduled Monument.

1.10. The evidence which I have prepared and provided in this Statement is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

## 2. Introduction

- 2.1. This Statement has been prepared on behalf of Boningale Developments Limited. ('The Appellant') and relates to a Planning Application, concerning Land at Patshull Road, Albrighton, Shropshire ('The Site').

### Appeal Proposal – 24/02108/OUT

- 2.2. Application 24/02108/OUT was made to Shropshire Council ('The LPA') and validated on 8<sup>th</sup> July 2024. This was for:

*"Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage."*

- 2.3. The Application was supported by a Heritage Statement (CD 12.1) produced by Pegasus Group dated June 2024. This report identified less than substantial harm which was low to moderate on that spectrum to the heritage significance of the Grade II Listed Lea Hall and Barn through changes in setting, and less than substantial harm at the low end of that spectrum to the heritage significance of the Boningale Conservation Area through changes in setting.

- 2.4. The LPA's Built Heritage Consultee provided comments on 14<sup>th</sup> August 2024 (CD 17.1). This response stated that:

*'The application is accompanied by a Heritage Impact Assessment which concludes that the proposed development will result in less than substantial harm to the setting of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn. We would generally concur that the development will result in less than substantial harm to these designated assets.'*

- 2.5. No differing levels of harm to those assets assessed in the Heritage Statement were given, and no harm to any other assets was identified. The consultation response concluded with a recommendation that the harm be considered in the planning balance.

- 2.6. With regards to archaeology, a consultation response from the archaeological advisor to the LPA dated 24<sup>th</sup> July 2024 requested that geophysical survey be carried out at the site. This has since been completed (CD 12.2), and a further consultation response from the archaeological advisor of 7<sup>th</sup> January 20025 recommend that further works could be secured through a pre-commencement condition.

- 2.7. A statement was submitted by Cerda on behalf of the Albrighton Village Action Group (CD 17.1) dated August 2024. This alleged harm to the Boningale Conservation Area at the very top of the substantial harm scale, and harm to Albrighton Conservation Area in addition to 'a wide range of heritage assets' which was of an undefined level and to unnamed assets. It is noted that the author did not provide any evidence of qualifications or accreditations relating to heritage and did not provide full assessments of setting and significance in line with Historic England's guidance The Setting of Heritage Assets (2017) guidance.

- 2.8. The application was considered in the Committee Report (CD1.6). Whilst no individual planning balance of heritage harm against public benefits appears to have been undertaken, it is noted that in the consideration of 'Footnote 7' at paragraph 6.1.2, it was concluded that:

*'SC Conservation have identified less than substantial harm from the proposed development to the Boningale Conservation Area and Grade II Listed Lea Hall and Barn. Therefore, the impact of the proposed development on assets of particular importance, in this case designated heritage assets and areas at risk of flooding, could be appropriately mitigated.'*

- 2.9. No stand-alone reason for refusal relates to heritage, although the heritage harm is mentioned in the first reason:

*The proposed development site is wholly located in Green Belt countryside outside of any settlement development boundary which is not safeguarded or allocated land, and is not regarded as being grey belt. Development in this location would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Council Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. In addition to the proposal being inappropriate development in the Green Belt, it would result in harm to the character and appearance of the area. The wider benefits of this BMV land have not been recognised, nor has it been demonstrated that development of this site is necessary in preference to poorer quality land or land outside the Green Belt, therefore effective use of the land has not been made in accordance with NPPF paragraph 187b), and Sections 11 and 13. Less than substantial harm to the significance of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, and whilst it is acknowledged that the proposal offers a number of wider local community benefits beyond the site itself, these have not been identified as responding to a local need. The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF. The proposed development will conflict with Policies CS1, CS3, CS5, CS6 and CS17 of the adopted Shropshire Council Core Strategy, and MD1, MD3, MD6, MD7a and S1 of the SAMDev Plan, in addition to the policies within the NPPF taken as a whole. Even in the context of the presumption in favour of sustainable development and associated tilted balance, it is not considered that the benefits of the scheme warrant a departure from the Development Plan. (my emphasis)*

- 2.10. The LPA's Statement of Case (CD 3.2), dated 18<sup>th</sup> May 2026 states at paragraph 7.2.8:

*'The Council agree with the Appellant that less than substantial harm would result from the proposed development in relation to the designated heritage assets at Grade II Listed Lea Hall and Barn, and Boningale Conservation Area. The Council will refute that not all of the public benefits put forward by the Appellant to overcome this harm, respond to an identified need, nor would they be unique to the site and would mitigate the needs of the proposed development itself.'*

- 2.11. Since this a detailed Heritage Statement of Common Ground has been agreed with the LPA. This records the following matters are agreed:

- The Conservation Consultee to the LPA did not object to the proposed development and largely agreed with the contents of the Heritage Statement produced by Pegasus Group (June 2024).
- The proposed development would result in less than substantial harm at the low end of that spectrum to the heritage significance of the Boningale Conservation Area through changes in setting.

- The significance, setting, contribution of the site to significance and impacts for Boningale Conservation Area, Lea Hall and Barn, Old Cottage and Old Farmhouse with Matlhouse attached to the Rear, which are as set out in Appendix 1 of the Statement of Common Ground.
- The proposed development would result in less than substantial harm which is low to moderate on that spectrum to the Grade II Listed Lea Hall and Barn through changes in setting.
- No heritage assets other than the Boningale Conservation Area and Lea Hall and Barn would be harmed by the proposed development.
- The reasoning behind the exclusion of The Elms and Barn about 60m south-east of The Elms, the designated heritage assets within the Boningale Conservation Area and the Albrighton Conservation Area from detailed assessment is set out at Appendix 1 of the Statement of Common Ground, and agreed.
- The impact of the proposed development on 'assets of particular importance', in this case designated heritage assets, could be appropriately mitigated, as stated by the Planning Officer in the Committee Report (paragraph 6.1.12).
- Modest weight should be given to heritage harm in the planning balance, in line with the assessment of the Planning Officer who wrote the committee report (paragraph 6.4.5).
- Matters relating to heritage did not form a stand-alone reason for the refusal or restriction of planning permission.
- The Site does not make a strong contribution to Green Belt Purpose D.

2.12. As such, the only matter in dispute between the LPA and the Appellant with regards to heritage is whether the heritage harm in aggregate with other harms resulting from the proposed development would be outweighed by the public benefits of the proposed development. As this is a planning balance matter, further evidence on this is not provided within this Proof.

2.13. The Statement of Case of Albrighton Development Action Group (formerly Albrighton Village Action Group) dated 29<sup>th</sup> May 2026 was produced by ET Planning, rather than Cerda (CD 3.3). This does not raise or even mention matters specifically relating to heritage issues.

2.14. Third Party responses raise an additional issue relating to heritage, which is the closure of 'historic roads', although these objections largely appear to be on the basis of alleged resultant traffic changes, rather than harm to heritage assets.

### **Matters Considered in this Proof of Evidence**

2.15. Taking into account the above, this Proof of Evidence will consider:

- Cerda's claim on behalf of Albrighton Village Action Group that the proposed development would cause harm to the Boningale Conservation Area at the very top of the substantial harm scale, and harm to Albrighton Conservation Area in addition to 'a

*wide range of heritage assets'* which is of an undefined level and to unnamed assets, noting that Albrighton Development Action Group are no longer represented by Cerda, and that matters relating to heritage are not part of their stated case.

- Whether routes which are to be stopped up are heritage assets.

## Legislation and Planning Policy

- 2.16. Details of the heritage legislation and planning policies which are considered relevant to this Planning Appeal are provided at **Appendix 1**.
- 2.17. It is agreed common ground with the LPA that less than substantial harm will be caused to the heritage significance of the Grade II Listed Lea Hall and Barn and the Boningale Conservation Area through changes in setting. Under Paragraph 215 of the NPPF, such harm should be weighed against the public benefits of the proposed scheme.
- 2.18. With regards to the Boningale Conservation Area, the Statutory duty set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 relates to land within the area itself, rather than the setting of the asset.
- 2.19. With regards to the identified harm to the Listed buildings, 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."*
- 2.20. 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."*
- 2.21. However, this does not mean that any harm to the significance of a Listed building through setting would result in planning permission being withheld for a scheme. As clarified in the Court of Appeal<sup>4</sup>, the statutory duty cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.

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<sup>4</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061



- 2.22. Rather, the judgment in the Court of Appeal ('Mordue'<sup>5</sup>) 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, which requires harm to be balanced against the public benefits of the proposed scheme, which is now given in paragraph 215 of the revised NPPF), this is in keeping with the application of the statutory requirements of the 1990 Act.

## Methodology

- 2.23. The full methodology utilised in the preparation of the assessments which are set out within this Statement is provided at **Appendix 2**.
- 2.24. The key documents that have been used in the preparation of this Statement comprise:
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (henceforth referred to as 'GPA 2');
  - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition), the key guidance of assessing setting (henceforth referred to as 'GPA 3');
  - Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12; and
  - Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (henceforth referred to as 'Conservation Principles').

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<sup>5</sup> *Jones v Mordue* [2015] EWCA Civ 1243

### 3. Key Issues and Case Summary

- 3.1. Comprehensive common ground on which heritage assets would be affected, their significance, setting, the contribution of the site, and impact of the proposed development has been agreed with the LPA.
- 3.2. The only heritage assets which would be affected would be the Boningale Conservation Area, and the Grade II Listed Lea Hall and Barn. With regards to these assets, the harm which would occur is clearly less than substantial, and low-moderate within that scale at most, as the physical form of the assets (from which their significance is largely derived) would not be altered by the proposed development, and in each case only part of the setting would be altered.
- 3.3. Whilst matters relating to heritage do not form part of the case of Albrighton Development Action Group (previously Albrighton Village Action Group), a statement previously submitted on their behalf by Cerda alleged substantial harm to the Boningale Conservation Area. It is noted that this assessment does not appear to have been completed by a heritage specialist and did not set out a staged assessment in line with Historic England guidance. The assessment relied on the allegation that photographs provided in the Heritage Statement were taken with screening leaf cover, despite the photographs clearly being taken in winter.
- 3.4. Third Parties have raised the closure of 'historic roads' as part of the proposed development, although matters raised largely relate to alleged resultant traffic changes. Consideration of these routes has concluded that they are not heritage assets, having no noted early origins or physical characteristics to denote such. Irrespective of this, the routes would remain legible within the proposed development, and no harm would occur.

## 4. Assessment

### **Allegations of Harm in the Cerda Response on behalf of Albrighton Village Action Group**

- 4.1. With regards to the previously submitted assessment by Cerda on behalf of Albrighton Village Action Group that less than substantial harm at the very upper end of substantial harm would occur to the Boningale Conservation Area, I would make the following points:
- It is agreed common ground with the Heritage Professionals of the LPA that the level of harm which will occur to the Boningale Conservation Area is less than substantial and at the low end of that spectrum.
  - Harm to the Boningale Conservation Area no longer appears to be part of the case of Albrighton Development Action Group.
  - The consultant who wrote the Cerda Assessment does not appear to hold any professional heritage qualifications – certainly none were expressed.
  - The Cerda Assessment did not present a staged assessment of significance, setting and impact as required by Historic England's guidance *The Setting of Heritage Assets* (2017).
  - The Cerda Assessment did not set out how the heritage significance of the asset would be harmed. Rather it alleged that the assessment of visibility given in the Heritage Statement was incorrect as the photographs included in the assessment were taken in March, with '*vegetation which is just not present for much of the year*'. Even this allegation is misinformed, as the photographs were clearly taken in the winter with sparse leaf cover. An allegation is also made of additional noise and activity resulting from the development. This does not take account of the current context of the Conservation Area, which is divided from the site by the A464 Holyhead Road.
- 4.2. Cerda also claimed in their assessment that the proposed development would cause harm to the Albrighton Conservation Area in addition to '*a wide range of heritage assets*'. The heritage assets are not identified nor is the extent of harm particularised.
- 4.3. Again, it is agreed common ground with the LPA that no harm would occur to heritage assets other than the Boningale Conservation Area and Lea Hall and Barn.
- 4.4. Specifically with regards to the Albrighton Conservation Area, the rationale behind the exclusion of the asset from detailed assessment is agreed common ground with the LPA, as set out at Appendix 1 of the Heritage Statement of Common Ground. The exclusion of the Albrighton Conservation Area from detailed assessment is because there is an absence of sensitivity to the proposed development attributable to the separation between the asset and the site (of 500m distance), and that views towards the Site from the southern designation boundary are wholly screened by intervening vegetation and undulating topography and that views from all other areas are screened by built form.
- 4.5. The Cerda assessment again repeats the claim that the photographs in the Heritage Assessment were taken with leaf cover. The photographs in the Heritage Statement are quite clearly representative winter views. Also, the Cerda assessment states that the development

would *'lead to a substantial loss of significance of the original relationship between the hall and rural parklands'*. The proposed development would not extend into the parkland which was historically associated with Albrighton Hall, or indeed extend close to it.

- 4.6. With regards to the other assets, it is unclear which assets were referred to in the Cerda Assessment, and no case has been made as to how their heritage significance might be affected by the proposed development.
- 4.7. Finally, the assessment states that the harm caused by the development cannot be accurately assessed as the application is outline only. The outline nature of an application is usual for a development of this size. Many such Outline applications with similar relationships with Listed buildings and Conservation Areas have been determined.

### **Road Closures**

- 4.8. References are made in Third Party responses to the development resulting in the closure of 'Historic Roads' although, as stated above, these references were largely in the context of allegations of resulting traffic issues.
- 4.9. The roads in question are:
- Patshull Road, which will be partially downgraded to a non-vehicular route in its central stretch.
  - Cross Road, which will be partially diverted to an offset junction for short distance; and
  - Newhouse Road, which will be crossed by the spine road.
- 4.10. None of these roads have been considered by any of the heritage consultees to be heritage assets, and I also consider this to be correct. They are not recorded on the Historic Environments Record as having early origins or physical characteristics of historic interest. They are relatively minor local roads.
- 4.11. Furthermore, even if these roads were to be considered to be heritage assets, and I would not consider this to be correct, they will remain legible as routes in the landscape following the development, and so no harm would occur.

## 5. Summary and Conclusions

- 5.1. Comprehensive common ground on which heritage assets would be affected, their significance, setting, the contribution of the site, and impact of the proposed development has been agreed with the LPA.
- 5.2. The only heritage assets which would be affected would be the Boningale Conservation Area, and the Grade II Listed Lea Hall and Barn. With regards to these assets, the harm which would occur is clearly less than substantial, and low-moderate within that scale at most, as the physical form of the assets (from which their significance is largely derived) would not be altered by the proposed development, and in each case only part of the setting would be altered.
- 5.3. Whilst matters relating to heritage do not form part of the case of Albrighton Development Action Group (previously Albrighton Village Action Group), a statement previously submitted on their behalf by Cerda alleged substantial harm to the Boningale Conservation Area. It is noted that this assessment does not appear to have been completed by a heritage specialist and did not set out a staged assessment in line with Historic England guidance. The assessment relied on the allegation that photographs provided in the Heritage Statement were taken with screening leaf cover, despite the photographs clearly being taken in winter.
- 5.4. Third Parties have raised the closure of 'historic roads' as part of the proposed development, although matters raised largely relate to alleged resultant traffic changes. Consideration of these routes has concluded that they are not heritage assets, having no noted early origins or physical characteristics to denote such. Irrespective of this, the routes would remain legible within the proposed development, and no harm would occur.