

Heritage Statement

Balk Farm Court, Birdwell, Barnsley

October 2019

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1. Introduction

- 1.1 This Heritage Statement is prepared by Turley Heritage on behalf of Mr George Sharman in connection with an outline planning application for a residential development (The 'Proposed Development') at Balk Farm Court, Barnsley (the 'Application Site').
- 1.2 The application for planning permission was submitted to Barnsley Metropolitan Borough Council (BMBC) and validated on 22nd March 2019. The planning application reference is 2019/0170. This Heritage Statement has been prepared following the consultation response from the Conservation Officer which has raised concerns in relation to heritage impacts on two listed buildings to the north of the site, Balk Farmhouse, and 'Barn approximately 15m to south east of Balk Farmhouse'.
- 1.3 The full description of the Proposed Development is:
- "Retention of existing dwelling and erection of 7no new build dwellings (Outline seeking approval over means of access and layout)".*
- 1.4 The Application Site is located within Birdwell, which is approximately 5 miles to the south of Barnsley. There are no heritage assets within the Application Site but, as aforementioned, there are two listed buildings located a short distance to the north.
- 1.5 In determining the submitted outline application for planning permission, BMBC has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of listed buildings.¹
- 1.6 The NPPF provides the Government's national planning policy on the conservation of the historic environment. In respect of information requirements for applications, Paragraph 189 states the following:
- 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'".²*
- 1.7 To comply with these requirements, Section 2 of this Statement identifies the Application Site and describes its history and development. Section 3 identifies the relevant heritage assets proximate to the Application Site that may be affected by the Proposed Development. Section 4 provides an assessment of significance of the identified heritage assets; proportionate to both the importance of the asset and the likely impacts. The assessment is undertaken on the basis of published information, archival research and an on-site visual survey.

¹ s66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² MHCLG (2019) National Planning Policy Framework (NPPF) - para. 189

- 1.8 Section 5 provides an assessment of the impact of the Proposed Development on the significance of the identified designated and non-designated heritage assets, in light of the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national and local planning policy for the historic environment, and relevant Historic England guidance on '*Managing Significance in Decision Taking in the Historic Environment*'³ and '*The Setting of Heritage Assets*'.⁴

³ Historic England (2015) Historic Environment Good Practice Advice in Planning Note 2, Managing Significance in Decision Taking in the Historic Environment

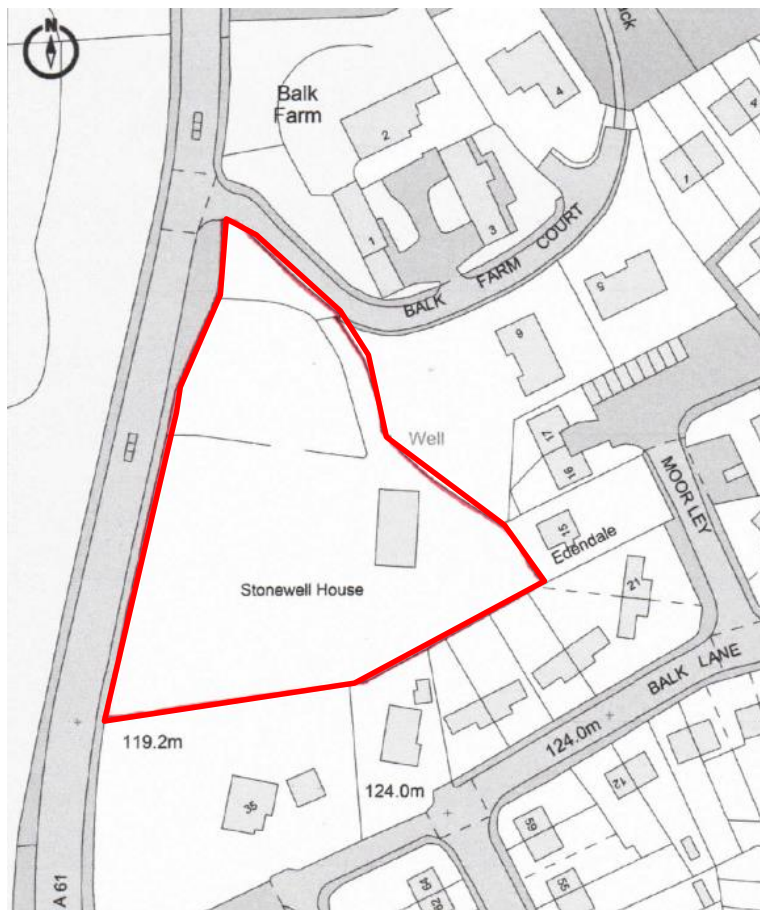
⁴ Historic England (2017) Historic Environment Good Practice Advice in Planning Note 3, The Setting of Heritage Assets (2nd edition)

2. The Application Site

Context

- 2.1 The Application Site (Figure 2.1) is located in the settlement of Birdwell, a short distance to the south of Barnsley. It comprises an area of land to the immediate east of the A61 which is in use as a domestic garden to Stonewell House.
- 2.2 To the north of the site beyond a lane (Balk Farm Court) is a farm complex containing two listed buildings, 'Balk Farmhouse' and 'Barn' approximately 15m to south east of Balk Farmhouse' (hereafter referred to as the 'Barn'). To the east and south are continuous areas of residential development comprising the settlement of Birdwell. To the west, beyond the A61, is open countryside.

Figure 2.1: The Application Site



- 2.3 The Application Site (Figure 2.1- 2.3) is largely laid to lawn with areas of planting. Stonewell House is located to the east side of the plot; it comprises a detached residential dwelling constructed in the late 20th century. The Site slopes down to the north and west and these boundaries are defined by mature trees and hedges, with some large conifers to the northern boundary. These largely restrict views out of the site, including towards the listed buildings to the north. Some views of the barn available from the southern part of the site (Figure 2.3), where the land is elevated; in these views

the building is experienced in the heavily domestic and landscaped setting of the garden.

Figure 2.2: The Application Site looking south east towards Stonewell House



Figure 2.3: The Application Site, looking north towards the Barn



Historic Development

- 2.4 During the mid-19th century the Application Site was rural undeveloped land. Figure 2.2 shows the site as part of the landscape surrounding 'Balk' which contains Balk Farmhouse and associated buildings, which had been constructed in circa 1800.

Figure 2.4: Ordnance Survey 1850-51

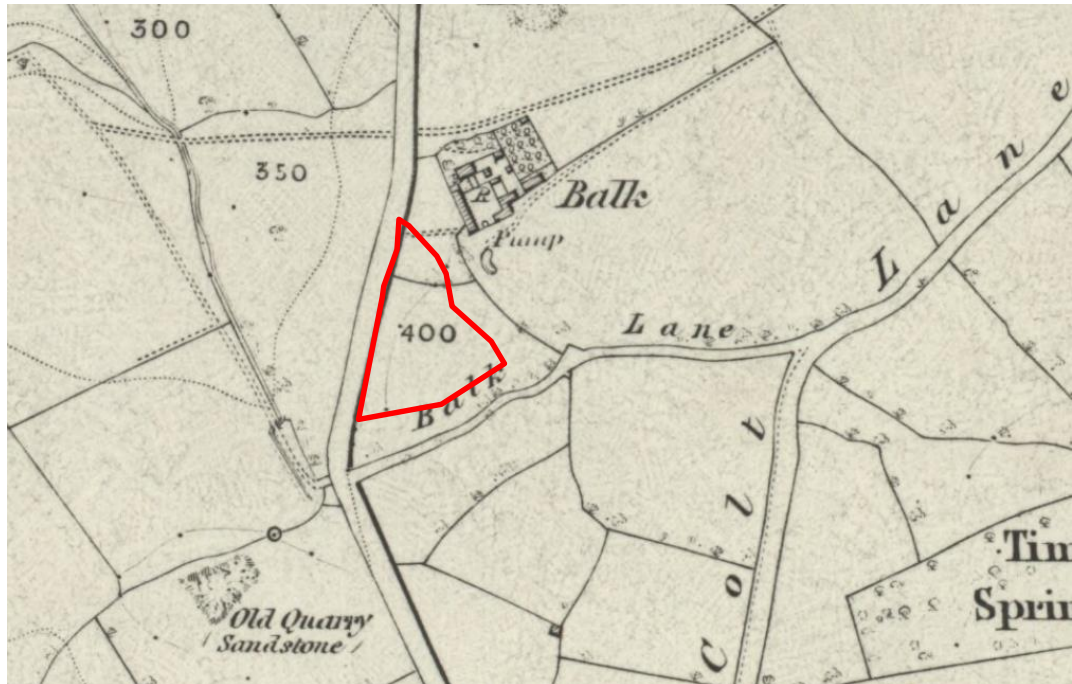
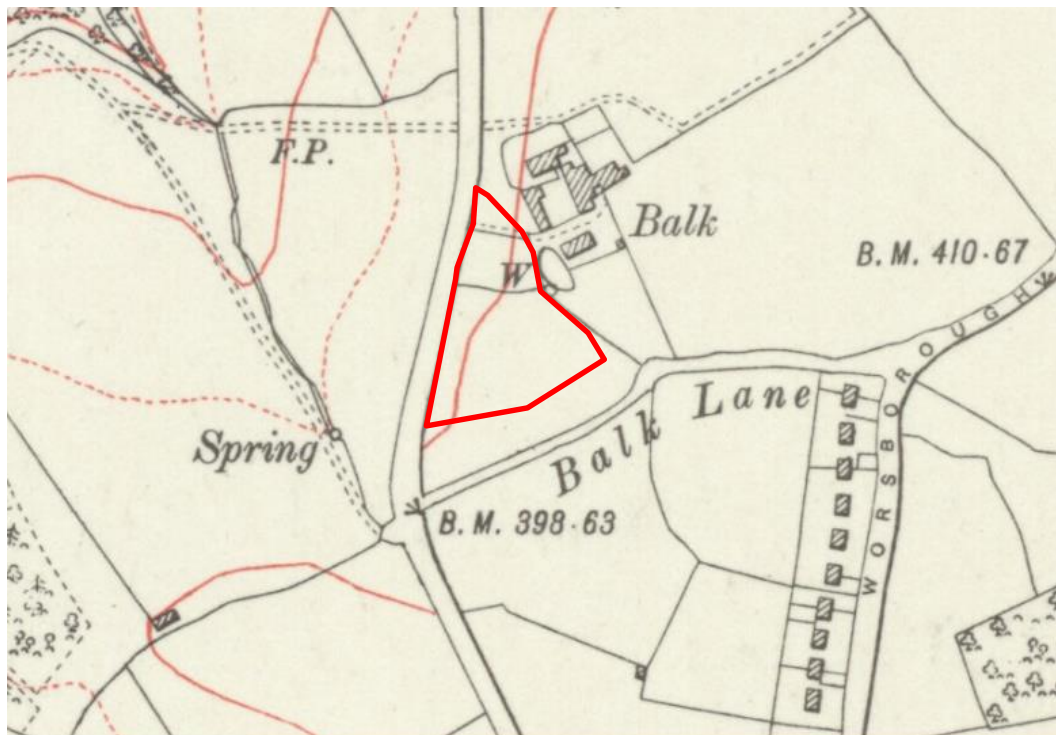


Figure 2.5: 1929



- 2.5 There was little change to the Application Site and surrounding landscape during the second part of the 19th century and into the 20th century. By 1929 residential development had appeared along Worsborough Road to the south and east of the site, representing the northern spread of Birdwell along principal routes. Within the 'Balk' complex, the building to the east side of the complex had been constructed.

Figure 2.6: 1948

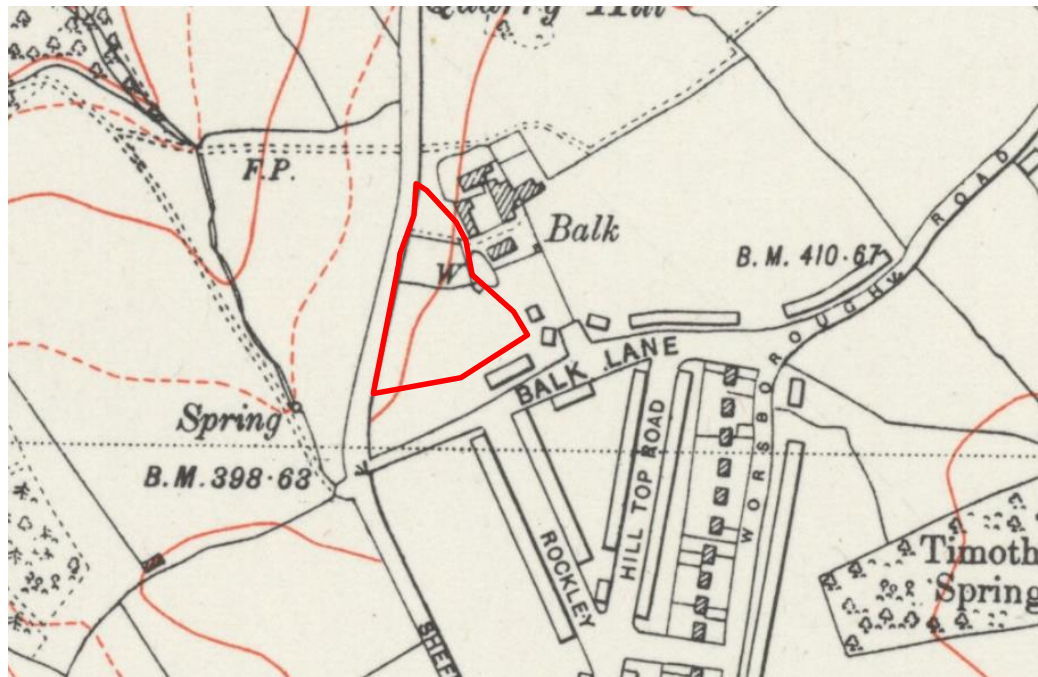
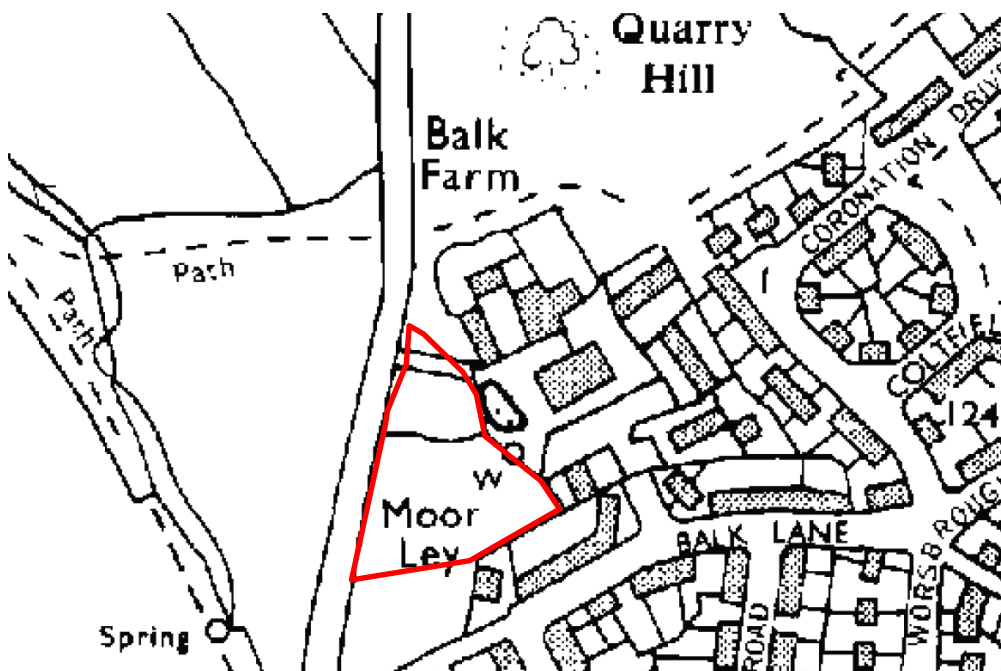


Figure 2.7: 1978-89

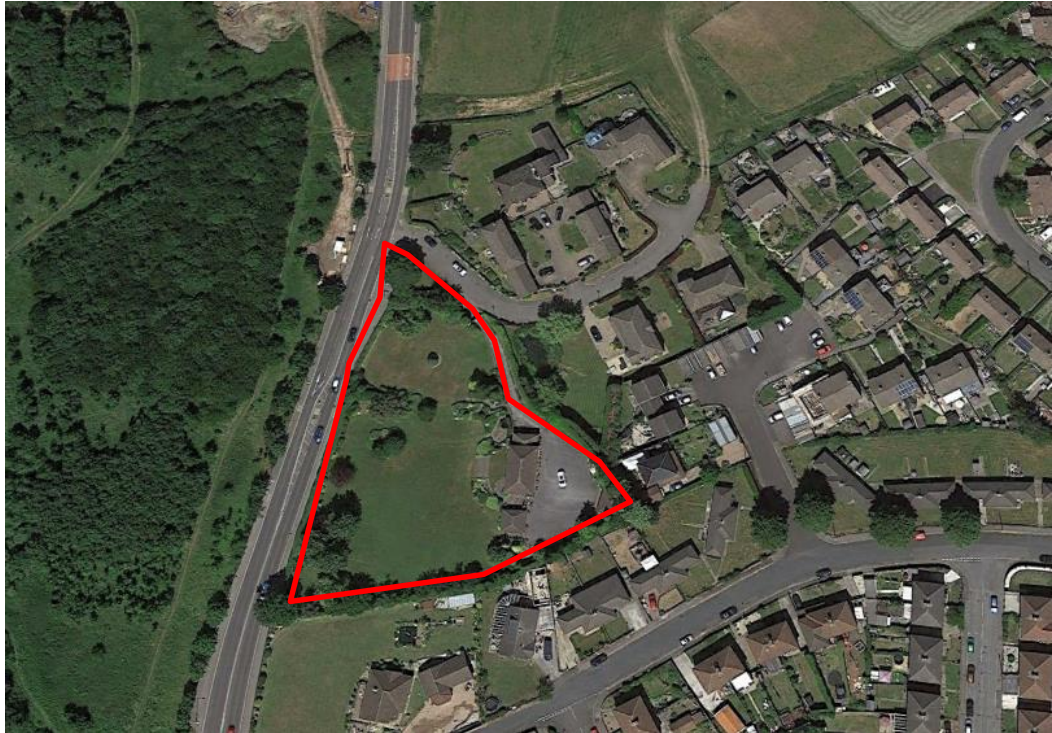


- 2.6 By 1948 the land to the south of the Application Site had been further developed with a new road layout and residential buildings. By the 1970's the majority of the land to the south and east of the site was in residential use.
- 2.7 During the early 20th century a number of dwellings were constructed close to Balk Farm Court. These include 3 ('The Cottage'), on the east side of the courtyard, 4 Balk Farm Court to the east (constructed in 2002) and 5 and 6 Balk Farm Court, to the immediate south (constructed in 2002) Stonewell House was built in 1983 when the Application Site was landscaped as garden. These buildings are visible on the aerial image at Figure 2.6 and 2.7 and resulted in a fundamental change to the character of the landscape surrounding the listed buildings, from rural to urban in character.

Figure 2.8: 2002



Figure 2.9: 2019



Summary of Historic Development

- 2.8 During the 20th century the landscape to the south and east of the Application Site was gradually developed with residential buildings associated with the gradual spread of the settlement of Birdwell, and this has fundamentally changed the character of the area from rural to urban. The domestication of Balk Farm and the development of residential properties in the area immediately surrounding it during the early 2000s has also contributed to the changed character of the area. The Application Site was open rural landscape until the late 20th century when it was enclosed and landscaped as a garden to Stonewell House.

3. Heritage Assets and their Significance

Heritage Assets

- 3.1 The NPPF (2019) defines a heritage asset 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.”⁵

Designated Heritage Assets

- 3.2 Designated heritage assets are those which possess a level of heritage interest that justifies designation and are then subject to particular procedures in planning decisions that involve them.

Listed Buildings

- 3.3 The Application Site does not contain any listed buildings. There are two listed buildings within the surrounding area that have the potential to be affected by the development, as a result of development within their setting. These are:

Listed Building	Grade	Date of Designation
Balk Farmhouse	II	4 Dec 1986
Barn approximately 15m to south east of Balk Farmhouse	II	4 Dec 1986

Significance of Heritage Assets

- 3.4 The NPPF defines the significance of a heritage asset 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.”⁶

Listed Buildings

- 3.5 Listed buildings are defined as designated heritage assets that hold architectural or historic interest. The principles of selection for listed buildings are published by the Department of Culture, Media and Sport and supported by Historic England’s Listing Selection Guides for each building type.

⁵ MHCLG (2019) National Planning Policy Framework (NPPF) – Annex 2: Glossary

⁶ MHCLG (2019) National Planning Policy Framework (NPPF) – Annex 2: Glossary

Setting

- 3.6 The NPPF defines the setting of a heritage asset 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 neutral⁷.”

- 3.7 Historic England has published guidance⁸ in respect of the setting of heritage assets, providing detail on understanding setting and the associated assessment of the impact of any changes. The guidance confirms at paragraph 9 that setting is not a heritage asset, nor a heritage designation, rather its importance lies in what it contributes to the significance of the relevant heritage asset itself.
- 3.8 Further guidance on the definition of setting and how it should be taken into account is set out in National Planning Practice Guidance.

Assessment

- 3.9 The following provides an assessment of the significance and setting of the designated heritage assets proximate to the Application Site.

Architectural and Historic Interest

Balk Farmhouse

Figure 3.1: Balk Farmhouse (right) and Barn (left)



- 3.10 Balk Farmhouse and the Barn are of interest as a farmhouse and ancillary building dating to circa 1800. They are constructed in stone with stone slate roofs and have simple but robust architectural features which emphasise their former function and agricultural associations.

⁷

MHCLG (2019) National Planning Policy Framework (NPPF) – Annex 2: Glossary

⁸

Historic England (2017) Good Practice Advice Note 3: The Setting of Heritage Assets

- 3.11 Balk Farmhouse was constructed in circa 1800 and has been altered. It is constructed in roughcast sandstone. The building is two storeys and has three bays. The roof is hipped and there are two rendered brick stacks. Features which emphasise the status of the building include a stone plinth, large expressed quoins, and a ground floor sill band, as well as the roughcast appearance which differentiates the building from the barn to the south. Windows have simple stone surrounds. The central door has a three pane overlight in an ashlar surround with a corbelled cornice projecting above.
- 3.12 20th century additions are located to the north and east of the building, and some have been added since the building was refurbished as a residential property in the late 20th century.

Barn approximately 15m to south east of Balk Farmhouse

- 3.13 The barn approximately 15m to south east of Balk Farmhouse was listed in December 1986 and the description identifies that it was listed for group value. At the time of listing the list description identified that it was in use as a 'warehouse' but it has since been converted for residential use.
- 3.14 The barn is constructed in coursed rubble sandstone and has a stone slate roof which is hipped. It is two storeys and three bays and had large quoins. Window openings have simple squared stone surrounds. A large segmental wagon entrance has been infilled with modern glazing in heavy frames and square window openings have been inserted to the ground floor. A domestic 20th century door has been added to the left of the wagon entrance, which adds a domestic character. The rear (south) elevation is similar.
- 3.15 A large single storey garage extension has been added to the north side of the building.

Contribution of Setting to Significance

Description of surroundings

- 3.16 The Farmhouse and Barn are located in a defined plot which fully encloses the buildings and separates them visually and functionally from the surrounding areas. This plot is enclosed by a combination of modern timber panel fencing and stone walls, and to the frontage are two modern stone gatepiers either side of a modern black metal double gate.

Figure 3.2: Courtyard space. Balk Farmhouse is central, Balk Farm Court to the rear, Barn to the left and The Cottage to the right



- 3.17 The farmhouse is located to the rear of the plot, in a prominent position directly facing the entrance. It is flanked by the Barn to the south and a further residential building (3 Balk Farm Court, The Cottage) to the north and together these buildings enclose a small courtyard (Figure 3.2). This courtyard space has been laid with modern setts and includes areas of landscaped lawn to the frontage of each property. It is used for car parking. To the frontage, adjacent to stone walls and gatepiers are landscaped and planted verges.
- 3.18 To the rear of the building are enclosed and landscaped gardens. The south side of the garden to the Barn is enclosed by a modern timber panel fence. The land is raised above Balk Farm Court, and the Application Site to the south which emphasises the separation of the two.
- 3.19 The buildings are located in a transitional area on the urban edge of Birdwell. To the east and south is an area of modern development of semi-detached housing dating to the mid- late 20th century. To the immediate east of the complex is a 4 Balk Farm Court which was added in 2002. To the north, is open rural landscape divided into fields. To the west is the A61 which forms a visual and functional barrier to the agricultural fields beyond.

Experience of the assets

- 3.20 Balk Farmhouse and the Barn are principally experienced from within the courtyard which encloses them (Figure 3.2) and from their frontage to Balk Farm Court. In these views the principal elevations are visible and the robust architectural character is experienced. Additionally, the connections and group association between the two buildings is legible as a result of their similar architectural style and characteristics, and proximity. However, in these views the modern additions including the large single storey garage extension to the Barn and the additional dwelling to the north side of the courtyard (3 Balk Farm Court) are experienced and emphasise the changed and domestic character of the buildings.
- 3.21 The domesticated character of the courtyard and the buildings within it results not only from modern additions and alterations to the buildings, but also from the alteration to the courtyard space. This area has a formality as a result of the modern materials and finishes within it, such as the use of small setts, the formal landscaping and planting,

and the parking area to the courtyard. Furthermore the modern character of the piers and black metallic gates which enclose the courtyard frontage add further formality to the complex, and emphasise its separation from the surrounding area.

- 3.22 The view from the principal elevation of Balk Farmhouse is defined by the courtyard space, modern gateway and residential buildings beyond; this is a highly domesticated aspect which emphasises the changed character of the setting (Figure 3.3).

Figure 3.3: View from courtyard to frontage of Balk Farm showing modern formal gates and views to surrounding residential properties



Figure 3.4: View of south elevation of the Barn from Balk Farm Court



- 3.23 The rear (south) elevation of the barn is also visible from Balk Farm Court from the south (Figure 3.4). The agricultural character of the building is legible from its architectural features; however the appreciation of this is eroded by the modern additions and alterations as well as the domestic character of the landscaped garden to the road frontage, and the timber panel fencing to the road frontage.
- 3.24 When viewed from Balk Farm Court the listed buildings are experienced alongside the modern residential estate to the south and east. (Figure 3.5). This experience emphasises the changed nature of the area and the semi-urbanised and transitional context in which the buildings now sit. These changes have altered the experience of the buildings, emphasising their residential qualities, and reducing the legibility of their historic function and character as an agricultural complex. Balk Farm Court itself has the character of a modern residential estate road, with a tarmac surface, raised curbs and pavements, traditional style street lighting and manicured hedges to boundaries.

Figure 3.5: View of Balk Farm Court. The listed buildings are to the left and late 20th century residential buildings to the right



- 3.25 Views of the buildings are available from the A61, from their immediate west and due to their elevated position above the road they have a degree of prominence in these views. However, they are experienced in the context of the surrounding residential buildings and their domestic gardens, and these views are kinetic, largely only experienced from moving vehicular traffic. Figure 3.4 illustrates the view of the Barn and farmhouse viewed from the A61. Due to the scale of intervening planting and trees wider views from the A61 are limited.
- 3.26 The A61 acts as a substantial visual and functional barrier between the buildings and the landscape to the north.
- 3.27 Whilst not publically accessible the barn is also legible in views looking north from within the Application Site (Figure 2.3). In these views the landscaped garden, domestic boundary fencing and planting, modern fenestration and gardens to the rear emphasise the changed and domestic character of the setting of the building.
- 3.28 The key aspect of setting which contributes to significance is therefore the enclosed plot and courtyard space which the listed buildings enclose. Views of the principal elevations the buildings are visible from within this space and their robust and functional architectural character is experienced. Additionally, the connections and group association between the two buildings is legible as a result of their similar architectural style and characteristics, and proximity.

Figure 3.6: View of the Listed Building and Barn from A61 looking east



Contribution of Application Site to significance

- 3.29 The Application Site comprises a garden to Stonewell House. It is highly domesticated and laid to lawn and contains areas of planting and mature trees. It is to the south of the group of listed buildings, beyond Balk Farm Court.
- 3.30 The Application Site represents part of the mixed surroundings of the listed buildings which contains largely residential dwellings, road infrastructure and garden space. Due to the dense conifer hedge to the north side of the site, there are limited views into the northern part of the site, though some views are available from the southern part where the land is elevated.
- 3.31 Historically the site was in agricultural use and may have formerly been functionally associated to the listed buildings as farmland. Whilst the site is open in character, its alteration and domestication to form a landscaped garden has entirely eroded any former historic agricultural character and therefore the appreciation of any former connection or functional association to the listed buildings.
- 3.32 The Application Site makes no contribution to the significance of the listed buildings.

Summary of Significance and setting

- 3.33 Balk Farmhouse and the Barn are of interest as a farmhouse and ancillary building dating to circa 1800. They are constructed in stone with stone slate roofs and have simple but robust architectural features which emphasise their former function and agricultural associations, as well as the connection between them.
- 3.34 The conversion, alteration and extension of the buildings for solely domestic use during the late 20th and early 21st century has eroded the appreciation of their former

agricultural character and function to a degree, as has the alteration to the courtyard space which has resulted in a formality through the use of the modern materials and finishes within it. Nevertheless the simple and robust architectural qualities of the buildings remain legible.

- 3.35 The landscape surrounding the buildings has been changed by the development of housing during the mid-late 20th century and the early 21st century. This has resulted in a fundamental change from rural open landscape to an urbanised character.
- 3.36 The key aspect of setting which contributes to significance is therefore the enclosed plot and courtyard space which the listed buildings enclose. Views of the principal elevations the buildings are visible from within this space and their robust and functional architectural character is experienced. Additionally, the connections and group association between the two buildings is legible as a result of their similar architectural style and characteristics, and proximity.
- 3.37 The Application Site makes no contribution to the overall significance of the listed buildings. It is heavily domestic in character and has no resonance with the former agricultural function of the buildings. Whilst a historic association may have existed, any legibility of this has been eroded.

4. Impact Assessment

Summary of Legislation and National Planning Policy

- 4.1 Under s66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, BMBC in determining the submitted planning application has a statutory duty to pay special attention to the desirability of preserving listed buildings, their setting or any features of special interest they may possess.
- 4.2 Case law has confirmed that Parliament's intention in enacting s66(1) was that decision-makers should give considerable importance and weight to the desirability of preserving the special interest and setting of listed buildings, where 'preserve' means 'to cause no harm'.
- 4.3 In accordance with paragraph 189 of the NPPF, the significance of the identified designated heritage assets, including the contribution made by setting to that significance (including the Application Site), has been assessed at Section 4 of this report.
- 4.4 Paragraph 192 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.5 Paragraph 193 requires that when considering the impact of a Proposed Development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. 'Conservation' is defined by the NPPF as *'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'*⁹
- 4.6 Paragraph 200 requires local planning authorities look for opportunities for new development within the setting of heritage assets to better reveal their significance. It states that proposals that preserve those elements of setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 4.7 The relevant heritage legislation, policy and guidance context for consideration of the Proposed Development is also set out in full in Appendix 2.

The Proposed Development

- 4.8 Outline planning permission is sought for the development of seven residential dwellings within the Application Site. The details of access and layout are to be considered with all other matters reserved.

⁹ MHCLG (2019) National Planning Policy Framework (NPPF) – Annex 2: Glossary

- 4.9 The buildings will be served by the existing access from Balk Farm Court, and the majority of existing boundary landscaping will be retained. Buildings are arranged in a linear pattern to the west and south side of the site.

Amendments

- 4.10 A planning application was submitted in March 2019 for the development of seven dwellings at the Application Site. Following comments from the Planning and Conservation Officers, amendments have been made to the proposals.
- 4.11 These amendments have involved:
- The alteration of the layout to move dwellings further south within the site to increase the stand-off to the listed buildings to the north; and
 - The retention of the existing planting belt to the north, to assist with screening the development.
 - Site sections are also now included.

Impact Assessment

- 4.12 The Proposed Development will change the character of the Application Site from a landscaped domestic garden to that of built development with associated infrastructure. The Proposed Development will bring development within the Application Site closer to the listed building however the essential domestic character of the site will be unchanged.
- 4.13 The proposed residential development will be visible in glimpsed views from Balk Farm Court, and the garden land immediately to the south of the Barn, as well as from the A61. However, the listed buildings are already experienced in a heavily domesticated context, with modern residential buildings enclosing the north, east and south and clearly visible from their principal frontages and the Proposed Development will be experienced in his existing urbanised context. It is noted that existing modern residential buildings 4, 5 and 6 Balk Farm Court are a similar distance to the listed buildings and more visible from the listed buildings that those now proposed.
- 4.14 When viewed from the A61 the Proposed Development will be partly screened by the tall conifer hedge to the east side of the Application Site, and this and Balk Farm Court itself will represent a legible boundary between the Proposed Development and the listed buildings. As described above, in these views the listed buildings are already experienced in an urbanised context.
- 4.15 The Proposed Development is set-back from the northern boundary of the Application Site and the proposed layout retains a buffer of open space and an existing belt of mature trees and hedgerows to the north side of the site; this will provide separation and assist in maintaining the green character of the site and provide a degree of screening of proposed new buildings.
- 4.16 The Proposed Development will not be visible from the frontage of Balk Farmhouse or the barn, or from the courtyard space to their frontage. The contribution this area makes to the listed buildings will be unchanged.

- 4.17 As described above the significance of the two listed buildings is ascribed largely to their architectural and historic interest as a farmhouse and ancillary barn dating to 1800. The Proposed Development will not affect the ability to appreciate their robust and functional architectural detailing, their former function as an agricultural complex, or their group connections. Their significance will be sustained.
- 4.18 In summary, the Proposed Development will therefore introduce built form to part of the setting of the listed buildings, however as discussed above, the site already has a domestic character and makes no contribution to the significance of the buildings. The listed buildings are already experienced in a heavily urbanised context and this will be unchanged. There will be no change to the appreciation of their architectural and architectural interest which is legible in their architectural detailing, form and group connections. Overall it is considered that the application will preserve the significance of the grade II listed Balk Farmhouse and barn.

Statutory Duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF

- 4.19 The statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of a listed building is a matter which should be accorded considerable importance and weight. The presumption is therefore that development proposals should not give rise to harm to the special interest or setting of a listed building.
- 4.20 Based on an assessment of the significance of the designated heritage assets and the contribution that elements of setting, including the Application Site, make to that significance, it is concluded that the Proposed Development will sustain the significance of the grade II listed Balk Farmhouse and separately listed Barn.
- 4.21 The requirement of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 can be satisfied if BMBC grants planning permission.
- 4.22 The Proposed Development will meet the objectives of paragraphs 192, 193 and 200 of the NPPF.

Local Planning Policy

- 4.23 The Proposed Development will conserve the significance of the grade II listed Balk Farm and Barn, and is therefore fully in accordance with the Policy HE1 of the BMBC Local Plan. In accordance with Policy HE2, this Heritage Statement is submitted, which has provided a description of the significance of the listed buildings, and an assessment of the impact of the Proposed Development upon them.

5. Summary and Conclusions

- 5.1 This Heritage Statement is prepared by Turley Heritage on behalf of Mr George Sharman in connection with an outline planning application for a residential development at Balk Farm Court, Barnsley.
- 5.2 The Proposed Development comprises the development of seven residential properties within the Application Site
- 5.3 The Application Site comprises an area of land to the immediate east of the A61 which is in use as a domestic garden to Stonewell House. There are two listed buildings to the north of the site, Balk Farmhouse, and 'Barn approximately 15m to south east of Balk Farmhouse', both of which are grade II listed.
- 5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority in determining applications for development affecting listed buildings and to have special regard to the desirability of preserving the special interest and setting of a listed building (s.66). In this context 'preserve' is taken to mean 'to do no harm'.
- 5.5 This Heritage Statement has considered each of the heritage assets affected and the contribution that setting makes to their significance. It is concluded that overall the Proposed Development will result in change within the setting of the assets but overall that their significance will be sustained.
- 5.6 With respect to the core planning principle of the NPPF in relation to the historic environment, the Proposed Development would sustain, and thereby conserve, the significance of the identified assets. Accordingly, the Proposed Development meets the objectives of paragraphs 192, 193 and 200 of the NPPF.
- 5.7 The requirement of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 can be satisfied if BMBC grants planning permission.

Appendix 1: Legislation and Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

Under s66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990, Cheshire East Council, in determining the submitted full planning application has a statutory duty to pay special attention to the desirability of preserving listed buildings, their setting or any features of special interest they may possess.

Case law has confirmed that Parliament's intention in enacting s66(1) was that decision-makers should give considerable importance and weight to the desirability of preserving the special interest and setting of listed buildings, where 'preserve' means 'to cause no harm'.

NPPF: National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) is the full statement of Government planning policy covering all aspects of the planning process. One of the twelve core planning principles of the NPPF is that planning should:

"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations."

Chapter 16 outlines the Government's guidance regarding conserving and enhancing the historic environment. Paragraph 189 outlines the information required to support planning applications affecting heritage assets. It states that applicants should provide a description of the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

With regard to determining such planning applications, Paragraph 192 provides that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets, and putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 further outlines that local planning authorities should give great weight to the asset's conservation when considering the impact on a Proposed Scheme on the significance of a designated asset.

Paragraph 200 states that local planning authorities should look for opportunities for new development 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 or better reveal the significance of a heritage asset should be treated favourably.

National Guidance

National Planning Policy Guidance, 2019

Whilst not planning policy the Planning Practice Guidance provides a clear indication of the Government's approach to the application of national policy contained in the NPPF. Where there is conflict between the guidance in the PPG and earlier documents the PPG will take precedence.

Good Practice Advice Note 3: The Setting of Heritage Assets, Historic England (2017)

The guidance advocates a staged approach to assessment involving identification of the affected assets and setting, an assessment of the degree to which setting and views contribute to the significance of the assets, an assessment of the effects of the proposed development, exploration of ways to maximise enhancement and avoid or minimise harm and the monitoring of outcomes.

The guidance makes it clear at paragraph 9 that setting is not a heritage asset, nor a heritage designation, rather its importance lies in what it contributes to the significance of the relevant heritage asset itself. The guidance sets out the need for a systematic and staged approach to assessing the impact of development proposals in the setting of a heritage asset. It confirms that such assessment should be based on an understanding of the significance of the heritage assets affected and then the contribution of setting to that significance. Guidance is provided on what potential attributes of setting may or may not make a contribution to the significance of a heritage asset, noting that in any one instance a limited selection of the attributes will be of particular relevance to an asset.

When assessing the effect of a proposed development on the significance of a heritage asset through effects on setting, matters of location and siting of development; the form and appearance of development; wider effects of the development; and, permanence are highlighted.

The guidance highlights a series of other considerations that are relevant to consideration of the proposed development including 'change over time', 'cumulative change', 'access and setting', 'designed settings', 'setting and urban design' and 'setting and economic viability'.

Historic England (2015) Historic Environment Good Practice Advice in Planning Note 2, Managing Significance in Decision-Taking in the Historic Environment

GPA Note 2 provides information to assist in implementing historic environment policy in the Framework and the related guidance given in the NPPG. These include; assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

BMBC Local Plan (2019)

Policy HE1 The Historic Environment

"We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk. This will be achieved by:-

a. Supporting proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place.

b. By ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance such as a Scheduled Ancient Monument) conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances where there is a clearly defined public benefit”.

Policy HE2 Heritage Statements and general application procedures

“Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting. This description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal. For sites with significant archaeological potential, a desk based assessment may be required in line with the provisions of Policy HE6. Applications made in outline form will not be accepted for proposals which will affect a conservation area, a listed building or any other designated heritage asset. In such cases, sufficiently detailed plans and drawings to enable an assessment to be made of the likely impact of the development upon the significance of any heritage assets affected will be required”.

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