

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL REFERENCE: APP/X1735/W/20/3259067

LPA REFERENCE: APP/19/00427

APPEAL AGAINST THE DECISION BY HAVANT BOROUGH COUNCIL TO
REFUSE FULL PLANNING PERMISSION FOR THE
ERECTION OF 50 DWELLINGS TOGETHER WITH ACCESS,
LANDSCAPING AND OPEN SPACE ON
LAND AT LOWER ROAD, BEDHAMPTON, HAVANT, PO3 3NB

HERITAGE EVIDENCE

FOR THE APPELLANT: BARGATE HOMES

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Technical Director, Terence O'Rourke Ltd

Submitted 5 January 2021

Inquiry starts: 4 February 2021 (4 days listed)

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1 INTRODUCTION

Personal details

- 1.1 My name is John Trehy and I am employed as a Technical Director at Terence O'Rourke Ltd (TOR), a planning, design and environmental consultancy established in 1985.
- 1.2 I hold a degree in archaeology from the University of Sheffield and since 1997 I have worked in the field of archaeology and heritage assessment in England, Scotland and Ireland, working in both the public and private sector. In recognition of my professional experience I have attained full professional membership of the Chartered Institute for Archaeologists.
- 1.3 In the past 16 years working at TOR I have been responsible for introducing professional heritage standards and developing cultural heritage best practice. I am responsible for preparing a range of cultural heritage assessments for inclusion in Environmental Statements. My broad range of professional experience across the public and private sectors has engendered a holistic cultural heritage approach to assessing the potential impacts of a wide range of development types from numerous renewable energy projects to a variety of rural and urban residential development projects in my time at TOR.
- 1.4 I have appeared as an expert witness on cultural heritage matters at a number of public inquiries: on behalf of SITA Suez in the successful appeal for an Energy from Waste facility at St Dennis Cornwall; on behalf of Dover District Council in the successful dismissal of the appeal for a wind farm at East Langdon, north of Dover on behalf of Carmarthenshire County Council in the successful dismissal of a wind farm at Bryn Llywelyn, Llanllwni and in the unsuccessful appeals for a residential scheme of Land at Forest Farm, Chippenham and a proposed park for AgriTech near Hinxton, South Cambridgeshire. Most recently I produced evidence to address heritage issues at an appeal at 193 Camp Hill Birmingham that resulted in heritage matters being uncontested at the planning inquiry. In all cases my professional judgement on the degree of harm to heritage assets has been validated in the decision reached by each Inspector regardless of whether the appeal was allowed or dismissed.

Scope of evidence

- 1.5 This proof considers the potential for effects on the setting, character and appearance of the Old Bedhampton conservation area, a designated heritage asset; the recently-amended boundaries of which lie in close proximity to the north-eastern and north-western extent of the Appeal Site (see Appendix 1, figure 1). No other effects on heritage assets, designated or non-designated, have been identified by the Council.
- 1.6 I include what I consider to be informative appendices to support my research on the site area's cultural heritage resource with a series of maps, site photos, a number of visualisations of the proposals produced in accordance with Landscape Institute guidelines and other material relevant to the case presented in this proof.
- 1.7 The evidence that I have prepared and provide for this appeal inquiry in this proof of evidence is true and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2 BACKGROUND INFORMATION

- 2.1 I was responsible for the production of the Heritage Statement (CD H1) and subsequent addendum (CD H2) that accompanied the planning application at the Appeal Site. There has been no criticism from the Havant Borough Council (HBC, the Council) conservation officers of our Heritage Statements or of the methodology, the study area used or the level of information provided. They form part of the core documents before this inquiry and I stand by their content and conclusions and therefore utilise the information in this proof where relevant to the focussed assessment.
- 2.2 The appeal site comprises 3.85 hectares of agricultural land to the south of Lower Road, Bedhampton immediately adjoining the urban settlement boundary, whilst to the north of Lower Road are relatively modern residential properties of varying ages which provide the immediate setting to the site. The site does not lie within any area designated for its landscape or heritage importance.

The Old Bedhampton Conservation Area Appraisal and review process - summary

- 2.3 Havant Borough Council was approached by the Friends of Bidbury Mead (BMF) in early 2017 requesting an update of the Old Bedhampton Conservation Area Appraisal (adopted 1994). In May 2017, BMF suggested themselves commissioning consultants to produce an appraisal to include a boundary review, which could then help to inform HBC's review. Agreement in principle was received from the former Head of Planning, and work began in summer 2017. A draft was issued to HBC for review in summer 2018. After a series of comments from the conservation officer and production of further drafts, the draft appraisal was formally considered at a meeting of BMF and their consultant with council officers, ward councillors and Historic England in August 2018. Proposed extensions to the east and north at Bidbury Mead and on Bedhampton Road were accepted as having sufficient special interest to justify inclusion in the conservation area. Several other recommended extensions were rejected, including a proposed addition of Lower Road, Old Manor Farm and the land to the south, as both council officers and Historic England considered that this area did not meet the requirement for special interest and that its inclusion could devalue the conservation area. It was noted that Old Manor Farm could be considered for the list of Local Interest Buildings. Despite this, the final draft received from BMF in October 2018 retained these recommendations.
- 2.4 HBC then produced its own appraisal, largely based on the BMF's, but without the extensions to the south and south west, including at Lower Road, giving as the reason that they did "not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". The period of public consultation on the draft appraisal took place alongside the Pre-submission draft Local Plan 2036 between February and March 2019. Based on the responses from Historic England and others, including BMF, a revised draft appraisal was produced dated June 2019 and was presented to an Extraordinary Operations and Place Shaping Board on 17 July. The reports to that meeting gave an account of the process to date, explained the proposed extensions to the conservation area boundary to the east and north, and reiterated the reasons for excluding other areas, including at Lower Road. The draft appraisal and boundary amendments were presented to the Cabinet on 11 September, which against the officer recommendation adopted a revised conservation area boundary to include a separate detached area at Old Manor Farm on Lower Road. This amended boundary was then adopted by Full Council on 25 September. The Old Bedhampton

Conservation Area Appraisal September 2019 as adopted (CD H3), includes the detached satellite area, character area 5 Old Manor Farm.

- 2.5 It is my opinion that the original intention of BMF may well have been to safeguard the valuable open space of Bidbury Mead and recognise tangible built heritage assets to the north on Bedhampton Road, but evidence obtained under an Environmental Information Regulations (Freedom of Information FOI) by the Appellant in September 2018 clearly shows the lengths taken to include the Appeal Site within a revised conservation area boundary and the measures taken to inflate the significance of Old Manor Farm (Appendix 5 summary timeline). Several HBC conservation officers along with Historic England failed to identify the Appeal Site as an area worthy of inclusion within a future revision and failed to advise on its inclusion as a green buffer or area that contributes positively to the setting of Old Bedhampton conservation area. This was contrary to the BMF commissioned appraisal findings and resulted in increased demands and unreasonable pressure being applied to HBC officers by BMF members who now appear as Bedhampton Heritage Alliance as a Rule 6 party. The extent, duration and incessant nature of demands by BMF on HBC extended from Summer 2018 through to adoption of the CAA in September 2019.
- 2.6 HBC officers welcomed and encouraged a community led appraisal to inform a review of the Old Bedhampton conservation area. HBC were not pressured into applying additional development controls to the review of the conservation area boundary by adding in land, such as the Appeal Site, that did not provide sufficient special interest. Through the long process of producing the CAA the advice of HBC officers remained consistent in relation to not including the Appeal Site or buildings along Lower Road. Designation should never be undertaken solely in response to local pressure to implement planning controls. The aforementioned intel gleaned from the EIR (FOI) illustrates the incessant nature of efforts by local objectors, before this Inquiry as a Rule 6 party, led to informed officer professional opinion being undermined by Members as a result of the vociferous and emotive arguments presented at numerous committees.
- 2.7 Following the amendments made by Members, ignoring their officer recommendations and being led by incessant local community pressure, the final adopted version of the Conservation Area Appraisal (CD H3) confirms the extension to include character area 5, which is described as:

C. Old Manor Farm buildings

7.6 These buildings provide insight into the agricultural past of the settlement. Whilst they are no longer in their original agricultural use, they retain some interesting architectural features and the relationship between the buildings is distinctly that of a farmyard arrangement.

- 2.8 Old Manor Farm buildings themselves have been converted to residential use, eight dwellings in total. More recently, a substantial new dwelling¹, now known as Manor Barn, has been erected behind 1-3 Farm Cottages close to the western boundary of the Appeal Site, which together with the residential extensions and domestic paraphernalia, detract from the importance of the group of older buildings (see Appendix 6b). With respect to the surrounding agricultural land, which includes the appeal site, the CA Appraisal confirms;

7.8 Although these areas form part of the setting to the conservation area, and historic connections can be evidenced from mapping and other sources, they are mainly fields that do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Therefore, these areas are not included within the revised boundary of the conservation area.

- 2.9 The Appeal application was the subject of extensive pre-application discussions with the Planning Officers, thorough community engagement and an extensive dialogue during the determination of the application to ensure that all relevant matters raised had been appropriately resolved in order to enable the Planning Officer to recommend the application for approval. This conclusion was reached primarily due to an acceptance by the conservation officer that while the Appeal Site fell within the setting of the conservation area, there were measures within the layout, design and appropriate vernacular material palette that it was felt minimised the degree of harm to allow the application to be balanced against the public benefits, as per NPPF paragraph 196. This Appeal is being heard as a consequence of HBC members consistently ignoring their officer recommendations on the acceptability of the

¹ Land adjacent to Farm Cottages with numerous planning applications 07/70873/001; APP/10/00533; APP/12/00160; APP/12/01152 and APP/14/01040 – also see Appendix 6b

proposals. The excessive local pressure intensified following their unsuccessful attempt to get the Appeal Site included within the review of the conservation area boundary. This has led to unwarranted inflation of the importance and role of the Appeal Site as a contributing element of the significance of the conservation area that is not supported by the CAA, or the archaeology evaluation works undertaken.

- 2.10 An application has been made by local residents claiming a Right of Way across the Appeal Site. This is a separate matter that will be determined by Hampshire County Council in due course.
- 2.11 Pre-determination archaeological trenching was undertaken by Pre-Construct Archaeology in February 2020. The evaluation uncovered what appeared to be a former compacted surface/path/track present in three trenches, which correlated with the track alignment depicted on 18th/19th century Ordnance Survey maps (see CD H1, Figure 3). Much has been made of the early historic origin and claimed importance/significance of this track/path, the history of which forms the basis of much criticism by the Rule 6 party before this inquiry. However, the stratigraphical and artefactual evidence uncovered in the trench evaluation has demonstrated how this feature was infilled with 19th century material, with no evidence found for any earlier manifestation. Further detail and clarification of the significance of this historic route is provided at paragraph 4.6.
- 2.12 It is important to stress that the proposed layout fully accommodates and duly safeguards the route of this track. The eastern portion of the Appeal Site that is crossed by the line of this trackway will remain free from direct below ground impact. This mitigation by design approach has been scrutinised and approved by David Hopkins, Hampshire County Archaeologist as advisor to the Council, along with the results of the evaluation trenching and suggested targeted mitigation to be addressed by the imposition of a planning condition.
- 2.13 Planning permission was refused by Members of the Havant Borough Council Planning Committee, against officers' recommendation by notice dated 26 March 2020. The heritage reason for refusal reads as follows:
1. *The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which*

provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 2.14 The wording falsely alleges that it is the scale of the proposed development (a 50-unit scheme of one and two-storey houses opposite similar properties along Lower Road) and will be sited on the only remnant area of agricultural land (but land immediately east and west will continue in agricultural use). My evidence presented in the assessment below will clearly show how the Appeal Site is not identified as a key contributory attribute of the Old Bedhampton conservation area and further development of the scale and design proposed will not give rise to harmful effects to character or appearance.

3 LEGISLATION, POLICY AND GUIDANCE

- 3.1 The Town Country Planning (Listed Buildings and Conservation Areas) Act 1990 at section 66(1) outlines the general duty as respects listed buildings in exercise of the planning functions of local planning authorities (LPAs). This states that in considering whether to grant planning permission for development which affects a listed building or its setting the LPA or 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*”. The corresponding statutory duty in relation to conservation areas is at section 72(1) which states that “*special attention*” shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 3.2 The most relevant legal cases with specific heritage implications are:
- East Northamptonshire District Council, English Heritage and the National Trust v Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd (Case CO/4231/2012; Appeal Case No. C1/2013/0843) (hereafter referred to as the Barnwell Manor ruling) (CD H8)
 - The Forge Field Society & Ors, R (on the application of) v Sevenoaks District Council [2014] EWHC 189 (Case CO/16932/2013) (CD H9)

- Dorothy Bohm & Ors v Secretary of State for Communities and Local Government & Ors [2017] EWHC 3217 (Admin) (08 December 2017) (CD H10).

3.3 These cases have confirmed the importance of a local authority applying significant weight to the duties in the 1990 Act as part of its decision-making process, in particular on whether the setting of a listed buildings will be preserved. There is a presumption against granting permission for a development that would fail to preserve a listed building and its setting or the character or appearance of a conservation area. In determining whether there is harm as a result of a proposed development it is the effect of the proposal as a whole, both positive and negative effects, that is considered.

National planning policy

3.4 National planning policy guidance on conserving and enhancing the historic environment is contained within the National Planning Policy Framework (NPPF) the online National Planning Practice Guidance, and the Good Practice Advice (GPA) published by Historic England GPA1 Local plan making, GPA2 Managing significance in decision-taking in the historic environment and GPA3 The setting of heritage assets (CD H4-H6).

3.5 Paragraph 186 of the NPPF states that:

“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”

3.6 Paragraph 189 of the NPPF states that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affects, 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.”

3.7 Paragraph 190 continues:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development

affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise”.

- 3.8 Depending upon the type and level of change, the proposal may give rise to harm, paragraph 196 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

- 3.9 Paragraph 197 reiterates the planning balance and judgement required for non-designated heritage assets:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 3.10 Paragraph 200 is of relevance as it states how *“local planning authorities should look for opportunities for new developments within conservation areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”*

Local plan

- 3.11 The local plan policy is provided by Havant Borough Local Plan (Core Strategy) adopted 2011 (CD P8) and the Havant Borough Local Plan (Allocations) adopted 2014 (CD P9). Core strategy policy CS11 Protecting and Enhancing the Special Environment and Heritage states that planning permission will be granted for development that *“protects and where appropriate enhances the borough’s statutory and non-statutory heritage designations”*. In addition, policy DM20 of the allocations plan states that, *“Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough”*.
- 3.12 The Havant Borough Local Plan 2036, was ratified by Full Council in September 2020 and according to the Havant Borough Local Development Scheme November 2020 (CD P11), is likely to be submitted for Examination in Q1 2021. Policy H20 Land south of Lower Road identifies residential development of *“about 50 dwellings”*.

- 3.13 Policy E13 'Historic environment and heritage assets' states that;
"Development proposals will be permitted which:
- a. Protect, conserve and where possible, enhance the significance of designated and non-designated heritage assets and their settings;*
 - b. Respect heritage assets and their contribution to local distinctiveness and sense of place; and*
 - c. Make sensitive use of heritage assets, especially those at risk through regeneration and re-use."*

- 3.14 The Old Bedhampton Conservation Area was first designated in 1980, an appraisal including boundary review was produced between 2017 and 2019 (see paragraphs 2.3-2.4 above for summary) and the revised conservation area appraisal was adopted in September 2019 (CD H3).

Definitions

- 3.15 A Local Planning Authority has powers and obligations to designate as conservation areas, *"areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance"* (under Section 69 of the Planning (listed buildings and conservation areas) Act 1990).
- 3.16 The NPPG clearly states how *"Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use and as yet undiscovered, undesignated buried remains of archaeological interest."* (NPPG 18A-002-2019.0723)
- 3.17 Heritage asset is 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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)." Conservation areas are a type of designated heritage asset; they differ from other types of designated heritage assets in that they are generally designated as a local rather than a national level.
- 3.18 The NPPG clarifies what non-designated heritage assets are; *"Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting*

consideration in planning decisions but which do not meet the criteria for designated heritage assets.” (NPPG 18A-039-2019.0723)

- 3.19 The significance of a heritage asset is also defined in the glossary 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.”
- 3.20 The setting of a heritage asset is defined in the glossary of the NPPF 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.”
- 3.21 Setting is not a heritage asset or a heritage designation in itself, and its importance lies in what it contributes to the significance of the heritage asset. The approach to identifying those heritage assets likely to be affected by a development proposal is given in the guidance by Historic England, which states that, *“The setting of a heritage asset is ‘the surroundings in which a heritage asset is experienced’ (NPPF, Annex 2: Glossary). Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset.”* (GPA3, paragraph 20; CD H6) The guidance aims for a consistent approach to the assessment of setting and the range of historic, visual and functional relationships that can define the contribution of adjoining land to the significance of any single asset or group of assets. These include physical attributes and perceptual values, depending on the nature of an asset and its past and present surroundings. Potentially significant views can be deliberately designed or incidental, or the result of later changes.
- 3.22 The guidance notes that the capacity of settings to accommodate change without harm to the significance of the asset will differ (paragraph 17), and that change may be positive, negative or neutral depending on the degree of effect. A broad approach to a proportionate assessment of the nature, extent and level of change proposed to the significance of a heritage asset is set out in a series of steps (CD H6):

Step 1: Identify which heritage assets and their settings are affected

Defines an area of search within which it is reasonable to consider setting effects of a proposed development and considers the sensitivity of assets to change to ensure a proportionate level of assessment

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

Addresses the key attributes of the heritage asset itself and then considers a range of potential attributes of the setting, such as the physical surroundings and any relationship with other heritage assets, and the way views allow the significance of the asset to be appreciated

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

Considers the effects a development may have on setting and evaluates the resultant degree of harm or benefit to the significance of the heritage asset. The assessment should address the attributes of the proposed development in terms of its location and siting, form and appearance, wider effects and permanence.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

Gives examples of the enhancement of the setting of an asset, such as removing or replacing existing intrusive or detrimental features, restoring lost historic features or views or introducing new ones, including improved framed views that add to the public appreciation and experience of an asset.

Potential measures to minimise harm may be limited by fundamental issues such as the proximity, location or scale of the development, but could include changes to the layout of development. Design quality may also be an important consideration.

4 ASSESSMENT OF THE HERITAGE ASSETS

4.1 No physical works or changes are proposed to any heritage assets as part of the proposed development. There is therefore no potential for effects on the significance derived from the fabric of the heritage assets. Consideration is given only to changes to the contribution of the setting of the assets to the significance and to the ability to appreciate that significance.

4.2 The reason for the process of heritage assessment presented before this inquiry is succinctly expressed in the following quotation from a presentation given by Dr Nigel Barker, former Head of Planning, Historic England (Appendix 2):

“Without a good understanding of the significance or special interest of the asset affected it is not possible to clearly identify the contribution made by setting. It follows that, without an understanding of the contribution made by setting, any assessment of impact will be flawed and meeting the statutory tests relating to having special regard for preserving setting, and convincingly identifying the level of harm, will be difficult to achieve. Correctly assessing the level of potential harm is important because the appropriate approach to the planning judgement flows from it. Setting is a matter of qualitative and expert judgement and therefore technical analyses should be used as material supporting a clearly expressed and non-technical narrative argument.”

The significance of the heritage asset based on the Old Bedhampton Conservation Area Appraisal (adopted September 2019)

4.3 The CAA (CD H3) contains measures that are intended to allow decision-makers ease of access and understanding to what is and is not considered to contribute to its significance. It uses bullet points to identify the key features of the area’s historic or architectural interest and those aspects of character or appearance considered most essential to preserve or enhance. This is provided at the start of the document under the heading ‘Statement of Special Interest’ at the start of the document;

“Character features

- *Network of early lanes and routes survive and are still used today*
- *Sections of a surviving network passing east-west through the heart of the settlement*
- *Relatively tranquil setting afforded by informal layout of road and light traffic*

- *Protected trees*
- *Natural springs, ponds and streams – important to the historical location of the settlement*
- *The Mill complex of buildings and associated water features all provide evidence of the former economic prosperity of the village*
- *Victorian railway bridge along Mill Lane that links the village to the mills*
- *The listed buildings add character to the conservation area through both their historic structure but also their large plots which gives the historic core of the village its more open grain than the later development.”*

Section 4 of the CAA (CD H3, 30) details the character and appearance and ‘Features that contribute to special interest’ and lists one additional bullet point;

- *“Notable non-designated heritage assets including a locally listed historic park and garden.”*

- 4.4 The Appeal Site, Old Manor Farm sited to the west or how the Appeal Site hints at the former rural setting of the village are not mentioned as being special interest character features of the Old Bedhampton conservation area. While the rural setting is considered within the CAA (CD H3, paragraph 4.7 under Spatial Analysis and 4.12 on Open Spaces, Landscape and Tree), there is no mention of the Appeal Site or the adjacent Old Manor Farm under Views/Vistas, Focal Points and Focal Buildings and the Appeal Site is not considered to contribute positively or negatively to the setting of part or the whole Old Bedhampton conservation area.
- 4.5 The proposals at the Appeal Site are for 50 dwellings (including 30% affordable homes) together with a new access from Lower Road, landscaping and public open space. These proposals will not appear alien in form as they will be sited opposite the existing residential suburban form on Lower Road. This, in my opinion, will allow the proposals to assimilate within an appropriate residential character area and result in no material harm to the identified significance that contributes to the character and appearance of Old Bedhampton conservation area as set out above in paragraph 4.3.
- 4.6 The assessment in this evidence follows the sequence given in the GPA steps 1 to 4 outlined in 3.19 above (CD H6). Step 5, decision making and monitoring, is not relevant to/does not form part of this evidence.

Step 1: Identify which heritage assets and their settings are affected

- 4.7 The assessment that follows is focussed upon only two of the five character areas of Old Bedhampton conservation area (Appendix 1 Figure 2). For the other three, there is no potential for effects from development at the Appeal Site, which is not likely to change their identified character, appearance or setting because of a combination of factors such as distance, topography, intervening vegetation, railway line and residential development. These are listed below:

Character Area and number
2: Mill and associated lands
3: Bidbury Mead
4: Old School/Gospel Hall

- 4.8 The development proposed at the Appeal Site has no potential to result in change to the setting of designated heritage assets sited to the north and east, (see Appendix 1 figures 1 & 2). The heritage assets within the vicinity of the Appeal Site are the listed buildings that define the primary character and appearance of the Old Bedhampton conservation area. Our original Heritage Statement (CD H1 paragraph 4.3) concluded:

“None of the listed buildings have a direct functional or historic relationship with the application site, and despite the proximity, visual and spatial relationships are restricted. The closest listed building to the site is the grade II The Elms, set prominently on a corner. The combination of the road alignment and the extensive mature vegetation on both sides of the lane and terminating the view south, prevents any views beyond the right-angled corner. The proposed development will therefore not be visible directly from within the grounds of The Elms or from the approaches. The proposed building edge set back behind the existing hedgerows and within the east-west aligned section of Lower Road is not perceptible from further up the lane. There should be no change to the setting of this listed building and no effects are predicted. All the other listed buildings in the old centre are further detached from the site area with no connection to the land and no views. No effects on the individual listed buildings within the conservation area are predicted as a result of the proposed development.”*

This conclusion has not been questioned in the Council's conservation officer's responses (see Appendix 3) and potential effects on the setting of listed buildings, covered under Section 66(1) of the Planning (listed buildings and conservation areas) Act 1990, are not given within reason for refusal (1) on heritage matters (see 2.4 above). Effects on the individual listed buildings therefore will not form part of this evidence.

- 4.9 There is a feature identified as an undesignated heritage asset by virtue of an event record in the historic environment record maintained by Hampshire County Council (HHER) of the pre-determination archaeological work at the Appeal Site. A scheme of evaluation trenching took place in February 2020 by Pre-Construct Archaeology, which revealed a former trackway in three trenches as a cut feature, backfilled with material dating to c.1900. This suggests it was filled in at this date but it has been ascribed a time period c.1700-1900 due to a depiction of a track on late 18th century maps (HHER 71351 Archaeology Event). An archaeological 'Event' is a data entry within an HER that documents an activity at a particular geographical point but is not evidence of the physical remains or particular alignment of the aforementioned trackway.
- 4.10 The results of this evaluation were closely monitored and subsequently endorsed by the Hampshire County Archaeologist, David Hopkins as sufficient to determine potential impacts of the proposals on the archaeological resource. It was concluded that a planning condition would be a proportionate mechanism to preserve by record the few prehistoric features revealed in the evaluation. A record of this phase of work, and any results, will also eventually be added to the HHER.
- 4.11 The CAA sets out five character areas around Old Bedhampton that were formally adopted in September 2019 and now form part of the designated area (see Appendix 1 figures 1 & 2). Two character areas are considered to have the potential to be affected by the proposals as a result of changes to setting primarily as a result of their close proximity of the Appeal Site. These are:

Character Area and number
1. Historic settlement core
5. Old Manor Farm

- 4.12 The following section considers each of these character areas against steps 2 to 4 outlined in the GPA3 (CD H6). The following summarises the salient points of the analysis from our Heritage Statement (CD H1) whilst utilising a further set of photographs taken during our site visits in 2020; figures illustrating the site based upon Ordnance Survey (OS) mapping and aerial photography data; we also include a selection of historic OS mapping to illustrate the growth of Bedhampton in relation to the conservation area and a set of heritage visualisations taken from five key locations close to the Appeal Site and from available vantage points within Old Bedhampton conservation area. The creation of the visualisations is based upon best practice guidance as set out in Guidelines for Landscape and Visual Impact Assessment (GLVIA 2013) and the methodology used is set out in Appendix 4. From a heritage assessment perspective guidance (CD H7 p.22) recognises the reasons for utilising established best practice and why:

“Heritage assets can gain significance from their relationship with their setting whilst views from within or outside an area form an important way in which its significance is experienced and appreciated.”

CHARACTER AREA 1: HISTORIC SETTLEMENT CORE

(Appendix 1 figures 1 & 2; figure 3c views i-ix & 3d views i-ii; figures 7-13)

- 4.13 The Domesday Book records the existence of a church at Bedhampton, the exact location of which is not known but may be beneath the site of the raised churchyard of St Thomas' church. The earliest part of the present building dates to c.1140, there were several later medieval phases and significant rebuilding in the later 19th century. It is of modest scale, with no tower, and is partially obscured by the surrounding mature trees.
- 4.14 The settlement pattern of the medieval parish of Bedhampton was based on a longstanding division into two separate areas; one around the Church of St Thomas and Manor House by Bedhampton Springs, and one to the north east on the road from Havant. The nucleus of the Old Bedhampton conservation area *“is clearly identified as being centred on the Church of St. Thomas the Apostle, the Old Rectory, Bidbury House and The Manor House”* (CD H3 CAA 2.2, page 5). The manor house adjacent to the church and overlooking Bidbury Mead retains a 16th century timber framed section visible in the east façade, within a house that was greatly expanded in the mid 19th century. A brick wall of Tudor date still forms the

boundary with Bidbury Mead to the east. Much of the land to the north was occupied by a deer park that remained in operation until the end of the 16th century. The parish was an area of relatively early enclosure, and a 1632 survey of the manor states that by that date the deer park had been enclosed and divided into farms, and the rest of the land was already enclosed fields with a mixture of arable and pasture.

- 4.15 By the late 18th century the part of the village around the church was characterised by a few large formal houses, all set closely onto the road. The two houses opposite the church, Bidbury House and The Old Rectory, are both of late 18th century date (**see Appendix 1 figure 3c view ii, iii**). The Elms to the west is of 17th century origin but owes its present appearance to the late 18th century when it was remodelled in Strawberry Hill Gothick style (**see Appendix 1 figure 3c view vii**). The distinctive tower was added later when the house was expanded to accommodate a dining hall built to honour a visit by the Duke of Wellington. It is set on the corner of the road with the formal façade and tower designed to be viewed from what was then the main road between Portsmouth and Chichester.
- 4.16 Early maps show the old village to have a dispersed settlement pattern and to consist principally of detached buildings set within substantial plots. There was a cluster of houses along Brookside Road near the Church, and a group of inns, shops and houses along Bedhampton Road, separated from the Church by Bidbury Mead. The 1870 map (see Appendix 1 figure 4a) shows the influence of the central band of springs and ponds on the form of the hamlet, there is a large pond at the junction of Bidbury Lane and Brookside, served by the springs to the north, and other channels and drains are marked extending south and leading to the sluices and the mill dam at Bedhampton Mill to join further channels leading from Upper Mill. The area at Lower Road is depicted as before as a single large field parcel, with the route south to the marshes by the harbour retained and crossing a bridge over the railway. The map also shows the detail of the extensive gardens at The Elms, including a temple and a grotto, and a pound at the corner of Lower Road. The Old Bedhampton CA is divided in two by the Portsmouth to London railway constructed in 1847 separating the two mills from the historic core of the village.
- 4.17 In 1907 a new station opened on the railway line at Bedhampton Halt, at the old settlement area on the Havant road, beginning the process of change in the character of this area into a residential suburb of Portsmouth, distinct from the more agricultural village to the south (Appendix 1 figure 4b). An addition made by 1909

was Manor Farm off Lower Road, a new farm consisting of a planned courtyard of farm buildings and three houses on the south side of the road. At a similar date two short terraces of houses were constructed opposite the farm. The urban form and appearance of the terraces is similar to the ribbon development taking place at Bedhampton Hill to the north and also shared some plot alignments. Significant housing development continued in the inter-war years, especially after the sale of the Belmont estate in 1937 (Appendix 1 figure 4c). On Lower Road, the housing along the north side of the road and the infill up to Bedhampton Hill was complete by the 1950s. To the north of the Appeal Site, Infill also occupied the former grounds of The Elms, along Lodge Road, and the drained areas of the former pond on the junction of Brookside Road by the church. Pre and post-war residential development has enveloped that part of the village on Bedhampton Road, while the older part of the village 'Old Bedhampton', even where development has occurred has largely retained its identity and its historic character remains readable, recognisable and appreciable today (see Appendix 1 figure 4d).

- 4.18 The buildings of national interest (nine of the 10 are sited within the historic core of the Old Bedhampton conservation area) are the medieval church, much altered in the later 19th century, the four high status houses, including one listed grade II*, and two other houses that are more modest (Appendix 1 figure 1). The nature of the historic development of Bedhampton and the scale of development since the early 20th century mean the older buildings are now a very small proportion of the modern settlement, and are also differentiated by their large scale and architectural quality. The dominant character of much of the setting of the listed buildings and the historic core is therefore later 20th century residential suburbs (this is especially the case for character area 5 (see below)), and c.50% of the buildings within the entirety of conservation area were constructed post-1945, see Appendix 1 figure 2).
- 4.19 The historic core of the conservation area derives a strong character from the closely related group of historic buildings and the visible scale and formality of the individual houses alongside suburban houses. The buildings are set within an enclosed and intricate layout established by the roads, with several right-angled corners, and the divisions created by the multiple channels and drains leading from the springs. The long sections of high brick boundary walls along the roads (**see Appendix 1 figure 3c view i, iii**), reinforced by significant mature trees in gardens as well as high hedges (**see Appendix 1 figure 3c view iii, vi & vii**) are also important to the impression of enclosure. Visual relationships within this part of the conservation area

are therefore restricted to short internal views, often terminated by the principal buildings. There are very few views outside to the surrounding land, which has allowed the area to retain some rural character because the surrounding development and major highways are not a strong presence within the historic core of the old village centre, although road noise is significant in some places (**see Appendix 1 figure 3d view i & ii**).

- 4.20 The boundary of the historic core character area includes Lower Road up to the right-angled corner, including the buildings and gardens up to the recently rebuilt no. 11 The Willows on the eastern side, but the road only on the western side (**see Appendix 1 figure 3b views i-iii**). From the site frontage along Lower Road views south across the Appeal Site are terminated by vegetation along the railway and to the west by strong woodland belts planted at J8 of the A27/A3(M), seen in context with the continuation of housing along the northern side of Lower Road. A mature conifer shelter belt defines the eastern boundary of the site and acts as a strong visual division, resulting in the separation of the field parcel immediately south of no. 11 The Willows to the south of the historic core (**see Appendix 1 figure 3b view iii**). This shelter belt is a prominent feature from the vantage point of the railway bridge on Mill Lane (**see Appendix 1 figure 12**) and in a brief high level view east from the A27 where the road crosses the railway (**see Appendix 1 Viewpoint 5 figure 14 & 15**).
- 4.21 The relationship of the Appeal Site to the historic core is restricted to the single point on the boundary at the corner of Lower Road and there are no other views of the historic core and little to advertise the presence its location, given the intricate and enclosed form of the village, the absence of a landmark such as a church tower/spire and the effect of extensive vegetation. As part of the setting of the conservation area to the south west, the Appeal Site is the least distinctive area and the most influenced by the adjacent development (**see Appendix 1 figure 3a view i, v & vi**).
- 4.22 The proposed area of open space on the eastern side of the Appeal Site makes a feature of the alignment of the farm track along the old route leading south, and the provision of the farm access alongside the tree belt will retain an agricultural function within this area, and the connection to the adjacent field to the east that will remain in cultivation.

- 4.23 The conservation officer response dated 3/7/2019 (Appendix 3) recognises the positive design measures of the proposal that has been in “*such a way that it would minimise harm*” by being:
- “... set back from the existing dense boundary hedgerow to the south of Lower Road and would be only marginally visible from further up Lower Road, when travelling south, moving outside of the conservation area boundary. The lowest density of housing is proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed which is positive, which appear to be well suited to the palette of materials in the local vernacular.”*
- 4.24 The before and after photomontages are presented to illustrate the degree of visual change proposed at the Appeal Site. Viewpoint 2 in Summer (figures 7 & 8) and Winter (figures 9 & 10) is taken from the point mentioned ‘travelling south’ on Lower Road at the end point of the designated historic core. It shows no recognisable detracting from the gable end of 1-3 Farm Cottages that can be seen through the gap provided by the farm gate, with house no.1 of the proposals visible in the Winter view. This is appreciated in the context of the line of residential properties along the northern side of Lower Road so does not appear incongruous. Further north, and outside the entrance to the most significant nationally designated listed building in the historic core, The Elms grade II*, a single existing viewpoint is presented (**Viewpoint 3 figure 11**). The curve in Lower Road and south western corner, the location of viewpoint 2, can be seen in the view but the high tree canopy, curvature of the road and intervening properties negate any possible view of the Appeal Site.
- 4.25 The proposed development will result in the loss of the open agricultural land of the Appeal Site and the introduction of a visible new built edge when viewed from the south west corner of the historic core character area (compare Appendix 1 Viewpoint 2 to Viewpoint 3 outside The Elms c.100-metres north of the Appeal Site). Agricultural activity will not stop as a result of the proposed development with both of the adjoining fields to the west and east continuing in arable production. Therefore, the rural aspects of the setting that are identified as contributing to part of the significance of the conservation area will predominantly remain readable. The change in character will be a localised change that will be perceptible only at this point of the boundary of the conservation area, and the value of the wide setting to the south of the historic core of the village and up to the former mills, especially as experienced in the high level view from the railway bridge (**Appendix 1 Viewpoint**

4), will remain unaltered, primarily as a result of the new proposals not being visually comparable and juxtaposed with the old character and appearance of the historic core of Old Bedhampton conservation area.

- 4.26 For the reasons set out above the proposed development at the Appeal Site would have no impact on the recognised important features cited as bullet points in the 'Statement of Special Interest' or section 4 that details the 'Features that contribute to special interest' within character area 1: historic core.

CHARACTER AREA 5: OLD MANOR FARM

(Appendix 1 figures 1 & 2; figure 3a Views i-vi & 3c Views x & xi; figures 5 & 6)

- 4.27 The former farm buildings at Old Manor Farm are a detached and self-contained group that was established outside the older village centre, and is now on the edge of the large area of suburban development on the west side of Bedhampton. The building group consists of a large regular courtyard of c.1900 (converted to five dwellings; **see Appendix 1 figure 3c view x**) and a short terrace of three cottages (nos. 1-3 Farm Cottages; **see Appendix 1 figure 3c view xi**), as well as the modern house at the south east corner of the group (Manor Barn). The conservation area appraisal makes no reference to the number of properties that fall within this character area, the 1990s conversion of the Old Manor Farm complex of buildings or the recent addition incrementally since 2014 of Manor Barn (see Appendix 6b).
- 4.28 The contribution of the setting of the conservation area, including the land at Lower Road, to the significance of the asset is described in the CAA (CD H3) which states, "*The immediate setting of the conservation area is an important aspect of its significance, particularly areas such as Bidbury Mead, lands to the south of Bidbury Lane and farmlands to the south and south west of Lower Road.*" (paragraph 2.8). The farmland to the south and south west of the village, bounded by the railway to the south and the A27 to the west, is considered "*to reinforce the rural origins of the settlement ... evidenced by the surviving farm group to the south side of Lower Road and the farmland with the historic route / footpath leading to another bridge providing access to the severed area south of the railway line.*" (paragraph 4.12).
- 4.29 The relationship of the Appeal Site to the building group at Manor Farm was carefully considered in the layout and design of the proposed development even before its inclusion in the conservation area designation. The existing hedges at the north east

edge of the proposed development are retained and reinforced by additional landscape planting and the areas of private gardens, ensuring built development is set back from the gardens around the former farm area that is now recognisable as the corner plot of Manor Barn (see **Appendix 1 figure 3a view ii, iii & vi**). The hedgerows along Lower Road have also been retained and built development is set back in order to preserve the views southwards to the bridge over the railway line and east towards the gable end of the row of cottages. The new proposals will assimilate with ease with the new built form of Manor Farm and the access track to that property off Lower Road provides an effective buffer to the eastern gable of 1-3 Farm Cottages (see **Appendix 1 Viewpoint 1 figure 5**). The design response within the proposals is for bungalows to deliver low density in the north western part of the Appeal Site closest to the access track to Manor Barn (see **Appendix 1 Viewpoint 1 figure 6**).

- 4.30 The connection to the former agricultural landholding of Manor Farm is preserved in the land to the west which is to remain in agricultural use, with a dedicated farm access provided through the landscaped areas around the development on the eastern part of the Appeal Site. The rural origin of the converted farm buildings and their historic and functional setting therefore remains legible within the modern suburban context. It is important here to note that the proposed dwelling at Manor Barn was considered in the delegated planning officer report to be “*situated within an urban area where further development is considered acceptable subject to the usual development control criteria*” (see Appendix 6b Application Ref. Land adjacent to Farm Cottages, APP/14/01040 paragraph 7.1).
- 4.31 Replacement planting of more appropriate species is proposed along the east side of the coniferous shelter belt that is identified in the CAA as a detracting feature. This will allow the conifers to be removed in the future and will therefore benefit the conservation area, by allowing the replacement of a detracting feature of the farmland setting to the south and replacement with more native species to ensure assimilation with the existing local environment. Further details can be found within the Arboricultural reports (Haverson 2018 & 2019), as well as the site specific Landscape Strategy produced by Terra Firma (CD P15).
- 4.32 The proposed development will result in a minor change to the immediate setting of character area 5, Old Manor Farm because of the reduction in the area of open land and the visual effect of the closest adjacent new dwellings.

Assessment conclusion

- 4.33 The assessment has clearly shown by reference to the Old Bedhampton CAA (Adopted September 2019; CD H3), the application of the staged process in determining change to the setting of this designated heritage asset (CD H6) and the production of GLVIA verified photomontages of the proposals how the proposals will not result in material harm to the conservation area as a whole. Three of the identified character areas were sieved out at step one as there were unlikely to be any potential effects. Of the remaining two; no effects are predicted on the historic core and a minor visual change will occur to the setting of the Old Manor Farm satellite character area 5. Overall the effect of the proposals at the Appeal Site on the character and appearance of Old Bedhampton conservation area, including the contribution of its setting, is neutral.

5 SUMMARY AND CONCLUSION

- 5.1 The evidence that I have prepared and provide for this appeal inquiry in this proof of evidence is true and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my own true and professional opinions. Mr Jobbins will consider the overall NPPF paragraph 196 balance (if engaged which I do not accept) as well as the overall planning balance.
- 5.2 In producing our Heritage Statements that supported the planning application at the Appeal Site (CD H1) we recognised through our research and map regression analysis how change created the remaining historic environment assessed within our study area and that change is an essential part of managing and developing those environments. The history of the place, in this case Old Bedhampton, with its recognised remaining protected heritage assets will remain readable and legible following development judged to fall within a portion of its setting, with their history understandable not only to the educated eye.
- 5.3 The proposed development has been designed as a careful response to the features of the site and the wider context, with extensive landscape areas and setbacks, the retention of farmland west of Old Manor Farm to maintain aspects of the rural character and farming practices, as well as attention to the scale, massing and materiality of the development which, as emphasised in the NPPF, will aid the assimilation of this new development with the built and historic environment.

- 5.4 It is important to define 'harm' to demonstrate that the proposals do not lead to any harmful impacts on the heritage resource. Harm is change for the worse, the effect of inappropriate interventions on the heritage interest of a place that reduces their values and recognised significance to society. Change, for example visual change, is not in itself an impact on the significance of a heritage asset. A harmful impact will only occur if the change affects the contribution made by its setting to its overall significance. Change to setting is only of concern in heritage terms if it gives rise to harm to the significance of the asset, i.e. that the significance is in part derived from the asset's current setting. It should not be automatically assumed that visual change constitutes an adverse impact or that more visual change will be a greater impact.
- 5.5 Conservation is the process of managing change to a recognised significant heritage asset, in this case Old Bedhampton conservation area, in ways that will best sustain its recognised heritage values in relation to achieving sustainable development. Conservation is not about mothballing heritage assets, but about a process of natural development and progression, whilst ensuring that its importance, historic narrative value and significance are protected for future generations. The historic map regression presented in support of my assessment clearly illustrates the robustness of the conservation area and how it has remained identifiable as its historic character has endured the suburban growth of Bedhampton. The proposals for an additional 50 dwellings at the Appeal Site, opposite the western suburban village extent off Lower Road will not result in unacceptable harm to the recognised designated heritage asset. There is sufficient space, and character definition between the recognised historic character and appearance of the 'Old' and the new proposals to accommodate this change without resulting in unacceptable harm.
- 5.6 As my evidence has shown, the Appeal Site does not form an essential or key component of the significance, understanding or appreciation of the historic character and appearance of the Old Bedhampton conservation area. The range of positive design measures are largely acknowledged in the conservation officer's reports (both before and after the amendments to the conservation area boundary) and these ensure no harm will occur to the historic core of the conservation area or any of the nationally designated listed buildings. Whilst we recognise minor visual change to character area 5 Old Manor Farm, this is primarily due to close proximity and change from agricultural land to residential.

- 5.7 The NPPF clearly states (paragraph 201) that “*Not all elements of a...conservation area...will necessarily contribute to its significance*” and the CAA clearly does not identify the Appeal Site as being a key feature that contributes to the special interest of the designated area. The CAA fails to recognise the contribution recent buildings such as Manor Barn within close proximity to the Old Manor Farm complex or no.11 Lower Road The Willows on the south-western corner of the historic core (Appendix 6a), and how these two examples show an acceptance by the Council for residential development in close proximity to the Appeal Site, in what has been described as an “*urban area*” and therefore clearly illustrates the capacity to accommodate change in the form of these proposals (see Appendix 6b).
- 5.8 The statutory approach in determining the potential effects to the significance of the heritage assets close to the Appeal Site has been met. I have considered the effects together with the benefits embedded within the detailed proposals and conclude the likely effects to be neutral and no harm will arise. Therefore the policies within the NPPF are not engaged and the recognised heritage values of the nearby assets will be sustained for future generations and the history of the Old Bedhampton area will remain readable and legible following development at the Appeal Site.