

Heritage Team Response

Date – 15/2/2023

APP/21/01434

Application site – Rook Farm, land off St Marys Road, Hayling Island

Site

The application site is located to the west of St Mary's Road and is made up of three fields. A public right of way currently runs along the western and northern boundaries of the site. There are no designated heritage assets within the site itself. However, there are some listed buildings within the immediate vicinity of the site. These include:

- St Mary's Church – Grade II*
- Farm Cottage and Rook Farmhouse – Grade II

Proposal

Outline application for development of up to 300 dwellings (including affordable housing).

The proposal includes provision for structural planting and landscaping; informal public open space; children's play areas; sustainable drainage system (SuDS); a new vehicular access from St Mary's Road; and associated ancillary works.

All matters reserved except for means of vehicular access.

Accompanied by an Environmental Statement.

Legislative and Policy Context:

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to 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 need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al (2014); and North Norfolk District Council vs. DCLG and Mack (2014). The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

NPPF

The revised NPPF (December 2023) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

200. 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

203. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

(a) the nature of the heritage asset prevents all reasonable uses of the site; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.

208. 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, where appropriate, securing its optimum viable use.

Local Plan

Local planning policy comprises the adopted Havant Borough Local Plan Core Strategy 2011, along with the Allocations Plan 2014. With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Assessment

The previous consultation response to the 2017 application provided an assessment of the affected heritage assets including St Mary's Church and Farm Cottage and Rook Farmhouse. The LPA's response to this application concluded that the proposal would result in a change that will cause minor harm to the significance of the Church of St Mary via a change in its setting. This harm is considered to be at the lower end of the less than substantial bracket. Such harm therefore needs to be balanced against the public benefits of the scheme in line with Paragraph 134 of the NPPF. Within this context, the limited harm caused to the overall heritage significance of the asset should be considered. With regards to Farm Cottage and Rook Farmhouse, it was concluded that *'the degree of harm to this listed building would be less than substantial. In this context, the NPPF requires such harm to be weighed against the public benefits of the proposal'*.

As such, the previous application in 2017 for 230 dwellings was refused for a number of reasons, one of which included the following on heritage grounds:

'11 The proposal would result in a less than substantial harm to the setting of St Marys Church a Grade II listed building. In particular, in relation to the appreciation of the building in its rural setting and in terms of views across the wider landscape including from parts of the footpath network. The impact on an historic asset is irreversible. Whilst the impact on the setting of St Mary's Church is considered to represent less than substantial harm this should be weighed against the public benefits of the proposal. Given that the development is not considered to meet the requirements of sustainable development it is not considered that the benefits of the proposal would outweigh the impact to the setting of St Marys Church. The proposal therefore contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework'.*

The current application, submitted in 2021, is still for outline approval and proposes an increase in unit numbers (up to 300). All matters are reserved apart from access which is still proposed to come from St Mary's Road. The same heritage and archaeology statement has been submitted with this application as was submitted for the 2016 application.

Given that the current application now proposes an increase in unit numbers (up to 300), the same conclusion is reached as before, in that the proposed development would result in less than substantial harm to both the Grade II* listed church and Farm Cottage and Rook Farmhouse. In this context, the NPPF requires such harm to be weighed up against the public benefits of the proposal.

Conclusion

The proposal would result in less than substantial harm to both the Grade II* listed church and Farm Cottage and Rook Farmhouse. In this context, the NPPF requires such harm to be weighed up against the public benefits of the proposal.