

FINAL

MIXED USE DEVELOPMENT COMPRISING UP TO 475 DWELLINGS ALONG WITH ASSOCIATED ACCESS, INTERNAL ROADS AND FOOTPATHS, CAR PARKING, PUBLIC OPEN SPACE, LANDSCAPING, LOCAL CENTRE (USES INCLUDING A1, A2, A3, A4, A5, D1, D2, AS PROPOSED TO BE AMENDED TO USE CLASSES E, F AND SUI GENERIS) WITH ASSOCIATED CAR PARKING, CAR PARKING FOR THE ADJACENT RAILWAY STATION, UNDERGROUNDING OF OVERHEAD HV CABLES AND OTHER SUPPORTING INFRASTRUCTURE AND UTILITIES (OUTLINE WITH ALL MATTERS RESERVED)

LAND NORTH-WEST OF GORING RAILWAY STATION, GORING STREET, WORTHING, WEST SUSSEX

STATEMENT ON HERITAGE

ON BEHALF OF PERSIMMON HOMES THAMES VALLEY

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. AUTHOR'S BACKGROUND

- 1.1 My name is Gail Stoten. I am a Heritage Executive Director at Pegasus Planning Group. I am a Member of the Chartered Institute for Archaeologists (MCI(A)). I have been elected a Fellow of the Society of Antiquaries of London. I have a First Class Honours degree in Archaeology, and I have been a heritage professional for 20 years. I am a Trustee of Painswick Rococo Gardens.
- 1.2 I have acted as a heritage consultant on numerous large-scale developments in England and Wales, on behalf of Local Planning Authorities, developers and third parties. I provide advice to clients on heritage assessment and planning strategy. I also manage survey work (including built heritage assessments and archaeological works) carried out by our company and sub-contractors. My role necessitates close liaison with heritage stakeholders such as Historic England and Local Authority heritage officers.
- 1.3 The assessment of the setting of heritage assets is an area in which I have expertise. I have completed many specialist assessments of setting, including those for development within the vicinity of Warwick Castle and Park; development proposed close to Listed farm buildings at Silver End, Essex; and the construction of a cinema building in the Conservation Area in Cirencester, close to many Listed buildings.
- 1.4 The evidence which I have prepared and provided for this appeal in this Proof of Evidence is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

2. INTRODUCTION

2.1 This Statement on Heritage has been prepared following the decision of Worthing Borough Council to refuse planning permission for the mixed-use development of land north-west of Goring Railway Station. This Statement considers matters relating to built heritage and setting.

2.2 Planning Application AWDM/1264/20 was received and validated by Worthing Borough Council on 10th August 2020. The submission sought outline planning permission with all matters reserved for:

'Mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities'.

2.3 The application was accompanied by a Built Heritage Statement prepared by Pegasus Group (August 2020). The Built Heritage Statement concluded that the proposed development would result in a negligible level of harm, at the very lowermost end of the less than substantial harm spectrum, to the significance of the following assets through change to their settings:

- Grade II Listed Jasmine and Clematis Cottages;
- The Grade II Listed buildings comprising North Barn; and
- Highdown Garden, which is jointly designated as a Grade II* Registered Park and Garden and a Conservation Area.

2.4 Other nearby built heritage assets and the Scheduled Highdown Hill Camp were assessed; however, the proposals were anticipated to cause no harm to the significance of these assets in terms of change to their settings.

2.5 No formal consultee response was received from Conservation and Heritage Officers at Adur and Worthing Councils.

2.6 The consultation response received from the South Downs National Park alluded to the potential sensitivity of the Highdown Conservation Area, noting:

"The site will be visible from the top of the access road, see paragraph 4.4 and Figure 6 of the appraisal and as such it is requested that it and the Conservation Area Appraisal are considered as part of your determination of this application."

2.7 However, no detailed assessment of the proposals was presented in relation to the Conservation Area, and there was no clear assertion of harm to the significance of the asset. The Conservation Area Appraisal and intervisibility between Highdown Garden and the Appeal Site were considered and assessed as part of the submitted Built Heritage Statement.

2.8 Objections to the proposals on heritage grounds were received from a number of amenity groups and can be summarised as follows:

National Trust	<ul style="list-style-type: none"> The proposals would cause less than substantial harm to the significance of the Scheduled Highdown Hill Camp through change to its setting.
Bluebell Way Residents	<ul style="list-style-type: none"> The proposals would have an adverse impact on the "registered parkscape" of Highdown Hill due to increased light pollution.
CPRE Sussex	<ul style="list-style-type: none"> The proposed development would "harm the setting of the historic and landscape assets of the Grade II* Registered Park and Garden 'Highdown Garden' which is also a Conservation Area, and the Scheduled Ancient Monument 'Highdown Hill Camp'". In subsequent correspondence relating to the Appeal, it has been asserted that "the impacts will be on... the National Trust archaeological heritage site at Highdown Hill, the Grade II Listed Building of Jasmine and Clematis Cottages, the Grade II Listed Buildings of North Barn and the Grade II* Registered Park and Garden and Conservation Area of Highdown Garden."
Ferring Conservation Group	<ul style="list-style-type: none"> "Views northward to Highdown from the railway footpath, much used by walkers, and from Highdown (as revealed in one of the applicant's 'visualisations') would be very badly

	<i>compromised"</i> (harm to heritage assets was not mentioned explicitly).
Goring and Ilex Conservation Group	<ul style="list-style-type: none"> • The Built Heritage Statement underestimates the level of harm to the significance of Highdown Hill Camp and Highdown Gardens. • In addition, the proposals would cause harm to the significance of Grade II Listed Hightiten Barn through change to its views and setting.
The Worthing Society	<ul style="list-style-type: none"> • The proposals would harm the significance of the Highdown Conservation Area and Grade II* Registered Garden through changes to views and setting.

2.9 None of these objections presented robust assessments of the identified heritage assets and the asserted levels of harm have not been substantiated.

2.10 The Case Officer's report for the Planning Committee on 10th March 2021 recommended the application for refusal and repeated the heritage objections summarised above. Conversely, the Case Officer's independent summary assessment did not pay regard to heritage matters, instead focusing predominantly on landscape issues. Nonetheless, the first recommended reason for refusal cited substantial adverse landscape and visual effects that would harm the Highdown Hill Scheduled Monument and Conservation Area.

2.11 Planning Application AWDM/1264/20 was subsequently refused on 11th March 2021. The Decision Notice cited six reasons for refusal, with the first reason making reference to heritage assets as follows:

"01. The proposed development is outside of the built-up area as defined in the Worthing Core Strategy and the emerging Submission Draft Worthing Local Plan and is not allocated for residential development. The proposal is therefore contrary to policy 13 of the Worthing Core Strategy and emerging policies SS4, SS5 and SS6 of the Submission Draft Worthing Local Plan, resulting in the coalescence of settlements and the loss of an important area of green space that contributes to local amenity, sense of place and wildlife. Furthermore, it is considered that the adverse impacts of the development would demonstrably outweigh the benefits as substantial adverse landscape

and visual effects would arise from the development affecting the local area and the wider landscape, including the landscape setting to the National Park (therefore adversely affecting its statutory purpose to conserve and enhance its natural beauty and cultural heritage), Highdown Hill scheduled Monument and the Conservation Area." (My emphasis).

The Council's Statement of Case

- 2.12 A Statement of Case on behalf of Worthing Borough Council has been submitted as part of the Appeal (APP/M3835/W/21/3281813). Within this Statement, the Council has acknowledged that the public benefits of the proposals would outweigh harm to the significance of heritage assets, as follows:

"8.3 The Local Planning Authority (LPA) assessed the impact of the appeal scheme on the setting of designated and non designated heritage assets and setting of the Conservation Area. The LPA concludes that any harm to these heritage assets is less than substantial. The National Planning Policy Framework states that where less than substantial harm occurs to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

8.4 The appeal proposal would result in the provision of new housing and some infrastructure improvements and accordingly there would be some public benefit to the scheme. In assessing heritage impacts in isolation of other considerations the LPA accepts that public benefits would outweigh the harm to the setting of the Conservation Area and non designated and designated heritage assets. However, there is demonstrable harm to the landscape setting of the National Park and the contribution the site makes in terms of preventing coalescence." (My emphasis).

Statement of Common Ground

- 2.13 The levels of harm to the heritage significance of assets (including absence of harm where relevant) presented below are agreed common ground with the LPA.

3. KEY ISSUES

3.1 Based on the first reason for refusal within the Decision Notice, the Council's Statement of Case, and objections from amenity groups, the key issues are considered to be the following:

- What is the heritage significance of Highdown Garden as a Conservation Area and Grade II* Registered Park and Garden, and what is the contribution of the Appeal Site to this significance through setting (if any)?
- What is the heritage significance of the Scheduled Highdown Hill Camp, and what is the contribution of the Appeal Site to this significance through setting (if any)?
- What is the heritage significance of Grade II Listed Jasmine and Clematis Cottages, and what is the contribution of the Appeal Site to this significance through setting (if any)?
- What is the heritage significance of the Grade II Listed buildings comprising North Barn, and what is the contribution of the Appeal Site to this significance through setting (if any)?
- What is the heritage significance of Grade II Listed Hightiten Barn, and what is the contribution of the Appeal Site to this significance through setting (if any)?
- Will the significance of these heritage assets be harmed by the proposed development?

3.2 Although not cited in the Decision Notice nor explicitly mentioned in the Council's Statement of Case, Grade II Listed Jasmine and Clematis Cottages and the Grade II Listed buildings comprising North Barn will be assessed below. This is because it was concluded within the previously submitted Built Heritage Statement that the proposals would cause a negligible level of harm to the significance of these assets through changes to their settings.

3.3 This Statement on Heritage will also consider the Grade II Listed Hightiten Barn. This is because the Goring and Ilex Conservation Group have asserted that the proposals would affect the 'views and setting' of this asset, albeit no harm to the

significance of the barn is identified in the Decision Notice nor explicitly alleged in the Council's Statement of Case.

4. LEGISLATION AND PLANNING POLICY

- 4.1 The legislation and planning policies are considered relevant to this proposal is given in Appendix 1.

5. METHODOLOGY

- 5.1 A full methodology is given in Appendix 2.

6. HIGHDOWN GARDEN

- 6.1 The Grade II* Registered Highdown Garden, which is also designated as a Conservation Area, lies c. 110m north of the site (NHLE ref. 1001212). As a Grade II* Registered Park and Garden and a Conservation Area, this is a designated heritage asset of the highest significance.
- 6.2 Highdown Garden was added to the Registered Parks and Gardens list on 1st June 1984. Subsequently, a Conservation Area covering the Registered Garden was designated on 29th April 1997 and a Conservation Area Appraisal was prepared and adopted by Worthing District Council.

Historic Development

- 6.3 The house, known as Highdown Tower, was constructed in c. 1820 and in the mid-19th century was under the ownership of the Lyons family. In 1909 the house and surrounding grounds were purchased by Major Frederick Stern. From 1919 until his death in 1967, Major Stern and his wife created and developed the gardens in and around a former chalk pit, in what began as an experiment in gardening on chalk. The plants were grown from imported seeds or obtained from well-known botanists of the 20th century. The gardens surround the house to the north, south and west, although the house is now mainly heavily screened from the gardens by belts of mature trees.
- 6.4 Following Sir Frederick's death, the house and gardens were given to Worthing Borough Council who restored and managed the gardens. The Council

subsequently sold the freehold of the house which was used as a conference centre and club. The house is now used as a hotel and the gardens are open to the public.

Description of Asset

- 6.5 The Registered Garden covers an area of c. 4.5 ha which comprises the house, the surrounding gardens, the drive, and two lodges located on either side of the approach from the south.
- 6.6 The gardens themselves contain a number of elements despite their compact nature, including a former chalk pit, rose garden, ponds, woodland areas and herbaceous garden.
- 6.7 Generally, the garden is inward-looking with a strongly secluded feel. The garden was designed to provide shelter to the plants, as the coastal hillside location rendered the garden susceptible to salt incursion and south-westerly gales. The northern boundary of the main garden is partly formed by the rear face of the chalk pit (Plate 1) and the other boundaries are defined by close-boarded fences, combined with densely-planted conifers on the southern edge.
- 6.8 In addition to the external boundaries and planting, there are also internal belts of mixed evergreen and deciduous trees, further restricting views and adding to the sense of seclusion and sheltering.



Plate 1: Looking north-east to the northern face of the chalk pit garden.

Setting, Views and Approaches

- 6.9 Highdown Garden is located on the south-facing upper slopes of Highdown Hill. The areas to the east, south and west of the garden comprise arable land, whilst land to the north comprises open downland and scrub.
- 6.10 Historically, there were views out from a gravel terrace to the south and east of the house across the land to the south, to the sea (Plate 2).

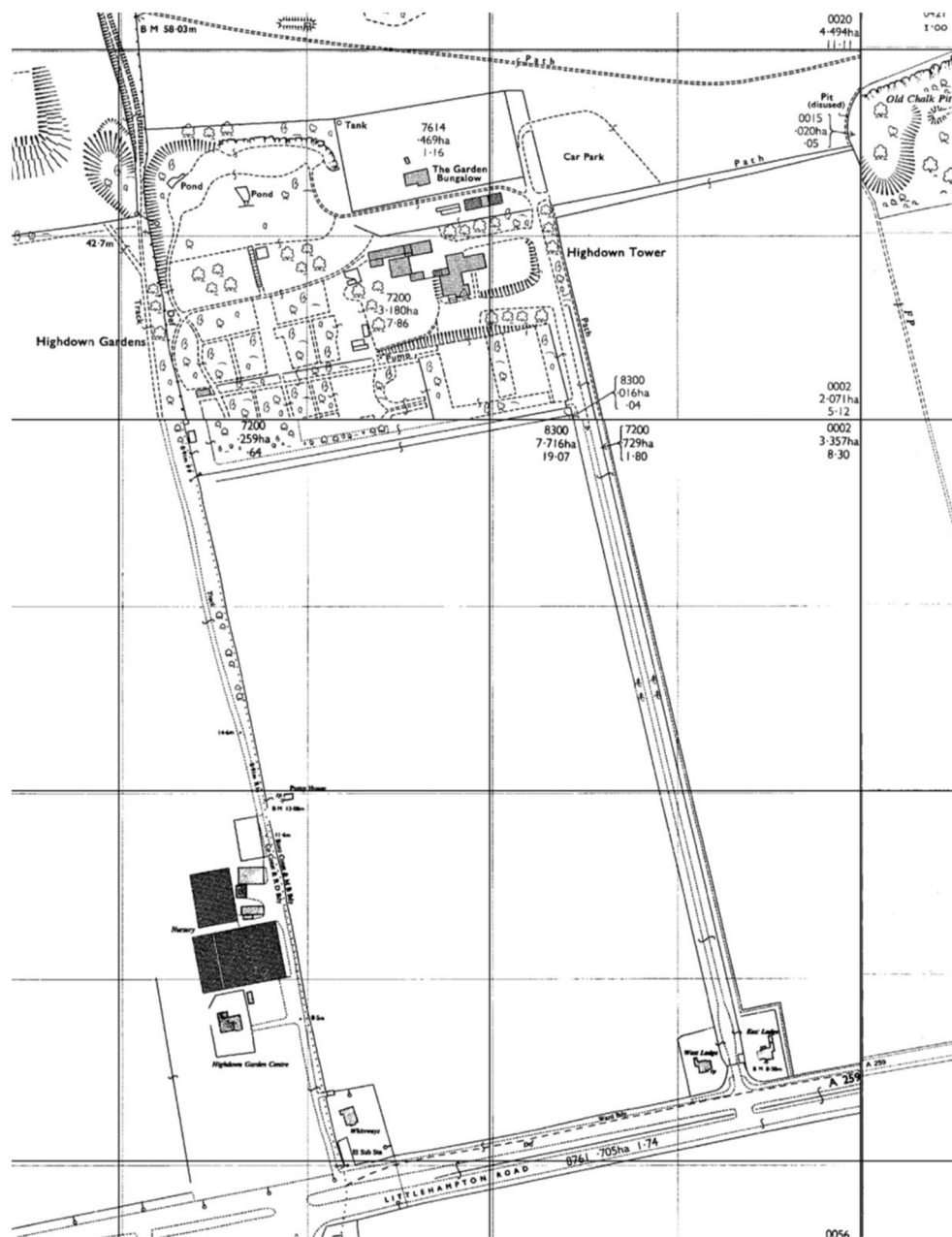


Plate 2: Ordnance Survey map of 1954 showing the gardens and terrace to the south of the house.

6.11 However, these views are now screened by trees (Plate 3). Similarly, from the terrace immediately east of Highdown Tower (now a public house garden and outdoor seating area) views to the south are screened by belts of trees (Plate 4). These same trees largely screen south-facing views from the tower itself. The Appeal Site is visible in the mid-ground of views from the roof of the tower (Plate 5); however, the restricted access to this part of the building, both currently and historically, indicates that the roof was not designed to facilitate panoramic views

of the wider landscape. From within the tower, there are two rooms from which the Appeal Site can be glimpsed:

- 1) *The west room of the second floor – this part of the building is disused and only a minuscule sliver of the site can be glimpsed, the majority being screened by the tree belt (Plate 6).*
- 2) *The ladies WC located on the first floor – there is a heavily filtered glimpse of the western edge of the Appeal Site (Plate 7). The ploughed land most visible in this view is part of the parcel that lies beyond the Appeal Site to the west.*



Plate 3: Looking north to the house from within the gardens, showing screening planting to the south of the terrace.



Plate 4: South-facing view from the terrace/public house garden immediately east of Highdown Tower.



Plate 5: South-facing view from the roof of Highdown Tower.

The Appeal Site is visible in the mid-ground as a ploughed field.



Plate 6: South-facing view from the disused west room of the uppermost (second) floor of Highdown Tower.

The visible sliver of the Appeal Site is marked with a red arrow.



Plate 7: South-facing view from the first-floor ladies WC of Highdown Tower.

The location of the western edge of the Appeal Site is marked with a red arrow.

- 6.12 Three other parts of the garden have views out to the wider area. There is a glimpse of wider land from the modern entrance to the gardens, looking south to agricultural land to the south-east (Plate 8).
- 6.13 There is also a glimpse of wider land and the sea from the rose garden (Plate 9).



Plate 8: Looking south-east to wider agricultural land from the modern entrance to the gardens.



Plate 9: Looking south from the rose garden, to the sea.

- 6.14 Highdown Garden is approached from the A259 to the south, via a drive lined by hedges and marked by two lodges constructed in 1860. The drive continues for approximately 0.4km to the north. The clearest views out from the Registered Park and Garden/Conservation Area are from this drive and the lodges, outside of the core of the gardens. As the land rises moving north, the views become more extensive (Plate 10).



Plate 10: Looking south from the approach road to the gardens.

- 6.15 The Registration description states that due to the location of the house and gardens on the upper slopes of Highdown Hill, panoramic views are possible towards the coastal plain and the sea. The Conservation Area Appraisal states that *“the surrounding area is undeveloped, allowing uninterrupted views in and out”*. It is really only from the drive, lodges and the roof of the tower that such views are possible; views from within the gardens are limited to glimpses.
- 6.16 The Appraisal goes on to state that with regards to Highdown Tower *“from the Littlehampton Road, the most visible feature is the south tower which... presents the only pebble-dashed elevation”*. With regards to Highdown Tower, the Appraisal states that *“on approach, the house is not visible until the top of the drive is reached and from the A259 and Titnore Lane, the house can only be glimpsed through trees”*.
- 6.17 At the time of the Tithe Apportionment in the mid-19th century, the land on which Highworth Garden was established was under the ownership and occupancy of David Lyon Esquire. The Registration description states that Highworth Tower was owned at some point during the 19th century by the Lyon family, who also owned

and occupied the land within the Appeal Site. This documented link predates the ownership of the Stern family who created the garden.

Statement of Significance

- 6.18 As a Grade II* Registered Park and Garden and Conservation Area, Highdown Garden constitutes a designated heritage asset of the highest significance as identified by the NPPF.
- 6.19 Highdown Garden principally derives its significance from its artistic and historic interests as an example of a designed landscape established during the early 20th century and further developed and used into the 21st century. The buildings located within the designation, including Highdown Tower and the Tea Rooms, also contribute to the significance of the asset through their architectural, artistic and historic interests – although they themselves are not designated heritage assets.
- 6.20 As well as this, Highdown Garden also derives some of its significance from elements of its setting, although the significance derived from its setting is less than that derived from intrinsic elements of its character and appearance. Its surroundings have undergone considerable change over time. The terraces close to the house and the house itself appear originally to have had expansive views to the south, but such views are now only possible from the tower, lodges and access drive, with modern built development at Goring and Ferring visible within the coastal plain.
- 6.21 The gardens themselves do not appear to have been laid out to afford such views. Boundary planting and shelter belts were a vital part of the garden, protecting it from south-westerly gales and salt incursion. A few glimpses of the wider landscape are possible, but these are narrowly focussed.
- 6.22 The undeveloped land in the vicinity, specifically that to the immediate south, east and west of the core of the gardens, contributes to the heritage significance of the asset, as it gives a sense of seclusion and isolation to the gardens.

Any Contribution of the Appeal Site through Setting

- 6.23 The Appeal Site is visible in views from the drive, lodges and tower, and also in the glimpsed view from the rose garden; it lies beyond agricultural land to the south and with a backdrop of modern development.
- 6.24 From within the site and when looking across it in a northerly direction from the public right of way that runs along the southern boundary (Plate 11), the access drive and tree belts surrounding Highdown Gardens are visible, although the elements contained within are largely concealed. The uppermost part of Highdown Tower can be glimpsed with difficulty; it blends with the surrounding vegetation and is an indistinct element of the wider landscape rather than an eye-catcher.
- 6.25 Overall, the site is considered to make a very minor contribution to the heritage significance of the asset (which is a Registered Park and Garden and Conservation Area), in that it comprises a very small part of the outlying agricultural landscape that provides some visual separation from the current built form of Goring and Ferring.



Plate 11: North-facing view across the site from the public right of way along the southern boundary.

The location of Highdown Gardens is marked in yellow.

Impact Assessment

- 6.26 The proposed development will result in the introduction of residential built form c. 110m south of the entrance drive to the Grade II* Registered Garden and Conservation Area, bringing development slightly closer in the views mentioned above. It should be noted, however, that the northern area of the site will remain undeveloped, and the agricultural land contiguous with the asset will remain unchanged. Overall, the impact on the heritage significance of the asset is considered to be negligible, less than substantial harm at the very lowermost end of the spectrum.

7. HIGHDOWN HILL CAMP

- 7.1 The Scheduled Monument of Highdown Hill Camp (a Ram's Hill type enclosure, an Anglo-Saxon cemetery and associated remains) is located c. 895m north-west of the Appeal Site (NHLE ref. 1015877).

Historic Development

- 7.2 The Ram's Hill type enclosure dates from the Bronze Age period and comprises a roughly east-to-west aligned, raised, sub-oval area of approximately 1 ha, which is bounded by a bank to the south and surrounded by a ditch. To the north, where the ground naturally falls away steeply, the defences comprise a scarp. The entrance to the enclosure was through the southern ramparts. Evaluation during the 18th and 19th centuries recorded that the defences of the enclosure were remodelled at least once during the later prehistoric period. Structural remains and artefacts associated with occupation were also recorded, indicating intensive use during the Middle and Late Bronze Age. Fragments of Roman pottery found within the enclosure showed that the area was reused.
- 7.3 An Anglo-Saxon cemetery, comprising both cremation and inhumation burials, was located within the centre of the enclosure. Over 150 burials were recorded alongside grave goods and artefacts, which dated to the 5th and 6th centuries AD. Accompanying contemporary structures associated with the cemetery were also recorded within the south-eastern part of the enclosure.
- 7.4 A medieval post mill mound survives within the enclosure as a circular mound c. 14m in diameter and at a height of c. 0.5m. This lies in the south-western extent of the enclosure. This mill was first constructed in this location during the late 12th century, before falling into disuse during the mid-19th century when it was dismantled. A post-medieval miller's tomb lies to the south-east of the Scheduled Monument.
- 7.5 During the Second World War, the monument was reused as the site of a radar station, the construction of which disturbed the interior and ramparts of the earlier enclosure. This has subsequently been demolished. 19th-century tree planting has also caused some damage to the central part of the asset. The eastern extent of the enclosure was destroyed by an 18th to 19th-century chalk pit and has been excluded from the Scheduling.

Setting and Views

- 7.6 Highdown Hill Camp lies at approximately 81m AOD. The land to the north falls steeply, with the land to the south-east and south-west falling more gradually. Highdown Hill is a prominent location in the landscape, affording wide ranging views in all directions. Views to the south include the coastline, beyond modern development (Plate 12); views north-west include the South Downs (Plate 13).



Plate 12: Looking south-east from Highdown Hill Camp.



Plate 13: Looking north-west to the South Downs from Highdown Hill Camp.

- 7.7 The coastal plain has seen considerable change since the early medieval period, with the expansion of Goring and Ferring, and the reorganisation of the agricultural hinterland to these settlements.
- 7.8 The elevation of the monument means that it is visible from a wide area, including the coastal plain to the north.

Statement of Significance

- 7.9 As a Scheduled Monument, Highdown Hill Camp is a designated heritage asset of the highest significance.
- 7.10 Ram's Hill type enclosures are a rare monument type, with fewer than ten having been positively identified. Therefore, all examples with surviving remains are considered to be of national importance. Anglo-Saxon cemeteries represent one of the principal resources of archaeological evidence regarding the early medieval

period. All surviving examples which have not been heavily disturbed are considered to be worthy of protection.

- 7.11 Highdown Hill Camp principally derives its significance from the archaeological, artistic and historic interests of its upstanding earthworks and below-ground remains and as an example of a Bronze Age enclosure. The Scheduled Monument also derives significance from the archaeological below-ground remains of the Anglo-Saxon cemetery. The medieval mill mound derives significance from the archaeological, artistic and historical value of its upstanding earthworks and below-ground remains. There are also below-ground remains of the World War II radar station. The Scheduled Monument retains important archaeological and environmental evidence regarding its use over a period of at least three thousand years.
- 7.12 As well as this, Highdown Hill Camp also derives some of its significance from elements of its setting, although the significance derived from its setting is less than that derived from those intrinsic features and remains covered by the scheduling. The enclosure was specifically located on the summit of Highdown Hill: exploiting the natural topography of the area in order to create a defensive structure with a wider outlook.
- 7.13 The vicinity of the asset that is downland makes an appreciable contribution to its significance through setting, being of relatively unaltered character, and the area from where the asset is best appreciated and understood.
- 7.14 The miller's tomb, which lies within the downland, contributes to the heritage significance of the asset through setting, through historic illustrative value.
- 7.15 It is evident that the landscape has been greatly altered since the construction of the prehistoric enclosure: the outlying farmland owes its character to post-medieval and modern enclosure and built development at Goring-on-Sea and Ferring.

Any Contribution of the Appeal Site through Setting

- 7.16 The site is visible in views south from the asset, surrounded on three sides by modern development. There are also views north from within the site towards the Scheduled Monument (Plate 14). Similar views are possible from public rights of

way across land to the west of the site, and from land to the north and north-east of the site.



Plate 14: Looking north-west from the public right of way within the Appeal Site to Highdown Hill Camp.

- 7.17 The agricultural land within the site does not have a documented historical or functional association with the Highdown Hill Camp Scheduled Monument.
- 7.18 Overall, the land within the site is considered to make a very small contribution to the heritage significance of the Scheduled Monument through setting, due to the views to the monument from it.

Impact Assessment

- 7.19 The proposed development will result in the construction of modern built form some distance from Highdown Hill Camp, visible in views south but which already comprise a large amount of built development at Goring-by-Sea and Ferring. Built form will appear slightly closer in views from the Scheduled Monument in the direction of the site, but will not lie closer than existing built form in the views.

- 7.20 Some views of the monument from the public right of way along the southern edge of the site will be blocked, but more publicly accessible views will be created from the new public open space proposed in the northern area of the site. Overall, no harm to the heritage significance of the asset is anticipated.

8. CLEMATIS AND JASMINE COTTAGE

- 8.1 The Grade II Listed Clematis Cottage and Jasmine Cottage lie c. 25m west of the site (NHLE ref. 1027653).
- 8.2 The Listed Building was originally constructed during the 18th century as one long building, possibly used as a barn, which has since been converted into two two-storey cottages. The asset is faced with flints with dressings and quoins of red brick and grey headers with a hipped tiled roof.
- 8.3 The main façade of the asset faces west, away from the site. The eastern (rear) elevations have been very heavily modified in recent times with flat-roofed two-storey rear extensions to both properties.



Plate 15: Looking south-east to Clematis and Jasmine Cottages.

- 8.4 The cottages are located within associated garden plots, with deep rear gardens extending to the east, the boundaries of which form part of the western site boundary. Mature vegetation lies between the cottages and the site within these plots.
- 8.5 The earliest mapping available shows the cottages/barn as part of a farmstead or hamlet, with a building to the north (still extant) depicted on the Tithe Map (Plate 16). The cottages now lie within an area of modern development, with modern residences to the south and west. Agricultural land within the Appeal Site lies to the east (Plate 17), beyond their sizeable garden plots.



Plate 16: Extract from the Plan of the parish of Goring of 1839.



Plate 17: Looking west towards the heavily altered and heavily screened rear elevations of the cottages from within the site.



Plate 18: Looking south-west towards the rear elevation of the cottages from the north-west corner of the site.

The historic fabric of the cottages is screened by rear extensions, intervening vegetation and built form.

- 8.6 Clematis Cottage and Jasmine Cottage were historically located in the parish of Ferring and, at the time of the Tithe Apportionment of the mid-19th century, were under the ownership and occupancy of Edwin Henty Esquire and comprised 'House & Yard part of North Barn'. The land within the Appeal Site was under different ownerships and occupancies. There is no known historical or functional association with the land within the site and the Listed Building.

Statement of Significance

- 8.7 As a Grade II Listed Building, Clematis Cottage and Jasmine Cottage comprise a designated heritage asset of less than the highest significance, as defined by the NPPF. Clematis Cottage and Jasmine Cottage principally derive their significance from the architectural, artistic and historic interest of their historic fabric. They represent an example of an 18th-century agricultural building that has since been converted into two residential dwellings.
- 8.8 As well as this, the asset also derives some of its significance from elements of its setting, although the significance derived from its setting is less than that

derived from its historic fabric. The main element of its setting comprises the garden plots associated with the two cottages and their location on Ferring Lane, from where the Listed Building can be best appreciated. The historically associated building to the north also contributes to the heritage significance of the asset through setting.

- 8.9 Immediately adjacent agricultural land to the east and north-east is considered to make a very minor contribution to the asset, in alluding to the historic landscape character and the historic function of the building as a barn.

Any Contribution of the Appeal Site through Setting

- 8.10 The north-western extent of the Appeal Site forms part of the agricultural land immediately east of the asset. However, there is no documented historical functional association between the site and these assets.
- 8.11 The wholly modern rear elevations of the cottages are likely to have some glimpsed intervisibility with the Appeal Site, as there are filtered views to the rear elevations from that area.

Impact Assessment

- 8.12 The setting of the asset has been considered in the design of the proposed development, with open space retained to the north-east which will preserve glimpses, from the cottages, of outlying farmland. The proposed development will alter the character of the remainder of the site from agricultural to a mixture of modern built form and open space. Given the limited intervisibility with the Appeal Site and the absence of any known historical or functional association between the land within the site and the Listed Building, overall, the change of character of the site will result in a negligible level of harm to the heritage significance of the asset. This equates to less than substantial harm at the very lowermost end of the spectrum.

9. NORTH BARN

- 9.1 The Grade II Listed buildings at North Barn comprise the Main Block and range of outbuildings on the east side of yard, which lie c. 190m north of the Appeal Site (NHLE ref. 1263278, 1250438).
- 9.2 The Main Block was constructed of cobbles with brick dressings and a slate roof during the early 19th century. It possesses an L-shaped plan, with a large barn forming the rear, a long shed extending from it along the western side, and a flint wall on the southern side.



Plate 19: North Barn as seen from the southern yard area (now an outdoor seating area).

- 9.3 The outbuildings on the eastern side of the yard are contemporary with the Main Block but are slightly detached and considerably lower.

- 9.4 The buildings enclose a formerly associated yard and are surrounded by agricultural land to the north, east and west, and the A259 (Littlehampton Road) to the south. During the early 2000s the North Barn buildings were converted into a pub. There is no longer an association between the assets and the surrounding agricultural land.
- 9.5 The buildings have views to surrounding agricultural land in all directions, albeit to the north the land lies beyond a car park, and to the south, agricultural land lies beyond the A259. Views south from the assets include modern built form at Goring-by-Sea. Ultimately, North Barn was constructed as a functional agricultural complex and was not designed to facilitate views to the wider landscape.
- 9.6 According to the Goring Tithe Apportionment, North Barn comprised '*Barn, Outbuildings & Yard*' under the ownership and occupancy of David Lyon Esquire.

Statement of Significance

- 9.7 As Grade II Listed buildings, the Main Block and range of outbuildings are designated heritage assets of less than the highest significance as defined by the NPPF.
- 9.8 The Grade II Listed buildings of North Barn principally derive their significance from the architectural, artistic and historic interest of their historic fabric and as examples of early 19th century farm buildings.
- 9.9 In addition, the assets derive some significance from elements of their setting, although this is less than that derived from their physical fabric. The former farmyard area makes the greatest contribution, as it has a close historical functional association with the barns, and this is the area from where the buildings are today best appreciated.
- 9.10 Immediately adjacent agricultural land also contributes to the significance of the assets as part of its formerly associated area with which the asset has intervisibility. However, the conversion of the outbuildings to a pub has severed such functional associations with the surrounding agricultural land.

Any Contribution of the Appeal Site through Setting

- 9.11 The land within the Appeal Site and the buildings of North Barn were under the same ownership and occupancy in the mid-19th century, as recorded by the Goring Tithe Map and Apportionment. This association has since been severed by the conversion of the outbuildings.
- 9.12 There is intervisibility between North Barn and the site, although this is heavily restricted with respect to views from the Listed buildings and their curtilage. From the ground floor of the Main Block and the southern yard area, the site is screened by intervening vegetation, namely the hedgerow at that divides the dual carriageway of the A259 (Plate 20 & Plate 21). At most, there may be some restricted, peripheral glimpses of the site from the converted upper floor of the main building. Any such glimpses would be across the A259 and more immediate agricultural land that is outside the Appeal Site, and would include a backdrop of existing modern development. From within the Appeal Site, the south elevations of the North Barn buildings are visible, albeit it at some remove, being separated by Ferring Rife, the intervening agricultural land and the A-road.
- 9.13 Overall, the site is considered to make a very small contribution to the heritage significance of the assets through setting.



Plate 20: South-south-west-facing view towards the easternmost extent of the Appeal Site (not visible) from the ground floor of the Main Block.



Plate 21: Looking south towards the Appeal Site (not visible) from the southern yard area of North Barn.



Plate 22: North-facing view to North Barn (location marked with a blue arrow) from the northern boundary of the Appeal Site, adjacent to Ferring Rife.

Impact Assessment

9.14 The proposed development will be set back c. 190m south of the Listed Buildings of North Barn. Glimpses of built form may be visible closer to the asset, although it will be largely screened by the intervening hedgerow in views from the asset itself, and will be set beyond existing agricultural land and open space. The character of part of the formerly associated land will change, but the functional link has already been severed by the change of use of the complex and severance of common ownership. Agricultural land to the east, north, and west of the complex will remain unaltered. Overall, the proposed development will result in negligible harm to the heritage significance of the asset, comprising less than substantial harm at the very lowermost end of that spectrum.

10. GRADE II LISTED HIGHTITEN BARN

10.1 Hightiten Barn is a Grade II Listed building that was added to the National List on 7th May 1975. The List Entry describes the asset as follows:

"A symmetrical composition, probably of C18, the main barn being flanked by lower outbuildings, both of which have long return ranges, thus enclosing a yard on 3 sides. Slate roofs throughout. The main barn is oblong, of flint with brick dressings and slit openings. Double doors in centres of long sides and half-hipped roof of box-frame construction. The lower ranges are of timber, that to the right being open to the yard and both having roofs hipped at the outer ends."

10.2 The main barn defines the western edge of the former agricultural complex. This complex has since been converted to commercial use and is characterised by modern hardstanding and built form, machinery and dumped material.



Plate 23 Looking south-west to Hightiten Barn, showing dumped material to the south of the asset

- 10.3 The Listed building is principally approached accessed via a driveway off Titnore Lane to the east (also a public right of way). There is also a public footpath approach from Highdown Gardens to the west.
- 10.4 The 1839 tithe map for the parish of Goring shows the complex then possessed a different layout (Plate 24). The main barn building appears to correspond with the westernmost building. Detached from this, immediately to the north-east, was a larger building with a truncated L-shaped footprint. The horseshoe arrangement of the present-day complex is therefore a larger development. The tithe map also records that the barn was surrounded by agricultural land that was in common ownership and functional use.

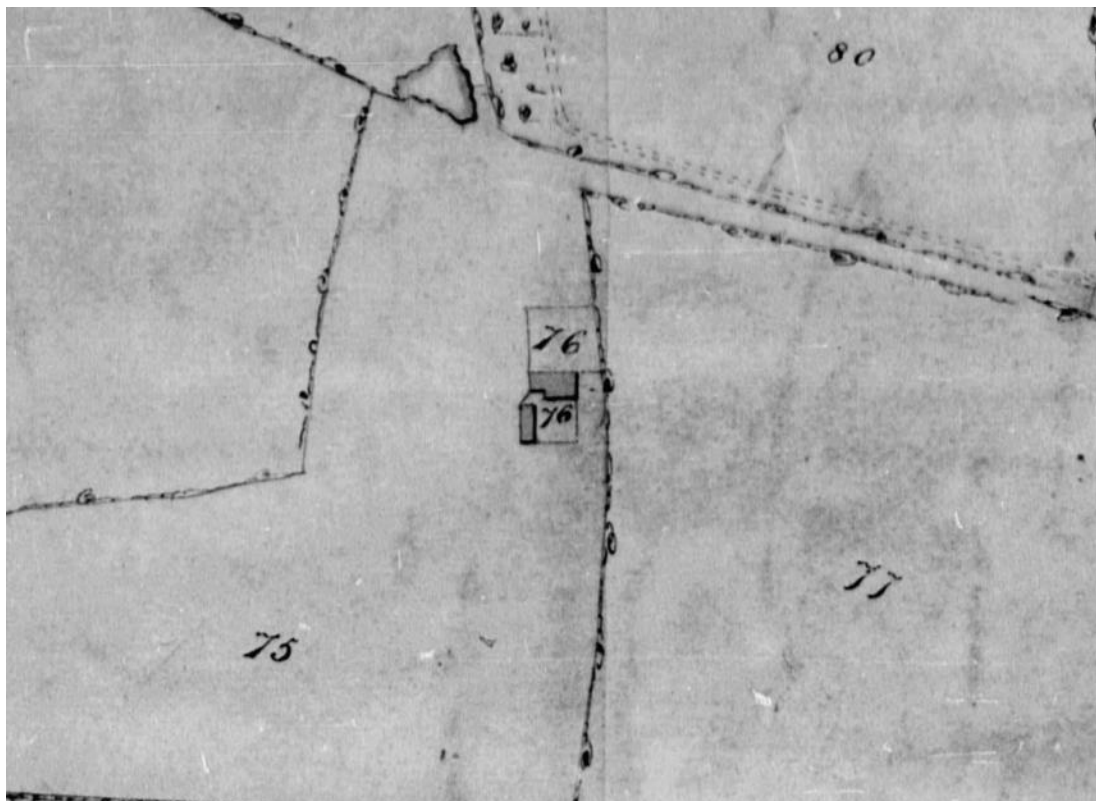


Plate 24: Extract of the plan of the parish of Goring of 1839.

- 10.5 The nature of the complex around Hightiten Barn means that although it is on sloping land, it is not clearly visible from the wider landscape, and indeed it was not designed to be appreciated as such. Furthermore, as a functional agricultural

building, it was not designed to facilitate views. Ultimately, the Listed building is best appreciated from the immediate vicinity, namely the central yard area.

Statement of Significance

- 10.6 As a Grade II Listed building, Hightiten Barn is a designated heritage asset of less than the highest significance as described by the NPPF.
- 10.7 This heritage significance is principally embodied in its physical fabric, especially that of the main barn building which appears to be the earliest element of the complex. This derives historic and architectural interest from its vernacular form and materials, being a good example of a former flint and brick barn that is thought to date from the 18th century. The later flanking ranges complement the main barn but make a lesser contribution to this significance.
- 10.8 The setting of the asset also contributes to its significance, although the significance derived from its setting is less than that derived from its historic fabric. Those elements of its surrounds, or setting, which positively contribute comprise:
- The immediate yard area and complex which historically served, and continues to serve, the asset and from which its external historic fabric can be best appreciated. Conversely, the historic agricultural character and appearance of this yard and complex has been eroded by the modern commercial works and associated material and machinery.
 - The immediate surrounding agricultural land, which can be experienced in conjunction with the barn, was historically functionally associated, and gives legibility to the original function and rural setting of the building.
 - The driveway to the east, which fossilises the main historic approach to the barn (as indicated by the mid-19th-century tithe map).

Any Contribution of the Appeal Site through Setting

- 10.9 The Appeal Site was in common ownership as Hightiten Barn in the mid-19th century (as evidenced by the tithe apportionment), although part of a much more expansive landholding belonging to David Lyon Esquire. A direct functional association between the site and the barn at that time is unlikely considering the

distance and the presence of intervening agricultural buildings i.e. North Barn. This historic association has since been severed.

10.10 The Hightiten Barn complex can be glimpsed in north-facing views from the Appeal Site; however, it is at such a distance from the site that such views do not better reveal the historic and architectural interest of the asset, nor do they enable it to be appreciated within its rural setting.

10.11 The Appeal Site therefore makes no contribution to the significance of Hightiten Barn through setting.



Plate 25: North-facing view towards Hightiten Barn (location marked with a orange arrow) from the north-east corner of the Appeal Site.

Impact Assessment

10.12 The proposed development would cause no harm to the heritage significance of the asset through changes in setting.

11. DISCUSSION OF LAW AND PLANNING POLICY

11.1 The assessments given above have concluded that the proposed development would result in negligible, less than substantial harm, at the very lowermost end of the spectrum, to the significance of Highdown Garden (as a Conservation Area and Grade II* Registered Park and Garden); Grade II Listed Jasmine and Clematis Cottages; and the Grade II Listed buildings comprising North Barn.

11.1 The judgement in 'Mordue' has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied, this is in keeping with the requirements of the 1990 Act.

11.2 The LPA have confirmed in their Statement of Case that:

"In assessing heritage impacts in isolation of other considerations the LPA accepts that public benefits would outweigh the harm to the setting of the Conservation Area and non designated and designated heritage assets."

11.3 As such, there is considered to be no dispute that heritage policy given in the NPPF is satisfied.

11.4 With regards to Local Planning Policy, the scheme does not conflict with any part of Policy 16 of the Worthing Core Strategy.

12. CONCLUSIONS

- 12.1 A full assessment has been made of the heritage significance of assets in the vicinity of the site, any contribution made by the site to their significance through setting, and any harm that would be caused to them by the proposed development.
- 12.2 The assessment has concluded that the proposed development would result in negligible, less than substantial harm, at the very lowermost end of the spectrum, to the significance of Highdown Garden (as a Conservation Area and Grade II* Registered Park and Garden); Grade II Listed Jasmine and Clematis Cottages; and the Grade II Listed buildings comprising North Barn.
- 12.3 No harm would be cause to the heritage significance of any other assets.
- 12.4 In line with paragraph 202 of the NPPF, the harm should be weighed against the public benefits of the proposed development. The LPA have confirmed that in a balance of heritage harm against the public benefits of the proposed scheme, the harm would be outweighed by the benefits.
- 12.5 The levels of harm to the heritage significance of assets (including absence of harm where relevant) assessed above are agreed common ground with the LPA.

APPENDIX 1: LEGISLATION AND PLANNING POLICY

National Planning Legislation, Policy and Guidance

Legislation

12.1 Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.

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

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

12.3 In the 2014 Court of Appeal judgement in relation to the **Barnwell Manor** case¹, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

12.4 A judgement in the Court of Appeal² ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.

¹ *East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137*, Core Document J9, page 10, paragraph 24

² *Jones v Mordue Anor (2015) EWCA Civ 1243* Core Document J10, page 14, paragraph 28

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

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

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

National Planning Policy Framework (July 2021)

- 12.7 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 12.8 **Paragraph 194** states that 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. In this case, no issue has been raised with regards to the level of the information provided. There is sufficient information on which a decision can be reached.
- 12.9 **Paragraph 195** states that 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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 12.10 **Paragraph 197** states that, in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.11 **Paragraphs 199 and 200** state that 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. 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. 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. This paragraph also discusses how substantial harm to different assets should be considered. Substantial harm is not alleged in this case.
- 12.12 **Paragraph 201** deals with circumstances where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset. Substantial harm is not alleged in this case.
- 12.13 **Paragraph 202** deals with circumstances where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, confirming that this harm should be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 12.14 **Paragraph 203** deals with circumstances where a development proposal would affect the significance of a non-designated heritage asset, requiring a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 12.15 With regard to decision making, **Paragraph 38** confirms that local planning authorities should approach it in a positive and creative way, looking for solutions rather than problems and seeking to approve applications for sustainable development where possible.

National Planning Guidance

- 12.16 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 12.17 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 12.18 The PPG has a section on the subject of '*Conserving and enhancing the historic environment*' which at paragraph 007 (ID: 18a-007-20190723 revision date 23.07.2019) confirms that consideration of '*significance*' in decision taking and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."

- 12.19 In terms of assessment of substantial harm, paragraph 018 (ID: 18a-017-20190723 revision date 23.07.2019) confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

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

be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

Local Planning Policy

- 12.20 Local planning policy relating to heritage is contained in Policy 16 of the Worthing Core Strategy (adopted 2011):

Policy 16 Built Environment and Design

Throughout the borough all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

The settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets. Where the quality of the existing building(s) or local character is weak, solutions need to be sought which raise overall quality.

Design should encompass well structured streets that are safe, pedestrian friendly, with an accessible lay-out and that will increase permeability throughout the borough. Development lay-outs, pedestrian environments and public spaces should be designed in a manner which maximises connectivity and actual and perceived safety. This will be achieved by carefully arranging buildings, spaces and access points to maximise natural surveillance, making good use of natural

and artificial light and ensuring that the mix of uses and dwelling types contributes positively to the area.

New development should factor the site's physical features and resources into the design, considering wind direction and solar orientation when designing streets and buildings to minimise energy demand.

APPENDIX 2: METHODOLOGY

Key Documents

12.21 Key documents that have been used in the compilation of this Statement comprise:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*³ (henceforth referred to as *Planning Note 2*);
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*⁴, the key guidance of assessing setting (henceforth referred to as *The Setting of Heritage Assets*);
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*⁵ (henceforth referred to as *Conservation Principles*); and
- *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*⁶.

12.22 This assessment has been informed by the documentation submitted with the planning application, and site visits in 2020.

Assessment of Significance

12.23 In the NPPF, heritage significance is defined 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. For World Heritage Sites, the cultural value described within each

³ *Historic England, 2015, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment; Core Document F2*

⁴ *Historic England, 2017, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets; Core Document F3*

⁵ *English Heritage 2008 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment; Core Document F4*

⁶ *Historic England 2019 Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12; Core Document F5*

**site's Statement of Outstanding Universal Value forms
part of its significance ."**

Assessing Value

12.24 *Planning Note 2*⁷ gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, *Planning Note 2* also advocates considering the four types of heritage value an asset may hold (page , as identified in *Conservation Principles*⁸; aesthetic, communal, historic and evidential. These essentially cover the heritage 'interests' given in the glossary of the NPPF and online Planning Practice Guidance, which comprise **archaeological, architectural, artistic and historic interest**. The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance* (October 2019)⁹, advises using the terminology of the NPPF and Planning Practice Guidance, and so that terminology has been used in this Proof.

12.25 *The online Planning Practice Guidance* provides further information on the heritage values it identifies¹⁰:

- **Archaeological interest** There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all

⁷ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*, Core Document F2

⁸ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*, Core Document F4

⁹ Historic England 2019 *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*; Core Document F5

¹⁰ *Online Planning Practice Guidance on the Historic Environment, Paragraph: 006 Reference ID: 18a-006-20190723*

types. Artistic interest is an interest in other human creative skills, like sculpture.

- **Historic Interest** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

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

12.27 Listed Buildings are designated for their special architectural and historic interest.

Setting and significance

12.28 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting." (NPPF Annex 2).

12.29 Setting is defined as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may contribute to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." (Annex 2)

12.30 Setting is not, in itself a heritage asset. Rather, setting can contribute to or affect an appreciation of significance or be neutral with regards to heritage values. The importance of the setting is as a component of the significance of the heritage asset.

Assessing change through alteration to setting

12.31 How setting might contribute to these values has been assessed within this report with reference to *GPA Note 3: The Setting of Heritage Assets*¹¹, particularly the checklist given on page 11. *The Setting of Heritage Assets* advocates the clear

¹¹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*, Core Document F3

articulation of *'what matters and why'*. This approach is endorsed by Historic England's most recent guidance on Statements of Significance¹².

12.32 In *The Setting of Heritage Assets*¹³, a stepped approach is recommended, of which:

- **Step 1** is to identify which heritage assets and their settings are affected.
- **Step 2** is to assess *'the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated'*. Four primary considerations are listed, comprising: the asset's physical surrounds; the asset's intangible associations and patterns of use; the contribution made by noises and smells; and the ways views allow the significance of an asset to be appreciated. The guidance includes a (non-exhaustive) check-list of elements of the potential attributes of a setting that may help elucidate its contribution to significance, among other things: topography, aspect, other heritage assets, green space, formal design, functional relationships, and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: surrounding landscape/townscape character, views, intentional intervisibility, dominance, tranquillity, sense of enclosure, accessibility, rarity and cultural associations.
- **Step 3** is to assess the effect of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it.
- **Step 4** is *'Explore ways to maximise enhancement and avoid or minimise harm'*.
- **Step 5** is *'Make and document the decision and monitor outcomes''*.

¹² Historic England 2019 *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*; Core Document F5

¹³ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*, Core Document F3

12.33 A Court of Appeal judgement¹⁴ has recently confirmed that whilst issues of visibility are important when assessing setting, other factors should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 - But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56).

Paragraph 26 - This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.

Levels of significance

12.34 In accordance with the levels of significance articulated in the NPPF, four levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings; Grade I and II* Registered Parks and Gardens; Scheduled Monuments; Protected Wreck Sites and Registered Battlefields (and also including some Conservation Areas);

¹⁴ *Catesby Estates Ltd v. Steer*, EWCA Civ 1697, 2018, Core Document J55

- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);
- **Non-designated heritage assets**;
- Sites, buildings or areas of **no heritage significance**.

Assessment of harm

12.35 In order to relate to key policies, the following levels of harm may potentially be identified:

- **Substantial harm or total loss** - It has been clarified in a High Court Judgement of 2013¹⁵ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
- **Less than substantial harm** - Harm of a lesser level than that defined above. The online Planning Practice Guide stipulates that the extent of the harm within this category should be clearly articulated¹⁶; and
- **No harm (preservation)** - The principle that preserving means doing no harm was clearly articulated by the House of Lords in 1992¹⁷, as well as a High Court Judgement of 2014¹⁸ which concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

12.36 For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *The Setting of Heritage Assets*, described above. Fundamental to the methodology set out in this document is

¹⁵ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council, Core Document J57

¹⁶ Planning Practice Guidance on the Historic Environment, Paragraph 018, reference ID Reference ID: 18a-018-20190723

¹⁷ South Lakeland District Council Appellants v Secretary of State for the Environment and Another Respondents, [1992] 2 A.C. 14, Core Document J56

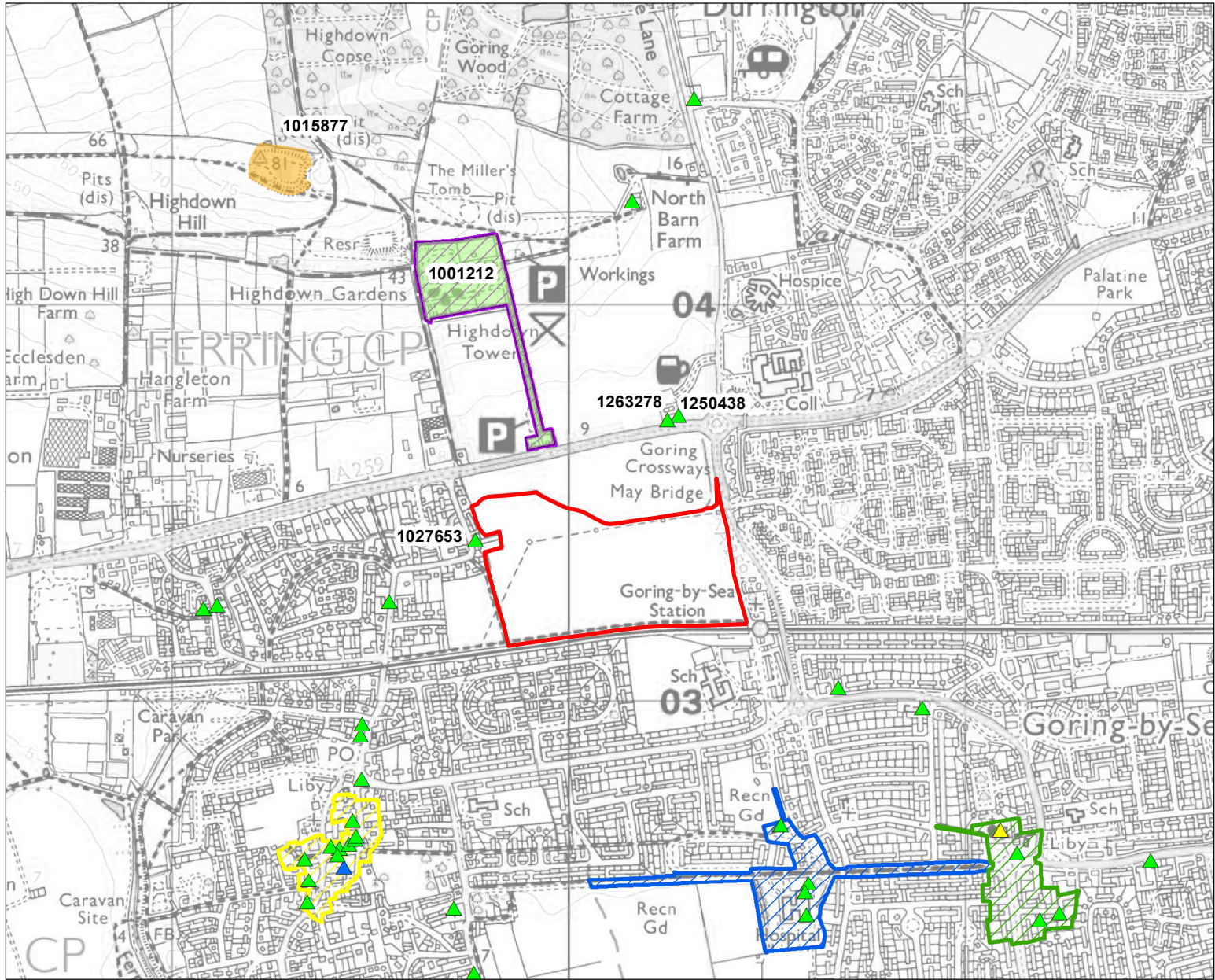
¹⁸ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle, Core Document J8

stating *'what matters and why'*. Of particular relevance is the checklist given on page 13 of *GPA Note 3: The Setting of Heritage Assets (Second Edition)*.

12.37 It should be noted that this document states that:

"setting is not itself a heritage asset, nor a heritage designation"

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



KEY

- Site
- ▲ Grade I Listed Building
- ▲ Grade II* Listed Building
- ▲ Grade II Listed Building
- Park and Garden
- Scheduled Monument
- Highdown Conservation
- Goring Conservation
- Goring Hall Conservation
- Ferring Conservation

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Figure 1: Designated Heritage Assets

Goring Station, Goring-by-Sea

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 DRWG No: P19-3046 Sheet No: - REV:-
 Drawn by: RG Approved by: GS
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