

PLANNING REPORT

Site Name : Land off Back Lane, Headlam.

Site Location : County Durham, DL2 3HA.

Heritage Assessment: Land off Back Lane, Headlam.



On behalf of:

Alistair Burn

October 2021

Job Number C/0076/2

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1. Introduction.

- 1.1. This Heritage Assessment accompanies the planning application to change the use of the land for the siting of 2 no. Shepherds Huts.
- 1.2. The report was commissioned by Mr Alistair Burn and has been prepared by Neil Boughey BA (Hons), LLB Laws, DipTP, MRTPI. It has been produced using the Historic England's Conservation Principles, Policies and Guidance (April 2008) and Advice Note 10: Listed Buildings and Curtilage (February 2018). A site survey was undertaken on 4 October 2021.
- 1.3. The proposed development site is situated within a wider, predominately agricultural site, just to the west of the main built up area of the village of Headlam.
- 1.4. The site comprises a field of improved grassland. Tree cover on the proposal site takes the form of fairly well established perimeter hedgerow and tree planting.





Fig 1 – Site Location.

- 1.5. Information on the history of the site has been drawn from a number of sources. The list of sources used in the preparation of the report is presented on p.21.



2. Heritage Designations.

2.1. The locations of Designated Heritage assets in proximity to the application site are shown below:



Fig 2 – Location of Listed Buildings.

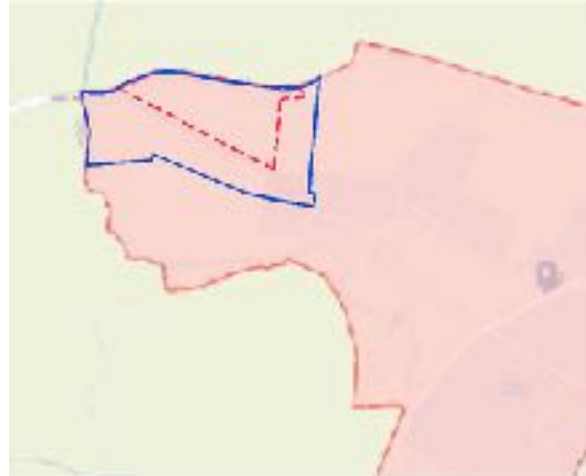


Fig 3 – Proposal site in relation to Conservation Area Boundary.



- 2.2. There are 4 Grade II statutory Listed Buildings within a 1km radius of the application site. Grade II buildings are deemed of special interest; 91.7% of all listed buildings are in this class.
- 2.3. The Grade II Listed “the Garth”, along with the Grade II Listed Stable block, are located to the south east of the application site. The list entries (list entry numbers 1121084 and 1159824) read respectively:

“House. C18 with extensive mid C19 and early C20 alterations. Limewashed sandstone rubble with dressed quoins; pantiled roof with rebuilt end and ridge stacks of brick. Entrance front 2 storeys, 2 wide bays and a right bay formed from raising single-storey extension mid C19. C19 6-panel door with 2-pane overlight at junction. 2 early C20 bay windows to left and single C19 tripartite window with 2-pane sashes to right. First floor has 3 similar tripartite windows with projecting sills and flush lintels; 1825 Yorkshire Insurance fire mark above door. Moderately-pitched roof with slightly-swept eaves. Single-storey, 2-bay addition to right with 12-pane horizontal-sliding sash, boarded door and renewed pantiled roof. Rear of main block has 2 round-arched sashes, single-storey outshut.”

“Stables with hayloft over. Early-mid C19. Limewashed sandstone rubble, dressed quoins; low-pitched roof of old pantiles with double row of sandstone flags at eaves. Symmetrical 2-storey, 3-bay front has openings with tooled-and-margined lintels and raised sills. Ground floor: central boarded door; 4-pane casement and blocked, segmental carriage arch with inserted window to left; two 4-pane casements and a Dutch door to right. First floor has three hit-and-miss windows. Rebuilt left gable stack of brick. Included for group value.

Attached ancillary buildings to south and east and detached cart shed and stables to west not of special interest.”

- 2.4. The Grade II Listed nos. 7 and 8, the Green, are located to the south east of the application site. The list entry (list entry numbers 1159816) reads:

Row of 2 cottages originally 4 or 5 dwellings. Possibly C18 with late C19 and C20 alterations. Limewashed sandstone rubble with dressed quoins; moderately-pitched pantiled roof; 5 rebuilt ridge stacks of brick. Single storey. Windows have projecting sills and flush lintels. No. 7 has 6-panel door with 3-pane overlight; three 12-pane sashes to left and two to right. No. 8 has 2 blocked doorways and a C20 door with 4-pane sash to left and 2-and 4-pane sashes to right. Included for group value.”



- 2.5. To the far south east of the application site, on the south side of the Green, is a Grade II Listed “Pound, situated 50 metres north of the Pack-horse bridge”. The list entry (list entry numbers 1121081) reads:

“Animal pound. Probably early C19. Dry, sandstone rubble wall with cambered coping course is about 1.5 metres high and encloses a rectangular area about 15 x 25 metres. Narrow opening with boarded gate and dressed piers in middle of south wall. Roughly dressed quoins.”

- 2.6. The proposal site is within the boundary of the Headlam Conservation area, which as Fig 3 illustrates, as well as including land around the core of the historic centre, also extends northwards to encompass open land south of Back Lane, including the application site.
- 2.7. Given that the proposal site lies within the conservation area boundary, and the moderate proximity between the application site and the 4 Grade II listed buildings to the south east, this heritage assessment has been undertaken to assess impacts on the settings of these designated heritage assets.



3. Planning Policy and Guidance – Heritage Setting

3.1. National Planning Policy Framework (NPPF) – Conserving and Enhancing the Historic Environment.

3.2. Chapter 16 of the NPPF (July 2021) states the following in paragraph 199;

“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.”

3.3. NPPF also states the following in paragraph 202;

“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.”

3.4. The Planning (Listed Building and Conservation Areas) Act 1990.

3.5. The Planning (Listed Building and Conservation Areas) Act 1990 (“the Listed Building Act”) requires decision makers to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

3.6. The statutory duty is reflected in the policies in the County Durham Plan 2020 (“CDP”)



3.7. County Durham Plan 2020.

3.8. **Policy 44 Historic Environment** provides, inter alia, that:

“Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.

Designated Assets

Great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments) (164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.

Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site;*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

In determining applications, particular regard will be given to the following:

Listed Buildings

b) respect for the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure; and

c) the retention of the character and special interest of buildings when considering alternative viable uses.



Conservation Areas

f. the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset;

g. the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and

h. respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).“



4. Heritage Setting Guidance.

- 4.1. Heritage Setting guidance is proved in the Historic England Good Practice Advice in Planning Note 3 (Second Edition).
- 4.2. The Good Practice Advice states that its purpose is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the national Planning Practice Guide (PPG).

It states that it should be read in conjunction with Good Practice Advice notes 1 (The Historic Environment in Local Plans) and 2 (Managing Significance in Decision-Taking in the Historic Environment). This good practice advice acknowledges the primacy of the NPPF and PPG, supporting the implementation of national policy, but does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources.

4.3. Guidance – Settings and Views.

- 4.4. Part 1 of the Historic England Guidance, ‘Settings and Views’, refers to NPPF Glossary; ‘Setting of a heritage asset’ which describes ‘setting’ as follows;

- *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.*
- *A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*
- *Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.*



- *The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*

4.5. The Guidance recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to the complexity of the case, from straightforward to complex:

- Step 1: Identify which heritage assets and their settings are affected.
- 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.
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm.
- Step 5: Make and document the decision and monitor outcomes.

4.6. The Guidance states the following;

'Development proposals involving the setting of single and less significant assets and straightforward effects on setting may best be handled through a simple check list approach and can usefully take the form of a short narrative statement for each assessment stage'.



- 4.7. The Guidance suggested checklist, considers the significance of the heritage asset itself and then the contribution made by its setting as follows;

The asset's physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design e.g. hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time



5. Case Law on Setting of Conservation Areas and Designated Heritage Assets.

5.1. I consider it useful to state the current legal position regarding issues relating to impact on the setting of designated built heritage assets in planning decisions.

5.2. The High Court recently handed down judgment in *R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899*. Her Honour Judge Belcher found for the Claimant on all grounds of challenge. In doing so, the Learned Judge clarified a number of important points concerning heritage policies.

5.3. In addressing harm, the Court held there are only 3 categories of harm:

“34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ...”

Hence the Court determined that even limited or negligible harm was enough to fall within the bracket of ‘less than substantial harm’.

5.4. In relation to degrees of harm and planning judgement, the Court determined:

“34.... It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in (then) Paragraph 193 NPPF. “



- 5.5. It is therefore clear that while most harm will fall within the category of “less than substantial harm”, it is the weight that is given to limited or negligible harm in the planning balance against public benefit that is commensurately reduced. It is not the case that less than substantial harm is given overriding weight in the planning balance irrespective of degree of harm or weight of public benefit.



6. Description.

- 6.1. The proposal site comprises a field of improved grassland. Tree cover on the proposal site takes the form of fairly well established perimeter hedgerow and tree planting.
- 6.2. There is no published guidance or Conservation Area Appraisal from Durham County Council for Headlam Conservation area such as to make it clear what are considered Important Views within the conservation area.



Fig 4 – view looking south from Back Lane onto the proposal site.

- 6.3. The provision of a pair of shepherds huts and hardstanding, along with tree planting, will result in very minimal changes to scale and massing within the site, the development being mostly absorbed within the surrounding rural landscape in all but very close views. Shepherds huts will maintain a rural site character and are neither intrusive nor unfamiliar elements in the contemporary rural landscape. Due to physical distance, there are considered to be no long south easterly views from Back Lane across the proposal sites onto the predominant concentration of designated heritage assets around the Green, Headlam.





Figs 5 – visualisations of shepherd's huts in situ on the proposal site.

- 6.4. There is no inter-visibility at all from the proposal site onto any of the Grade II Listed buildings which generally surround the Green, as a result of intervening ranges of more modern farm building to the north of the cottages at 7 & 8 the Green, and an intervening north to south aligned belt of mature tree cover that creates a barrier between the application site and views from the south east. This is most apparent from aerial views at figure 8 below.





Fig 6 – View looking north west from the front of the Grade II Listed Stables at “the Garth”.



Fig 7 – View looking north west from the Grade II Listed “Pound”.





Fig 8 - Aerial view showing tree belt separating views from heritage core around the Green and eastern boundary of the proposal site.

6.5. It can therefore be derived that the proposal site intervenes in neither southerly/south easterly views onto heritage assets from Back Lane to the north, or north westerly views looking from the Green across the proposal site from the south east, due to physical distance, intervening buildings and a mature north/south tree belt. I therefore consider there is no inter visibility between the proposal site and designated heritage assets.



7. Assessment of Significance.

- 7.1. Physical Impacts on Listed Buildings and other Heritage Assets within the proposal site.
- 7.2. There are no statutorily listed buildings or other designated heritage assets in proximity to the site that will be altered or directly impacted or affected by the proposal
- 7.3. Contribution made by site to setting.
- 7.4. As the NPPF makes clear, setting comprises ‘the surroundings in which a heritage asset is experienced’ (Annexe 2 Glossary). Consequently, the contribution of setting goes beyond purely visual relationships to take in other aspects of a Site’s use. The NPPF also notes, the ‘extent is not fixed and may change as the asset and its surroundings evolve.’
- 7.5. The impacts of the proposal on the setting of the Headlam Conservation Area have been assessed using the guidance contained within the Historic England document, Good Practice Advice in Planning – Note 3: The Setting of Heritage Assets (December 2017), which recommends a staged approach to assessment.
- 7.6. It is apparent that the proposal site has no functional connection with the predominant built heritage assets to the south east. The proposal site is an open field far separated from the historic core of the Conservation Area by distance and an existing north south tree line.
- 7.7. Due to distances, the presence of mature trees and hedgerows, and the intervening modern farm buildings, there is no inter visibility between the application site and predominant built heritage assets to the south east. This will be further reinforced by proposed planting around the proposed shepherds huts which will ensure they are “absorbed” in the rural landscape.
- 7.8. The proposed works will not visually intrude on the setting of the Conservation Area, this part of the Conservation Area being essentially a peripheral area of open fields along the northern boundary of the Conservation Area. Principal views in and out of the conservation area have been assessed and it is clear that the application proposal will only be visible in very close passing views from the site entrance onto Back Lane rather than imposing on, or being apparent in, any important long views in or out of the Conservation Area.



8. Heritage Impact Assessment.

- 8.1. Due to the demonstrable absence of any inter visibility between the proposal site and the Grade 2 Listed Buildings to the south east, there will be **no harm** in terms of impact on the setting of the Grade 2 Listed “the Garth” and stables, 7 & 8 the Green, and the Pound.
- 8.2. The proposal does not intervene, interrupt or negatively impact on any important long views into or out of the main part of the Conservation Area. As such I assess these will be **no harm** on the setting of this part of Headlam Conservation Area.
- 8.3. Should the Council not concur with my view and consider that some harm results to the setting of the Conservation Area, albeit surely at the very “lower end” of Less than Substantial Harm for the purposes of para 202 NPPF, any harm assessed as resulting from the proposal must be balanced by the public benefit the proposal will make in terms of contributing to meeting the identified need for additional visitor accommodation of the type proposed and extend the choice and range of visitor accommodation available in this part of County Durham, bringing modest but not insubstantial visitor expenditure revenue into the local economy, and the potential to create new habitats and help diversify the species richness of the site. In the context of the “Bradford” case discussed in Section 5 above, the minimal impact of the proposed alterations to the dwelling to me indicates that in such circumstances “harm” should be given minimal weight against public benefit when considered in the “planning balance”.



9. Conclusions

- 9.1. This Heritage Statement assesses the impact on the proposal on the settings of the Grade 2 Listed buildings at The Garth and stables thereto, 7 & 8 The Green, and the Pound, and the setting of Headlam Conservation Area.
- 9.2. In summary, due to the demonstrable absence of any inter visibility between the proposal site and the Grade 2 Listed Buildings there will be **no harm** to these buildings or their settings.
- 9.3. The proposal will cause **no harm** to the setting of Headlam Conservation Area due to it being neither visible nor prominent in important views in and out of the Conservation Area.



SOURCES USED IN THE REPORT

- Historic England Good Practice Advice in Planning Note 3 (Second Edition).

