

# Built Heritage Assessment

19 College Street, Higham Ferrers, Northamptonshire, NN10 8DX

Mr A. Speaight

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## Document Management.

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# 1. Introduction

1.1. Pegasus Group have been commissioned by Mr A. Speaight to prepare a Built Heritage Assessment to consider the proposed ancillary residential conversion of the Grade II Listed Barn belonging to 19 College Street, Higham Ferrers. 19 College Street is shown on the Site Location Plan provided at Plate 1.

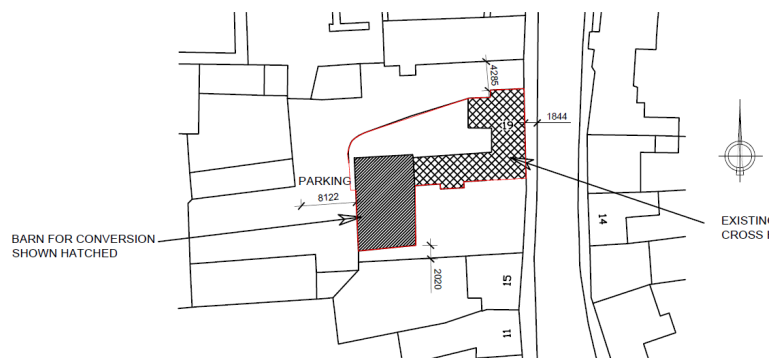


Plate 1: Site Location Plan.

1.2. As well as being part of a Grade II Listed asset, the barn is located within the Higham Ferrers Conservation Area and there are several heritage assets in the vicinity, including Scheduled Chichele College to the north.

1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

***"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".<sup>1</sup>***

1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.5. As required by paragraph 194 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance"*.<sup>2</sup>

<sup>1</sup> Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, September 2023), para. 194.

<sup>2</sup> DLUHC, *NPPF*, para. 194.

## Planning History

1.6. Previous applications for Listed Building Consent and Planning Permission to convert the Grade II Listed Barn to ancillary residential use were refused on 2<sup>nd</sup> May 2023 (LPA refs. 20/O1630/FUL & 20/O1631/LBC).

1.7. A consultation response received from the Principal Conservation Officer for East Northamptonshire Council (now North Northamptonshire Council) on 5<sup>th</sup> February 2023 raised no objection to the principle of conversion but did express concerns regarding the design of the proposals, which can be summarised as follows:

- The new openings proposed on the building's west elevation would spoil the simplicity of the building's design, and, together with the proposed potting shed, would overly domesticate the appearance of the building.
- Glazing proposed elsewhere should not be flush with the face of the stonework but instead set deep within the reveals.
- The proposed subdivision would not respect the open quality of the barn.

1.8. Revised plans were subsequently submitted and a second Conservation consultation response received on 29<sup>th</sup> June 2021 which can be summarised as follows:

- Ongoing concerns were expressed regarding the number of new openings proposed to the front and side elevations.

- The requirement for two new rooflights in the front roof slope were questioned.
- The previous recommendation that glazing be set deep within reveals was reiterated.

1.9. Following the submission of further revised drawings, a third and final Conservation response was received on 29<sup>th</sup> November 2022. This recognised the beneficial changes to the proposals since previous design iterations but judged the latest plans to be unacceptable because the newly proposed horizontal subdivision of space would erode the volume of space.

1.10. Consultation responses were also received from Historic England; however, these did not comment in detail on the proposed works to the barn but rather raised concerns regarding potential impact of construction works on the adjacent Scheduled Monument, 'Chichele College'. A strategy for the protection of the Scheduled Monument during the works was recommended.

1.11. An objection was also received from the Ancient Monuments Society who raised concerns regarding the design of the proposals.

1.12. Listed Building Consent and Planning Permission were subsequently refused. Both Decision Notices gave one, identical, reason for refusal which related to heritage, as follows:

***"1. The proposed barn conversion would result in the subdivision of the single volume space which is a key element of the building's significance. As such, the proposal would cause less than substantial harm to the significance of the Grade II listed building. The***

***proposal is considered contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 paragraphs 199–202 of the National Planning Policy Framework. It also contrary to policy 2 (a) of the adopted North Northamptonshire Joint Core Strategy 2011–2031 which seeks to conserve and, where possible, enhance the heritage significance of a heritage asset and criterion (d) i of Policy 8 of the North Northamptonshire Joint Core Strategy which seeks development that draws on the best of local character.”***

- 1.13. Notably, whilst the barn is located within the Higham Ferrers Conservation Area and in close proximity to several other heritage assets, the proposals were not identified as being harmful to the significance of any other assets.
- 1.14. The current proposals have evolved to address the previous concerns raised by consultees and identified within the reason for refusal, specifically to preserve legibility of the volume of space within the barn. To this end, the current proposals have been informed by relevant professional guidance published by Historic England, including *Making Changes to Heritage Assets*<sup>3</sup> and *Adapting Traditional Farm Buildings*.<sup>4</sup>

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<sup>3</sup> Historic England, *Making Changes to Heritage Assets: Historic England Advice Note 2* (revised edition, 2016), esp. paragraph 46.

<sup>4</sup> Historic England, *Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse* (revised edition, 2017).

## 2. Proposed Development

2.1. The application seeks Planning Permission and Listed Building Consent for a suite of works to facilitate the conversion of the existing building into ancillary residential accommodation.

2.2. Whilst the proposed works are detailed within the application documentation, they can be summarised as follows:

- Insertion of internal partitions to create enclosed garage/store, mezzanine bedroom and ensuite;
- Installation of new garage doors with clerestory glazing;
- Expansion of existing opening to create new external door on west elevation;
- Installation of new glazing to all existing and reopened fenestration, including arrow slit windows;
- Installation of new services and log burner;
- Replacement of existing clay tiles with blue slate and installation of conservation style rooflights;

- Removal of existing low level brick boundary wall, infilling of existing opening with garden wall and installation of new pedestrian gate.

2.3. The proposals are detailed on the following plans which form the application package and which this assessment considers:

- Proposed Ground Floor Plan reference 1439 06;
- Proposed First Floor Plan reference 1439 07;
- Proposed Sections reference 1439 08
- Proposed Elevations reference 1439 09;
- Proposed Joinery Details reference 1439 10; and
- Proposed Garage Doors reference 1439 11;

2.4. **Section 6** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 5**



### 3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

3.2. This assessment considers built heritage.

#### Sources

3.3. The following key sources have been consulted as part of this assessment:

- The Northamptonshire Historic Environment Record (HER), accessed via Heritage Gateway, for information on the recorded heritage resource in the vicinity of the site;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;

- The Northamptonshire Archives online catalogue;
- Old photographs accessible via the Historic England Architectural Red Box Collection;
- Google Earth satellite imagery;
- Historic England's guidance on adapting heritage assets, including traditional farm buildings.<sup>5</sup>

#### Site Visit

3.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 11<sup>th</sup> August 2023, during which the site and its surrounds were assessed.

#### Photographs

3.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note O6/19. However, the photographs included are intended to be an honest representation and are taken

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<sup>5</sup> Historic England, *Making Changes to Heritage Assets: Historic England Advice Note 2* (revised edition, 2016); Historic England, *Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse* (revised edition, 2017).

without the use of a zoom lens or edited, unless stated in the description or caption.

### Assessment Methodology

3.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 1**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter *GPA:2*);<sup>6</sup>
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);<sup>7</sup>
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter *HEAN:1*).<sup>8</sup>
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);<sup>9</sup> and

- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.<sup>10</sup>

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<sup>6</sup> Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2<sup>nd</sup> edition, Swindon, July 2015).

<sup>7</sup> Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2<sup>nd</sup> edition, Swindon, December 2017).

<sup>8</sup> Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (HEAN:1)* (2<sup>nd</sup> edition, Swindon, February 2019).

<sup>9</sup> Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

<sup>10</sup> English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

## 4. Policy Framework

### Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.<sup>11</sup>
- 4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>12</sup>
- 4.3. Full details of the relevant legislation are provided in **Appendix 2**.

### National Planning Policy Guidance

- 4.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in September 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance

documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.<sup>13</sup> The *PPG* also contains the *National Design Guide*.<sup>14</sup>

- 4.5. Full details of the relevant national policy guidance is provided within **Appendix 3**.

### The Development Plan

- 4.6. Applications for Planning Permission and Listed Building Consent are currently considered against the policy and guidance set out within the North Northamptonshire Joint Core Strategy 2011–2031 (adopted July 2016) and the Higham Ferrers Neighbourhood Plan ('made' in April 2016).
- 4.7. Policy 2 of the Core Strategy relates to the Historic Environment. Whilst the wording of the policy does not make direct reference to the weighing of heritage harm against public benefits in the decision-making process, provision for this mechanism (in accordance with the *NPPF*) is set out within the accompanying descriptive text.
- 4.8. Policy HF.DE2 of the Neighbourhood Plan relates to heritage assets and their setting. This policy is overly restrictive in the context of the *NPPF* because it does not

<sup>11</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>12</sup> UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

<sup>13</sup> Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

<sup>14</sup> Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).



allow the weighing of heritage harm against public benefits.

- 4.9. Details of the policy specifically relevant to the application proposals are provided within **Appendix 4**.

## 5. The Historic Environment

- 5.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 5.2. As set out in **Section 1**, the site comprises the Grade II Listed Barn belonging to 19 College Street, Higham Ferrers. The site is also located within the Higham Ferrers Conservation Area: this asset will be briefly considered below in a manner proportionate to the limited scope of the proposals.
- 5.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.<sup>15</sup>
- 5.4. Proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 5.5. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.<sup>16</sup> In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 5.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 5.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 5.8. Based on the previous Conservation comments and reasons for refusal relating to applications 20/O1630/FUL & 20/O1631/LBC, as well as the limited scope of the proposals, the significance of nearby heritage assets would not be harmed by the proposals, especially as the external agricultural character of the barn would be sustained. Therefore, no assets have been taken forward for further setting assessment.
- 5.9. A map of all designated heritage assets in the vicinity of the site is included at **Appendix 5**.

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<sup>15</sup> Historic England, *GPA:3*, p. 4.

<sup>16</sup> DLUHC, *NPPF*, para. 207.

## 19 College Street

- 5.10. The application site barn forms part of Grade II Listed 19 College Street (formally listed as ‘Number 19 and Attached Barn to West’). This asset was added to the National List on 17<sup>th</sup> June 1987 (NHLE 1191863). The List Entry describes the building as follows:

***"House. Mid and late C18. Squared coursed limestone with slate roof. Originally 2-unit plan. 2 storeys with attic. 3-window range of unhorned sash windows with glazing bars under gauged stone heads. Central C19 3-panel door with fanlight and flat hood over. 2-storey, one-window range of late C18 is attached to right and is set back from original 3 bays, all in similar manner. Chamfered plinth and ashlar gable parapets. Central flat-topped roof dormer with casement window. Brick stacks at ends. Rear elevation has mid C19 wing attached at right angles to main house and linking to early C19 barn. Barn is of squared coursed limestone with slate roof. Modified central cart entrance flanked by slit vents. Ashlar-gable parapets. Gable end has slit vents. Interior of house has late C18 staircase with stick balustrade and some 2 panelled doors."***

- 5.11. A full copy of the List Entry is included at **Appendix 6**.

## Historic Development

- 5.12. A map of Higham Ferrers drawn in 1789 (not reproduced) appears to depict the footprint of the dwelling comprising 19 College Street, including a range to the rear; however, no built form is depicted in the location of the present-day barn (this area was characterised by undeveloped burgage plots).<sup>17</sup> Consequently, the 1789 map confirms the barn is not of earlier origins.
- 5.13. The barn is clearly shown on the First Edition (1884–86) Ordnance Survey map (Plate 2). Its large rectangular footprint corresponds with that still extant, although at that time there was a small projecting structure off the west elevation. There appears to have been access off College Street to the east, via a gap between the dwelling of No. 19 and the built remains of Chichele College to the north.
- 5.14. The subsequent 1924–25 Ordnance Survey map (Plate 3) illustrates no perceptible change to the core barn structure but does show new built form in the immediate vicinity, including an adjoining structure to the south and a range to the south-west.
- 5.15. The earliest available satellite imagery for the site indicates that the small projecting structure on the west side of the barn had been removed by 2004 (Plate 4). A new range had also been built to the west (on the opposite side of the yard). Since then, there have been no notable changes in the vicinity of the barn (cf. Plate 5).

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<sup>17</sup> Northamptonshire Record Office; Historic England Red Box ref. BB72/4671.



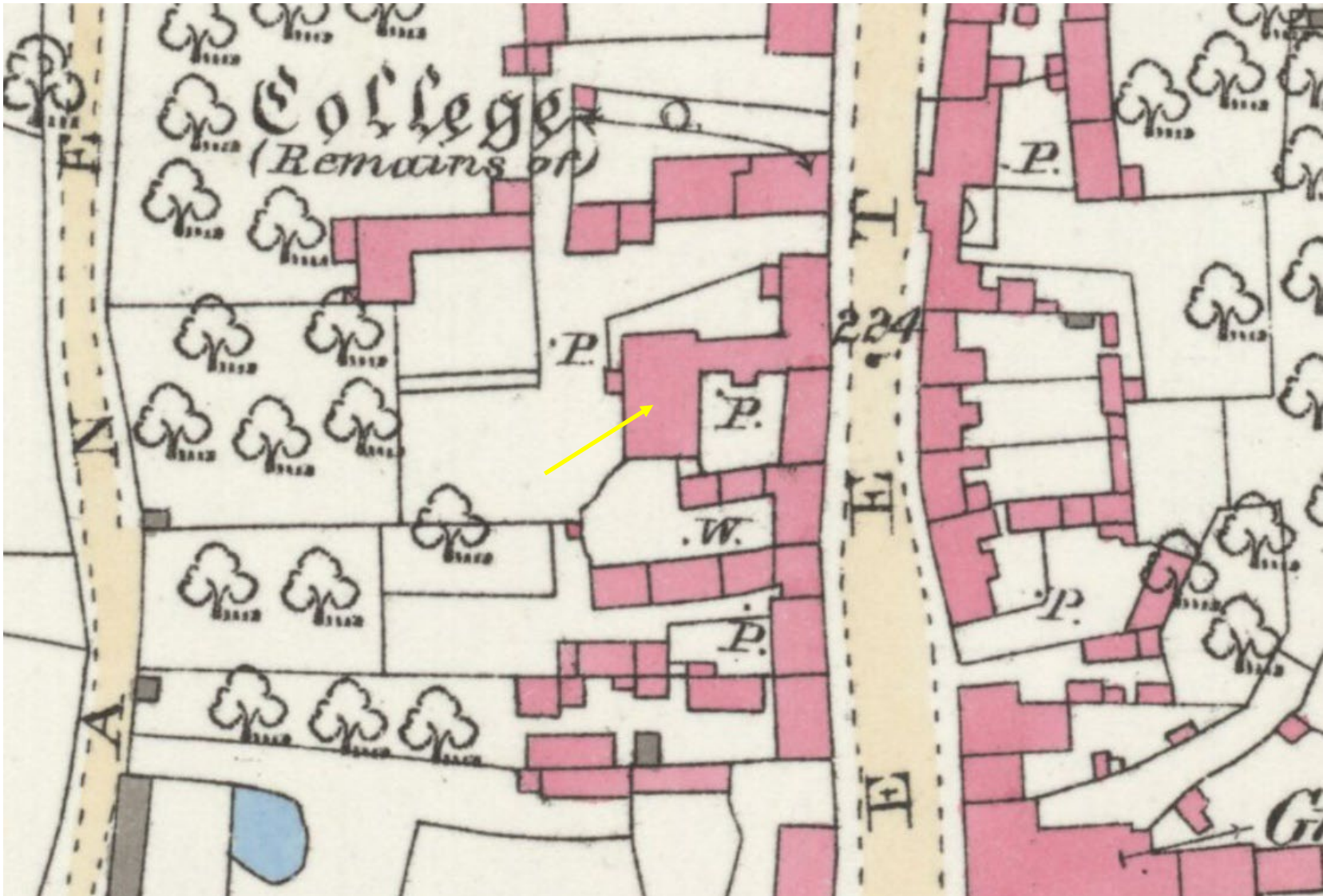


Plate 2: First Edition (1884–86) Ordnance Survey map.

The location of the barn is indicated with a yellow arrow. Source: National Library of Scotland.

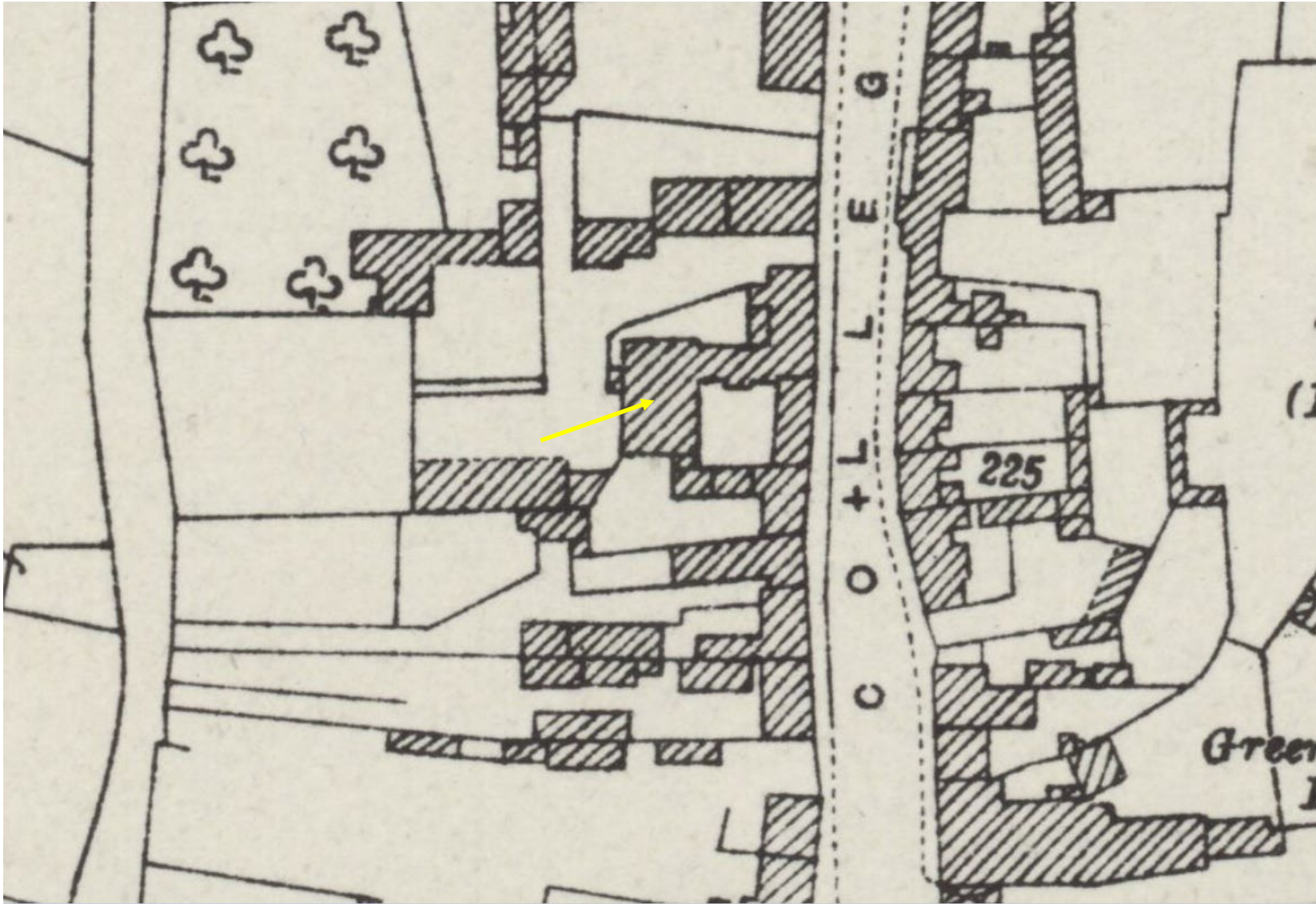


Plate 3: 1924–25 Ordnance Survey map.

The location of the barn is indicated with a yellow arrow. Source: National Library of Scotland.





*Plate 4: 2004 satellite image of the barn and its surrounds.*

*The location of the barn is indicated with a yellow arrow. Source: Google Earth Pro.*





*Plate 5: 2020 satellite image of the barn and its surrounds.*

*The location of the barn is indicated with a yellow arrow. Source: Google Earth Pro.*

### Fabric Analysis of Barn

- 5.16. The barn is of rubble stone construction with a pitched roof covered in red pantiles. It is legible as a former threshing barn. The pantile roof is evidently a relatively recent replacement since the List Entry (compiled 1987) records that the barn then possessed a slate roof.
- 5.17. The principal west elevation (Plate 6) possesses an off-centre doorway opening. This is supported by a modern steel lintel with evidence of a former roller shutter doors system. There is a stone segmental relieving arch above. The barns doors are legible as later replacements due to the sawn softwood timbers and method of manufacture. Flanking the doorway are a pair of high-level ventilation slits. On the left-hand (north) side of the west elevation there are the remains of the structure recorded on the earliest Ordnance Survey mapping; this is legible as a former stone lean-to with a doorway opening on the south side which was later bricked up.
- 5.18. The north flank elevation (Plate 7) is characterised by a central bricked-up doorway with a timber lintel; two hayloft openings, one which has been bricked up and the other still possessing a timber hatch; and four ventilation slits at the apex of the gable. The right-hand (west) corner of the gable wall is canted, presumably to aid movement of carts turning into the yard.
- 5.19. The south flank elevation (Plate 8) is perforated by seven ventilation openings but is otherwise devoid of architectural details.
- 5.20. The east elevation of the barn is concealed where it adjoins the dwelling of No. 19, whilst the remainder of the elevation faces onto the rear garden of No. 17. Consequently, it was not possible to externally inspect this elevation.
- 5.21. Internally (Plate 9), a brick skin has been applied to the lower half of the external stone walls, creating a level shelf. This suggests a first floor was inserted at a later stage (although this is no longer extant). The stone walls are lime rendered. The floor is a mix of bare earth and modern concrete. The roof structure is composed of a series of king post trusses formed of machine-sawn timbers. There are gaps between the pantiles such that the building is not watertight.





Plate 6: Barn, west elevation.





*Plate 7: Barn, north elevation.*





Plate 8: Barn, south elevation.



Plate 9: Barn, interior.

### Approaches, Views and Setting

- 5.22. The main approach to 19 College Street currently and historically is via College Street. The house fronts onto the road and its principal east elevation was evidently designed to be admired by passersby. By contrast, the barn can only be approached via the private gravelled driveway that passes the house to the north. As a back-plot structure separated from College Street by intervening built form, the barn is not publicly visible.
- 5.23. Whereas there are intended views out from the house, which are principally directed across College Street to the east but also across its rear garden area, the barn was not constructed for the purpose of any designed views given it is an agricultural building.
- 5.24. 19 College Street remains legible as a small historic farmstead (albeit now redundant) due to the presence and layout of the barn, other agricultural buildings, and yard to the rear.
- 5.25. Along College Street there are other historic properties (several listed) which can be experienced in conjunction with the frontage of No. 19. These include the remains of Chichele College immediately to the north which form part of a scheduled monument. On the other hand, there is modern development to the west and further south of the site, located off Saffron Road.

### Statement of Significance

- 5.26. The Grade II Listing of 19 College Street highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.<sup>18</sup> This significance is consolidated by its inclusion within the boundaries of the Higham Ferrers Conservation Area.
- 5.27. The heritage significance of the listed building is principally embodied in its physical fabric, and especially the house which is the earliest part of the listed building. This derives historic interest from its general form, age, character and layout as a traditional dwelling which is thought to be of mid-18<sup>th</sup>-century origins. Architectural interest is embodied in its earliest stone fabric and the design of its principal elevation, as well as historic fixtures and fittings that are reported to survive internally, including a late 18<sup>th</sup>-century staircase and panelled doors.
- 5.28. The attached barn also contributes to the significance of the asset, although as a later addition and (more generally) a late example of a threshing barn the contribution is lesser than that of the house. Ultimately, it is the legibility of the structure as a traditional threshing barn of probable early 19<sup>th</sup>-century origins that contributes to the historic interest of the asset. As a utilitarian agricultural building that has been altered and is in a state of disrepair due to its disuse, the architectural interest of the barn is somewhat limited and largely restricted to its core stone fabric.
- 5.29. The setting of 19 College Street also contributes to the significance of the asset, although the significance

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<sup>18</sup> DLUHC, *NPPF*, para. 200.

derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which are considered to contribute to its heritage significance comprise:

- The rear garden area which gives legibility to the domestic function of the house (historic interest);
- The other redundant farm buildings to the rear which give legibility to the former farmstead context (historic interest);
- Other elements of its immediate curtilage, including the driveway and yard area, which illustrate the historic access to and layout of the complex (historic interest);
- College Street, which forms the access to the listed building and from which the principal elevation of the house was designed to be appreciated by passersby (historic and architectural interest); and
- The other historic properties immediately neighbouring the asset, which give legibility to its historic settlement context and experience (historic interest).

## The Higham Ferrers Conservation Area

- 5.30. The Higham Ferrers Conservation Area covers the historic core of the settlement, the focus of which is along High Street/College Street. There is currently no adopted Conservation Area appraisal or management plan.
- 5.31. There is evidence of earlier occupation in the locality, including the remains of a Romano-British settlement to the north-west; however, the origins of the current town are found in the early medieval period. The medieval focus of the settlement was around the castle, church and market place which lie in the northern and central parts of the Conservation Area. Post-medieval expansion of the town included the laying out of College Street from the later 17<sup>th</sup> century. Since the early 20<sup>th</sup> century the town has expanded considerably, initially as a result of industrial development and the construction of the Higham Ferrers branch line and more recently as a result of extensive residential development.

### Character and Appearance

- 5.32. The character and appearance of the Conservation Area is principally embodied in the following elements:
- Residual elements of the linear settlement layout along High Street/College Street which give legibility to the historic layout of burgage plots, although this has been eroded by the modern expansion of the settlement.
  - The high concentration of historic buildings, many of which are individually listed.



- The varied and eclectic architectural styles which reflect the development of the settlement from the medieval period.
- Traditional building materials, especially the local limestone but also brick, render, thatch, clay tiles and slate.
- The humble, domestic scale of most built form, which is typically two storeys in height.
- Traditional boundary treatments which include stone and brick walls.
- Historic green spaces, including the churchyard and the site of the castle.
- Mature trees where these give residual legibility to the origins of Higham Ferrers as a rural settlement.

### **Setting, Approaches and Views**

- 5.33. The experience of the historic rural surrounds of Higham Ferrers has been eroded by the modern expansion of the settlement.
- 5.34. Historically, the main approach and route through Higham Ferrers was via High Street/College Street which formed the spine of the settlement. This largely remains the case, although the modern settlement expansion has introduced alternative directions of approach.
- 5.35. The most important views are the sequential views and street scenes within the Conservation Area which contain the greatest concentration of historic buildings and other elements which contribute to character and appearance

(as identified above). The modern expansion of Higham Ferrers has removed/restricted long-range views towards and from the settlement which historically would have enabled the relationship between the historic core and its agricultural hinterland to be readily understood.

### **Statement of Significance**

- 5.36. The significance of the Higham Ferrers Conservation Area is principally derived from the elements of its intrinsic character and appearance identified above. These elements contribute to the special architectural and historic interest of the asset which forms the basis of its designation.
- 5.37. There is currently no statutory protection for the settings of Conservation Areas and, as set out above, the historic agricultural surrounds of Higham Ferrers has been eroded by the modern expansion of the settlement, such that the relationship between the historic core and its agricultural hinterland is no longer readily experienced.

### **The Contribution of the Site**

- 5.38. The site is located within the Conservation Area, near the western boundary. As a traditional, vernacular, agricultural building of probable early 19<sup>th</sup>-century origins which possesses a degree of special intrinsic architectural and historic interest, the barn positively contributes to the character and appearance of the Conservation Area.
- 5.39. On the other, the barn is not a prominent building within the area, nor can it be publicly experienced. Furthermore, it is currently redundant and in a state of disrepair, such that its long-term conservation and contribution to the character and appearance of the area is not secure. For



these reasons, the contribution is diminished and, when considering all elements that contribute, the relative contribution to the significance of the Conservation Area is only very small.

## 6. Assessment of Impacts

- 6.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the applications for Listed Building Consent and Planning Permission in line with the proposals set out within **Section 2** of this Report.
- 6.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those for Listed Building Consent, are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 6.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 6.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed Buildings and Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.
- 6.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.<sup>19</sup> With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.<sup>20</sup>
- 6.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.<sup>21</sup>
- 6.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.<sup>22</sup> In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

<sup>19</sup> DLUHC, *NPPF*, paras. 201 and 202.

<sup>20</sup> DLUHC, *NPPF*, para. 203.

<sup>21</sup> DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

<sup>22</sup> DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

***"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."***<sup>23</sup>

6.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

### **19 College Street**

6.9. The proposals will have a physical impact on the barn which forms only one part of the asset as a whole. The house will be physically unaffected.

6.10. Internally, it is proposed to insert a pod within the southern side of the barn to create an enclosed garage/storage space, separated from the remainder of the space and accessed from the existing large opening on the west elevation. This will also create a mezzanine level accessed by a new stair with simple balustrade above.

6.11. A further small pod will be installed within the mezzanine level to create a small ensuite, which will also make use of one of the existing slot windows.

6.12. The existing access to the barn from the main house will be enclosed by a small lobby to provide separate, enclosed access to the new garage space from the main house.

6.13. The proposed works will ensure that the overall volume and appreciation of the full height space of the barn will still be maintained, including a full view of the roof structure from within the proposed new living space.

6.14. The use of pods and mezzanines within former barns is well established and is advocated by Historic England (as highlighted by officers within their delegated report on the previously refused application) and would preserve the significance of this part of the wider Listed Building.

6.15. Externally, and as previously accepted by officers in their consideration of the previous proposals for the conversion of the building, it is proposed to reopen all of the previously blocked openings and glaze the existing slot windows. The glazing of the slot windows and other new fenestration will be set back from the face of the building (as previously requested by officers) and suitably detailed with timber frames (see submitted plans).

6.16. The use of slim profile double glazing with Listed Buildings is well established, particularly in cases such as the application proposals whereby no original glazing survives and new units are proposed.

6.17. An existing opening in the corner of the west elevation, previously bricked up, will be reopened with the lintel raised to provide a new pedestrian access (see Plate 10 and Plate 11). Whilst this will involve the limited loss of historic fabric, is not considered that overall this will

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<sup>23</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

impact on the significance of the building especially when considered in the context of the proposals as a whole.



*Plate 10: Previously blocked opening to be reopened and lintel raised.*



*Plate 11: Interior view of blocked opening on west elevation proposed to be reopened.*



- 6.18. The proposed new blue slate roof will beneficially reinstate the previously lost roof covering and represent a significant enhancement in the replacement of the degraded clay pantile roof.
- 6.19. Two new conservation style rooflights will be installed flush within the western roofslope, which will have no impact on the significance of the building.
- 6.20. A small flue to service the new log burner will project from the roofslope. It is considered that subject to the final colour of this, it will not impact on the overall appreciation and significance of the building.
- 6.21. Within the direct curtilage of the barn it is proposed to remove the small section of infill brick walling which is failing and set atop a ground level, rotted timber (Plate 12), and infill a disused pedestrian gate within the existing garden wall (Plate 12). A new timber gate will be installed to enclose the residential garden area. These elements are not considered to impact on any important historic fabric and will have no impact on the significance of the Listed Building, albeit will provide a secure amenity space for the property as a whole.
- 6.22. By securing the optimum viable use of the barn and ensuring the long-term conservation and maintenance of its fabric, the proposals will result in more general heritage benefits/public benefits (in accordance with the PPG). These benefits should be an important material consideration in the decision-making process.



*Plate 12: Section of infill brick wall to be removed.*



*Plate 13: Section of wall to be infilled.*

### The Higham Ferrers Conservation Area

- 6.23. When considering potential impacts on the Conservation Area, it must be acknowledged that the site forms a very small part the designation area and its contribution to the significance of the asset as a whole is very small.
- 6.24. Paragraph 207 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?<sup>24</sup>
- 6.25. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:
- “Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located”.***<sup>25</sup> (my emphasis)
- 6.26. As discussed above, the proposals will sustain the external agricultural character of the barn such that its contribution to the character and appearance of the Conservation Area will be preserved and there will be no harm to the significance of the asset.

- 6.27. Most importantly, the scheme will secure the optimum viable use of the barn and ensure its long-term conservation and maintenance. Without a new use, the barn will remain disused and its fabric will continue to deteriorate, thereby resulting in the further erosion of the character and appearance of the Conservation Area. In accordance with the PPG, the proposed sensitive conversion of the building would result in heritage benefits/public benefits which should be an important material consideration in the decision-making process. It should also be noted that the Conservation Area was not cited as a reason for the refusal of the previous scheme.

### Other Matters

- 6.28. It is noted that in their consideration of the previously refused scheme, whilst not objecting to the proposals, Historic England raised concerns regarding potential impacts to the adjacent Scheduled Monument within their consultation response. These concerns were considered by officers in their assessment of the previously refused proposals whereby they confirmed that:

***“Whilst they have offered no comment on the works to the proposed barn they have expressed concerns regarding potential impact of the works on the scheduled monument and recommend that the application should include a robust strategy for the protection of the scheduled monument during construction works. In particular, this should consider the site access, which is bordered to the north by the***

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<sup>24</sup> DLUHC, *NPPF*, para. 207.

<sup>25</sup> *Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government* [2020] EWHC 958 (Admin).

***standing remains of the south range of the college, in order to avoid or minimise the risk of damage. Following consultation with Historic England it is considered that this could be controlled via means of a condition should approval be forthcoming.”***

- 6.29. Whilst no works are proposed within the Scheduled Area, given previous concerns and the nature of the revised scheme now proposed, it is considered that a similar approach to this issue could be adopted, and that safeguards could be agreed through an appropriately worded Condition attached to the relevant permissions.



## 7. Conclusions

- 7.1. The application proposals seek Listed Building Consent and Planning Permission for the conversion of the existing barn to ancillary residential accommodation.
- 7.2. The proposed works have been developed in order to address the concerns raised by officers in their consideration of the previously refused scheme.
- 7.3. The proposals now seek to install a garage pod, with open mezzanine above, in line with best practice guidance set out by Historic England and widely adopted in the conversion of barns across the country.
- 7.4. The detailing of the conversion is light touch such that the only intervention into the fabric of the building is through the expansion of a previously blocked opening on the west elevation to create a new pedestrian access into the barn. Whilst this will involve the very limited loss of

existing fabric, this is overall not considered to impact upon the significance of the building as a whole, and in any case would be more than outweighed by the significant wider benefits brought about by the proposed conversion works, including the replacement of the degraded and incongruous existing roof overing and facilitating the long-term preservation of the building as a whole.

- 7.5. Overall, the proposed conversion works are considered to both address the previous reason for refusal and represent a scheme which is considered to both preserve and enhance the historic and architectural interest of the building in line with both the statutory obligation set out within the Act and relevant policy set out within the NPPF and local development plan.

# Appendix 1: Assessment Methodology

## Assessment of significance

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 site’s Statement of Outstanding Universal Value forms part of its significance.”<sup>26</sup>***

Historic England's *GPA:2* 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.<sup>27</sup>

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.<sup>28</sup> These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.<sup>29</sup>

The *PPG* provides further information on the interests it identifies:

- ***Archaeological interest:*** *As defined in the Glossary to the National Planning Policy Framework, 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 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.<sup>30</sup>

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

<sup>26</sup> DLUHC, *NPPF*, pp. 72–73.

<sup>27</sup> Historic England, *GPA:2*.

<sup>28</sup> Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

<sup>29</sup> DLUHC, *NPPF*, p. 72; DLUHC, *PPG*, Annex 2.

<sup>30</sup> DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.<sup>31</sup>

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest.

### Setting and significance

As defined in the *NPPF*:

***“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”<sup>32</sup>***

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 make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”<sup>33</sup>***

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

### Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist

given on page 11. This advocates the clear articulation of *“what matters and why”*.<sup>34</sup>

In *GPA:3*, 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 whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

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<sup>31</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

<sup>32</sup> DLUHC, *NPPF*, p. 73.

<sup>33</sup> DLUHC, *NPPF*, p. 72.

<sup>34</sup> Historic England, *GPA:3*, pp. 8, 11.

**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.”<sup>35</sup>**

## Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the *NPPF*;<sup>36</sup>
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);<sup>37</sup> and

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<sup>35</sup> *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

<sup>36</sup> *DLUHC, NPPF*, para. 200 and fn. 68.

<sup>37</sup> *DLUHC, NPPF*, para. 200.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.<sup>38</sup>

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

### Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

***“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative***

***assessment using professional judgement is inevitably involved.”***<sup>39</sup>

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

<sup>38</sup> DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

<sup>39</sup> International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

### Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 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"*,<sup>40</sup> and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

***"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."***<sup>41</sup>

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This 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"*.<sup>42</sup>

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.<sup>43</sup> Thus, change is accepted in Historic England's guidance as part of the evolution of

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<sup>40</sup> Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

<sup>41</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

<sup>42</sup> R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

<sup>43</sup> Historic England, GPA:2, p. 9.

the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.<sup>44</sup> Of particular relevance is the checklist given on page 13 of *GPA:3*.<sup>45</sup>

It should be noted that this key document also states:

***“Setting is not itself a heritage asset, nor a heritage designation...”***<sup>46</sup>

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

With regards to changes in setting, *GPA:3* states that:

***“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.***<sup>47</sup>

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.<sup>48</sup>

## **Benefits**

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 3**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.<sup>49</sup>

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<sup>44</sup> Historic England, *GPA:3*, p. 8.

<sup>45</sup> Historic England, *GPA:3*, p. 13.

<sup>46</sup> Historic England, *GPA:3*, p. 4.

<sup>47</sup> Historic England, *GPA 3*, p. 8.

<sup>48</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

<sup>49</sup> *DLUHC, NPPF*, paras. 201 and 202.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.<sup>50</sup>

The *PPG* provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

***“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.***

***Examples of heritage benefits may include:***

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***

- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.”<sup>51</sup>***

Any "*heritage benefits*" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

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<sup>50</sup> Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); *DLUHC, NPPF*, paras. 201 and 203.

<sup>51</sup> *MHCLG, PPG*, paragraph 020, reference ID: 18a-020-20190723.



## Appendix 2: Legislative Framework

Legislation relating to the built 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.<sup>52</sup> It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and states that:

***“In considering whether to grant listed building consent for any works the local planning authority or 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.”<sup>53</sup>***

Section 66(1) of the Act goes on to state 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.”<sup>54</sup>***

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<sup>52</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>53</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, 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.”<sup>55</sup>***

A judgement in the Court of Appeal (‘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 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 3**), this is in keeping with the requirements of the 1990 Act.<sup>56</sup>

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***

<sup>54</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

<sup>55</sup> Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

<sup>56</sup> Jones v Mordue [2015] EWCA Civ 1243.



***or enhancing the character or appearance of that area.***<sup>57</sup>

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.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>58</sup>

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<sup>57</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

<sup>58</sup> UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

## Appendix 3: National Policy Guidance

### The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

***"Plans and decisions should apply a presumption in favour of sustainable development.***

***For plan-making this means that:***

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

***the overall scale, type or distribution of development in the plan area; or***

- ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

***For decision-taking this means:***

- a. ***approving development proposals that accord with an up-to-date development plan without delay; or***
- b. ***where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
  - i. ***the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
  - ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***<sup>59</sup>

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

***“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”***<sup>60</sup> (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

***“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”***<sup>61</sup>

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<sup>59</sup> DLUHC, NPPF, para. 11.

<sup>60</sup> DLUHC, NPPF, para. 11, fn. 7.

<sup>61</sup> DLUHC, NPPF, p. 68.

The NPPF goes on to define a Designated Heritage Asset as a:

***“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”<sup>62</sup>***

As set out above, significance is also defined as:

***“The value of a heritage asset to this and future generations because of its heritage interest. The 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 site’s Statement of Outstanding Universal Value forms part of its significance.”<sup>63</sup>***

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”<sup>64</sup>***

Paragraph 197 goes on to state that:

***“In determining planning applications, local planning authorities should take account of:***

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”<sup>65</sup>***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

***“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***

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<sup>62</sup> DLUHC, NPPF, p. 67.

<sup>63</sup> DLUHC, NPPF, pp. 72–73.

<sup>64</sup> DLUHC, NPPF, para. 195.

<sup>65</sup> DLUHC, NPPF, para. 197.

**substantial harm, total loss or less than substantial harm to its significance.”<sup>66</sup>**

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

**Substantial harm to or loss of:**

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”<sup>67</sup>**

In the context of the above, it should be noted that paragraph 201 reads as follows:

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

- a. the nature of the heritage asset prevents all reasonable uses of the site; and**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”<sup>68</sup>**

Paragraph 202 goes on to state:

**“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.”<sup>69</sup>**

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

**“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a**

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<sup>66</sup> DLUHC, NPPF, para. 199.

<sup>67</sup> DLUHC, NPPF, para. 200.

<sup>68</sup> DLUHC, NPPF, para. 201.

<sup>69</sup> DLUHC, NPPF, para. 202.

***positive contribution to the asset (or which better reveal its significance) should be treated favourably.”<sup>70</sup>***

Paragraph 207 goes on to recognise that “*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*” and with regard to the potential harm from a proposed development states:

***“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”<sup>71</sup>*** (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

***“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”<sup>72</sup>***

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

### **National Planning Practice Guidance**

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

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.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important 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***

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<sup>70</sup> DLUHC, NPPF, para 206.

<sup>71</sup> DLUHC, NPPF, para. 207.

<sup>72</sup> DLUHC, NPPF, para. 203.



***understanding the potential impact and acceptability of development proposals.***<sup>73</sup>

In terms of assessment of substantial harm, the PPG 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.***<sup>74</sup> (our emphasis)

#### **National Design Guide:**

Section C2 relates to valuing heritage, local history and culture and states:

***"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.***<sup>75</sup>

***"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.***<sup>76</sup>

It goes on to state that:

***"Well-designed places and buildings are influenced positively by:***

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

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<sup>73</sup> DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

<sup>74</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

<sup>75</sup> DLUHC, NDG, para. 46.

<sup>76</sup> DLUHC, NDG, para. 47.





- ***the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;***
- ***the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.***

***Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21<sup>st</sup> century.***<sup>77</sup>

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<sup>77</sup> DLUHC, NDG, paras. 48–49.

## Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent within Higham Ferrers are currently considered against the policy and guidance set out within the North Northamptonshire Joint Core Strategy 2011–2031 (adopted July 2016) and the Higham Ferrers Neighbourhood Plan (‘made’ in April 2016).

### North Northamptonshire Joint Core Strategy

The Core Strategy contains one policy which relates directly to the historic environment, as follows:

#### ***“POLICY 2 – HISTORIC ENVIRONMENT***

***The distinctive North Northamptonshire historic environment will be protected, preserved and, where appropriate, enhanced. Where a development would impact upon a heritage asset and/or its setting:***

- a) Proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance;***
- b) Proposals should complement their surrounding historic environment through the form, scale, design and materials;***
- c) Proposals should protect and, where possible, enhance key views and vistas of heritage assets, including of the church spires along the Nene Valley and across North Northamptonshire;***

***d) Proposals should demonstrate an appreciation and understanding of the impact of development on heritage assets and their setting in order to minimise harm to these assets and their setting. Where loss of historic features or archaeological remains is unavoidable and justified, provision should be made for recording and the production of a suitable archive and report;***

***e) Where appropriate, flexible solutions to the re-use of buildings and conservation of other types of heritage assets at risk will be encouraged, especially, where this will result in their removal from the ‘at risk’ register.”***

### Higham Ferrers Neighbourhood Plan

The Neighbourhood Plan contains one policy that is directly relevant to heritage matters, as follows:

#### ***“HF.DE2- Heritage Assets and their Setting***

***Any development must conserve or enhance the heritage assets of the Town and their setting, including both designated and non-designated heritage assets.***

***Besides the nationally Listed Buildings (see list in Appendix 2), the following buildings and sites are of architectural significance, local distinctiveness and character and historic importance:***

- Cemetery Gatehouse, Vine Hill Drive***

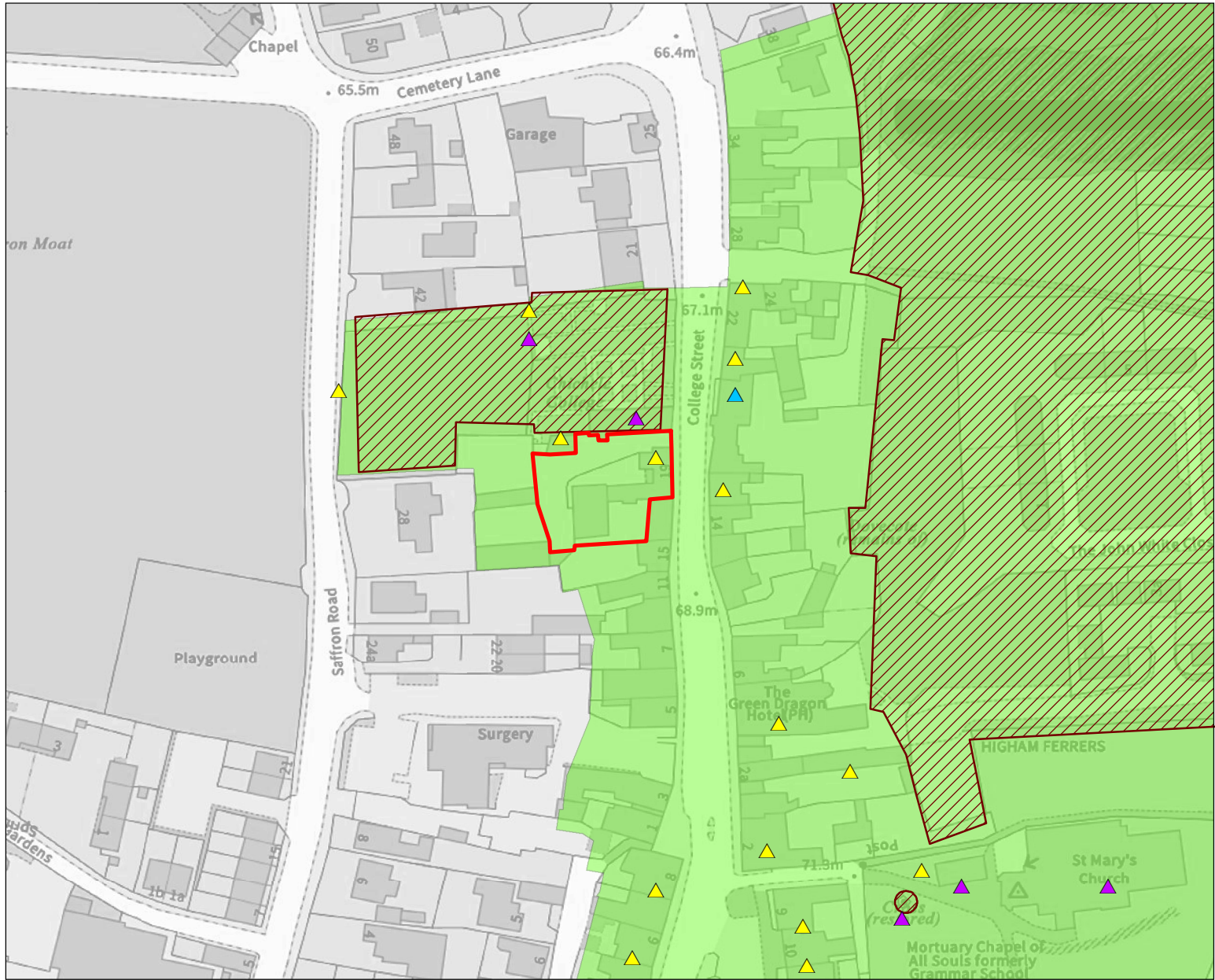


- *The Carriage House, Wood Street*
- *Public Library (formally Parish Rooms), Midland Road*
- *Charles Parker Factory Offices, Midland Road*
- *Frank Thomas Building, Midland Road*
- *Alms Houses, John White Close*
- *Alms Houses, 54–64 College Street*
- *Methodist Church, High Street*

*Inappropriate extensions or revisions to listed properties and other properties that, while not listed, make a contribution to the character of the area will be resisted. Any development must not cause harm or adversely impact on the setting of important heritage sites in the Town. Where proposals have any effect on a non-designated heritage asset a balanced judgement will be applied having regard to the scale of any harm or loss and the significance of the heritage asset.”*



## Appendix 5: Map of Designated Heritage Assets



**KEY**

- Site
- Higham Ferrers Conservation Area
- Scheduled Monuments

**Listed Buildings**

- ▲ Grade I
- ▲ Grade II\*
- ▲ Grade II

**Appendix 5:  
Map of Designated  
Heritage Assets**

19 College Street,  
Higham Ferrers

Client: Mr A. Speaight  
 DRWG No: P23-1867 Sheet No: - REV:-  
 Drawn by: JT Approved by: AR  
 Date: 04/08/2023  
 Scale: 1:1,500 @ A4





## Appendix 6: Number 19 and Attached Barn to West List Entry

**NUMBER 19 AND ATTACHED BARN TO WEST, 19,  
COLLEGE STREET**

### Official list entry

**Heritage Category:** Listed Building

**Grade:** II

**List Entry Number:** 1191863

**Date first listed:** 17-Jun-1987

**List Entry Name:** NUMBER 19 AND ATTACHED BARN TO WEST

**Statutory Address 1:** NUMBER 19 AND ATTACHED BARN TO WEST, 19,  
COLLEGE STREET

### Location

**Statutory Address:** NUMBER 19 AND ATTACHED BARN TO WEST, 19,  
COLLEGE STREET

The building or site itself may lie within the boundary of more than one authority.

**District:** North Northamptonshire (Unitary Authority)

**Parish:** Higham Ferrers

**National Grid Reference:** SP 96026 68635

### Details

HIGHAM FERRERS COLLEGE STREET SP9668NW (West side) 18/32  
No.19 and attached barn to W GV II

House. Mid and late C18. Squared coursed limestone with slate roof. Originally 2-unit plan. 2 storeys with attic. 3-window range of unhorned sash windows with glazing bars under gauged stone heads. Central C19 3-panel door with fanlight and flat hood over. 2-storey, one-window range of late C18 is attached to right and is set back from original 3 bays, all in similar manner. Chamfered plinth and ashlar gable parapets. Central flat-topped roof dormer with casement window. Brick stacks at ends. Rear elevation has mid C19 wing attached at right angles to main house and linking to early C19 barn. Barn is of squared coursed limestone with slate roof. Modified central cart entrance flanked by slit vents. Ashlar-gable parapets. Gable end has slit vents. Interior of house has late C18 staircase with stick balustrade and some 2 panelled doors.

Listing NGR: SP9602668635

### Legacy

The contents of this record have been generated from a legacy data system.

**Legacy System number:** 232331

**Legacy System:** LBS



## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



**End of official list entry**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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