

WAGGON&HORSES HERITAGE STATEMENT

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Introduction

1. This heritage statement has been produced by Blackdog to support the planning application at The Waggon & Horses, High Street, Newmarket
2. The property is a grade II listed building and also located within the Newmarket conservation area.
3. Listed building and conservation areas are defined by NPP framework 2021 as designated heritage assets. As the proposed development affect one or more heritage assets, paragraph 194 of the NPPF requires a heritage statement to support a planning application. This document has been prepared in accordance with the requirements of the NPPF.
4. The purpose of the heritage statement is to identify the significance on any heritage asset affected by the proposed development, the impact the proposed development will have upon the identified significance and justification for the proposed development.
5. The heritage statement also needs to assess the proposed work in accordance with the statutory test provided in the planning (Listed Buildings and Conservation Areas) act 1990.
6. The heritage statement should be read in conjunction with architectural plans and other supporting documents, which form this planning application.

2.0 Heritage Listing

- 2.1 Heritage Category: Listed Building
- 2.2 Grade: II
- 2.3 List Entry Number: 1037650
- 2.4 Date first listed: 10th March 1970
- 2.5 Date of most recent amendment: 25th June 1984
- 2.6 Description

Public house. C16 core, extended C18 and early C19. 2 storeys, 6 windows. Timber framed and rendered with rusticated quoins; rendered parapet with moulded and modillioned cornice, bearing across its full width 'WAGGON & HORSES INN & MARKET HOUSE' in good sunk early C19 lettering. Slated roof with rendered end chimney. Various early C19 windows: on the ground floor, 2 small-pane sash windows and at either end a flat-roofed splayed bay with small pane sashes; on the first floor, sashes with architraves and cornices on console brackets. 2 entrance doors, one near each end of 5 and 6 panels. Each has a simple entablature on attached Corinthian columns. The central C16 core is marked by exposed 1st floor beams and joists, with evidence for close-studding. A double-pile plan was achieved by extending the main range rearwards, early C19.

- 2.7 Listing NGR: TL6448763493

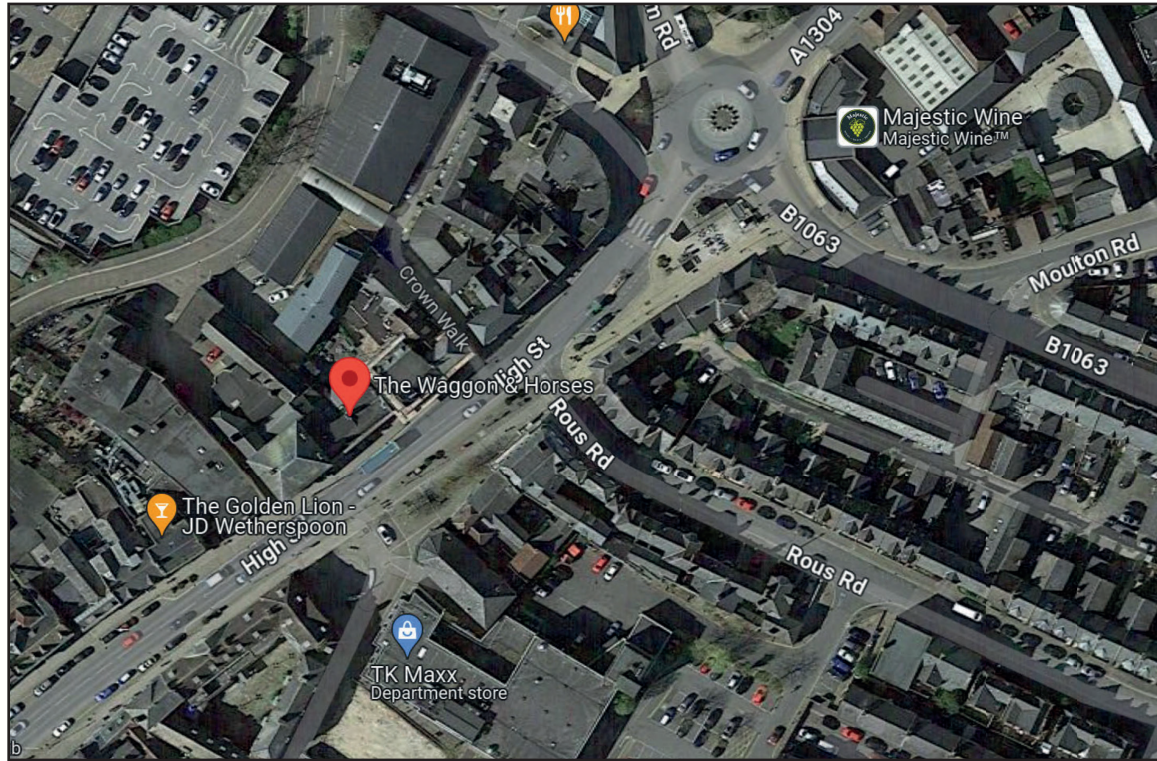


3.0 Site Location

3.1 Location description

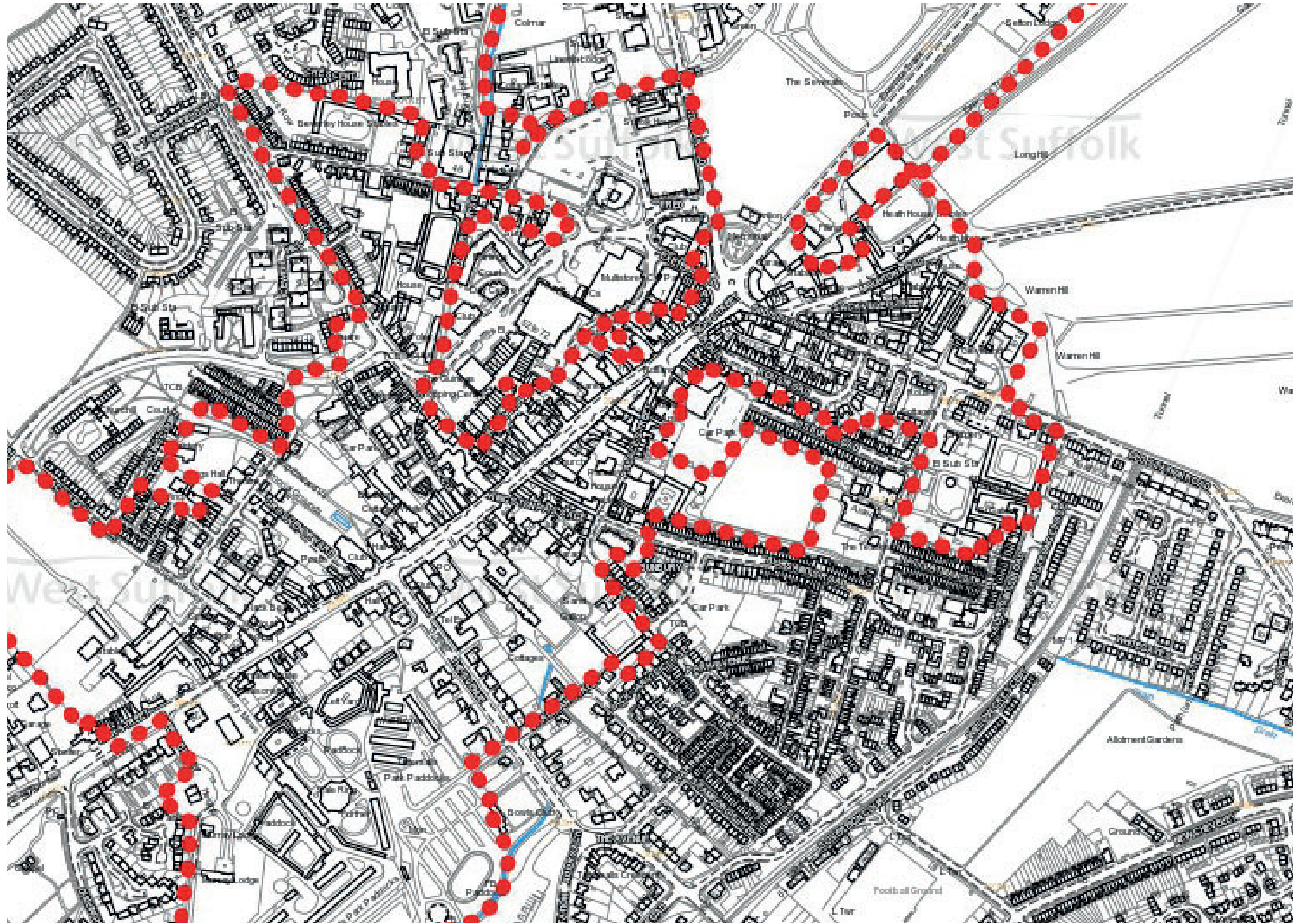
3.2 The property is situated off the High Street in the town of Newmarket.

3.3 Site Location



4.0 Identified Heritage Assets

- 4.1 The NPPF requires that all heritage assets affect by the proposed development are identified and their significance, which includes setting, are described. The level 'harm' the proposed works will have to the identified heritage assets also needs to be determined within the context of a heritage statement.
- 4.2 As previously identified the site is not a listed building but is situated within the Newmarket conservation area.



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6.0 Planning Legislation & Policies

- 6.1 The legislative framework for the preservation and enhancement of listed buildings and conservation areas are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Historic England defines preservation in this context, as not harming the interest in the building, as opposed to keeping it utterly unchanged.
- 6.2 In 2014, a ruling by the Court of Appeal (Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and the National Trust) made it clear that to discharge this responsibility, decision makers must give considerable importance and weight to the desirability of preserving the settled of listed buildings (and by implication other heritage assets) when carrying out the balancing exercise of judging harm against other planning considerations, as required under the National Planning Policy Framework.
- 6.3 Another ruling made in May 2017 by the Court of Appeal (Barwood Strategic and II LLP v East Staffordshire Borough Council and the Secretary of State of Communities and Local Government), upheld a High Court ruling, that subordinates National Planning Policy Framework development presumptions to the statutory authority of an up to date local plan, as the NPPF is no more than 'guidance for decision makers without the force of statute behind it. Paragraph 13 of the decision states, 'The NPPF is the Government's planning policy for England. It does not have the force to statute and ought not to be treated as if it did. Indeed, as one might expect, it acknowledges and reinforces the statutory presumption in favour of the development plan and it also explicitly recognizes and emphasises its own place in the plan-led system of development control. Its 'introduction' acknowledges that '(planning) law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise' and that '(NPPF) must be taken into account in the preparation of local and neighbourhood plans and is material consideration in planning decisions' Paragraph 12 recognizes that the NPPF 'does not change the statutory status of the development plan as the starting point for decision making'. Paragraph 13 describes the NPPF, correctly as 'guidance for local for local decision making', Paragraph 13 describes the NPPF, correctly as 'guidance for local planning authorities and decision-takes', which, in the context of the development control decision making, is a 'material consideration in determining application' Paragraph 215, in 'Annex 1: Implementation', says that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with (the NPPF) (closer the policies in the plan to the policies in the NPPF, the greater weight that may be given), but this too is guidance for decision makers, without the force of statute behind it'
- 6.4 Therefore, by implication this judgment again emphasises the relative importance of sections 15, 66 and 72 of the planning (Listed Buildings & Conservation Areas) Act 1990 in making planning decisions in relation to development that affects listed buildings and conservation areas.
- 6.5 Section 16(2) relates to an LBC application and states, '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'.
- 6.6 Section 66(1) relates to planning applications and states, 'In considering whether to grant planning permission 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.'
- 6.7 Section 72(1) relates to development affecting conservation areas states, 'In the exercise, with respect to any buildings or other land in a conservation area. 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.8 As a minimum, the tests provided in require the works to preserve the listed building or its setting and preserve the character or appearance of a conservation area.
- 6.9 Historic England defines preservation in this context as not harming the interest in the building, as opposed to keeping it utterly unchanged.

7.0 National Planning Policy Framework

- 7.1 As mentioned above, there is a need to carry out a balancing exercise of judging harm against other planning considerations as required under the NPPF. The NPPF sets out the Government's planning policies for England and how these are to be applied. The guiding principle of the document is a presumption in favour of sustainable development and the protect and enhancement of the historic environment is embedded in this approach.
- 7.2 Sustainable development is defined as meeting the needs of the present without compromising the needs of the future. Paragraph 8 of the NPPF breaks down this definition into three objectives: economic, social and environmental. Within the environmental objective, sustainable development needs to contribute to 'protecting and enhancing our natural, built and historic environment'
- 7.3 Paragraph 20 of the NPPF contains Strategic Policies, which provide an overall strategy for the pattern, scale and quality of development and make sufficient provision for the conservation and enhancement of the natural, built and historic environment.
- 7.4 Paragraph 16 of the NPPF contains policies relating to conserving and enhancing the historic environment. Within this section (paragraph 194), the Local Planning Authority requires the applicant to describe the significance of any affected heritage asset including and contribution made by their setting as part of an application.
- 7.5 Significance is defined in annex 2 of the NPPF, as the value of a heritage asset to this and future generations because of its archaeological, architectural, artistic or historical interest. Significance also derives not only from the asset is the surroundings in which the heritage asset is experienced, the extents of which is not fixed and change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to significance of an asset.
- 7.6 Impact from a proposed development to the significance of a designated heritage asset needs to be evaluated, NPPF paragraph 199, states, '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'. NPPF paragraph 200 identifies that alteration, destruction, or development within the setting of a designated heritage asset can result in harm to, or loss of, the significance of the asset and such loss requires a clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional and substantial harm or loss of grade I and grade II* listed buildings should be wholly exceptional.

The National Practice Guidance (PPG) provides useful guidance on assessing harm in relation to these definitions and gives the following 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 asset or from development within its setting'. The PPG quantifies substantial harm (NPPF paragraph 201) as total destruction while partial destruction is likely to have considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all. Anything less than total destruction needs to be evaluated on its own merits, for example, the removal of elements to an asset which themselves impact on its significance may therefore not be harmful to the asset. The PPG advises works that 'are moderate or minor in scale are likely to cause less than substantial harm (NPPF) paragraph 202) or no harm at all' However, it is important to consider each development in its own context as the PPG also identifies the minor works have the potential to cause substantial harm to the significance of an asset.

- 7.8 Paragraphs 201 and 202 refer to 'public benefit' as a means to outweigh the loss of or harm to a designated heritage asset. The PPG identifies that public benefit may follow many developments and as such this benefit could be anything that delivers economic, social or environmental progress which are the dimensions to sustainable development defined by NPPF paragraph 8. The PPG states, 'Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to public at large and should not just be private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefit'. Public benefits may include heritage benefits such as :

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- Reducing or removing to a heritage asset.
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

- 7.9 The three points above relate to NPPF paragraph 197, which requires the Local Planning Authority to take these points into account when determining applications. Although, there is no defined list of public benefits, examples of public benefit for a designated heritage asset may include:

- Restoration of a listed building.
- The improved setting of a listed building.
- The enhancement of a conservation area.

8.0 Local Planning Policy

8.1 As well as legislation and national planning policies, the UDP contains policies relating to the historic environment, including :

8.2 Designated Heritage Assets

1. Development proposals should preserve and where appropriate enhance the historic environment of the Newmarket conservation area.
2. Development proposals that would harm the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal.
3. Where there is evidence of neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.
4. The Council will, as part of a positive strategy, pursue opportunities for the conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.

8.3 Conservation Areas

New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character or appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise. Proposals will be expected to:

- (a) respect established building lines, layouts and patterns.
- (b) use materials and adopt design details which reinforce local character and are traditional to the area.
- (c) be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area.
- (d) in the case of alterations and extensions, be complementary and sympathetic to the parent building.

(e) Conform have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.

(f) where development proposals derive from relate to Conservation Area Management Proposals the duty to preserve and or enhance will be applied. Development proposals, including minor development under an article 4 direction, will be expected to 'preserve' surviving architectural features identified as being significant to the character or appearance of the area or, where previously lost, to 'enhance' that character and appearance through the authentic restoration of those lost features

8.4

Listed Buildings

1. The Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation.
2. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where:
 - (a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - (b) The proposal respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric.
3. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is preserved and enhanced.

9.0 Assessing Significance

- 9.1 To a certain extent the significance of the heritage assets identified in previous sections have already been recognised by their inclusion on the National Heritage List for England (NHLE). Therefore, as defined in government policy, grade II listed buildings are of a special interest, warranting every effort to preserve them.
- 9.2 Significance of heritage asset is defined by the NPPF as the value of a heritage asset placed on it by current and future generations because of its heritage interest. This interest may be archaeological: its architectural: artistic or historical. The setting of a heritage asset also contributes to its significance and defined by the NPPF as the surrounding in which a heritage asset is experienced. In comparison, Historic England’s Conservation Principles (2008) uses evidential: aesthetic; historical and communal values to define significance. These different set values have been combined for the purpose of this report.
- 9.3 Part 4 British Standard 7913:2013 Guide to Conservation of Historic Buildings provides information on heritage values and significance. In context, this document states, ‘A wide range of factors can contribute to the significance of a historic building. As well as physical components, significance includes factors such as immediate and wider setting, use and association (e.g. With particular event, family, community or artist and this involved in design and construction)’.
- 9.4 Identifying the values of an asset allow us to understand the degree of significance and inform us of the potential impact the proposed works will have on the heritage asset and its setting. These values may be tangible, the physical fabric of the building, capable of being touched, or view such as its landscape. Also, the value may be intangible though a past event or an association with a person.
- Evidential (archaeological) value relates to physical aspects of the site which provides evidence from the past. This can be built form or below ground archaeology.
 - Historical value is the extent to which the asset is associated with or illustrative of historic events or people.
 - Aesthetic (architectural / artistic) value includes design, visual, landscape and architectural qualities.
 - Communal value includes social, commemorative, or spiritual value, local identity and the meaning of place for people.

9.5 The assessment of significance considers the importance of each heritage asset and magnitude of impact in order to appraise the potential impact of the proposed redevelopment. The importance of heritage asset is determined by its statutory designation and is the sum of its evidential, historical, aesthetic and communal values as identified above. Also contributing to an asset’s importance is its setting, which is an integral part of an asset’s significance. Taking these criteria into account, each identified asset can be assigned a level of importance in accordance with a four-point scale (see Table 1).

Level of Significance	Definition of Heritage Asset
High	Remain of inscribed international importance, such as World Heritage Sites Grade I & II* Listed Buildings Grade I & II* Registered Parks & Gardens Registered Battlefield Scheduled Monuments Non- designated archaeological assets of schedulable quality & importance
Medium	Grade II Listed Buildings Grade II Registered Parks & Gardens Conservation Areas Non- designated buildings which contribute to the regional importance
Low	Locally listed buildings Parks & Gardens of some local interest Non- Designated buildings, monuments or sites of local importance or of modest quality including those historic townscapes with historic integrity
No Significance	Assets identified as being of no archaeological, architectural, artistic, or historic value, Assets whose values are compromised by poor preservation or survival or of contextual association to justify inclusion into a higher grade

Table 1
Establishing the Level of Significance of a Heritage Asset
(From : Seeing the History in the View 2011)

10.0 Assessing Setting

- 10.1 The primary guiding document for assessing setting is The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 2017, produced by Historic England is the primary guiding document for assessing setting.
- 10.2 Setting varies from asset to asset and cannot be generically defined. Changes to the setting of heritage assets may be positive such as replacing poor development which has compromised the assets setting. It is likely that the setting of an asset has changed overtime from the dynamics of human activity and natural occurrence such as weather.
- 10.3 The importance setting makes to the contribution to the significance of the heritage asset is often related to how the heritage asset is seen in views. This can include views looking towards the heritage asset or from the heritage asset looking outwards and may include relationships between the asset and other heritage assets, natural or topographical features. Assets may also be intended to be seen from one another in designed landscapes for aesthetic reasons.
- 10.4 Historic England's Good practice Advice 3, The Setting of Heritage Assets 2017, notes a staged approach to proportionate decision taking with relevant NPPF paragraphs along with guidance contained in the National Planning Practice Guidance PPG for their implementation, providing the framework for the consideration of changes affecting the setting of heritage assets which should be assessed proportionately and based on the nature, extent and level of the heritage asset's significance.
- 10.5 The guidance recommends a five-step approach to the assessment of the effect of development on the setting of heritage assets as follows.
- Step One Identify which heritage assets and their setting are affected
- Step Two Assess whether, how and what degree the settings make a contribution to the significance of the heritage assets.
- Step Three Assess the effects of the proposed development whether beneficial or harmful, on that significance.
- Step Four Explore ways of maximising enhancement and avoiding or minimising harm
- Step Five Make and document the decision and monitor outcomes

11.0 Assessing Impact

- 11.1 In order to assess and quantify the level of harm to the significance of a heritage asset in context with the relevant paragraphs in the NPPF, the Planning Policy Guidance PPG, a web-based resource provides up to date guidance on NPPF policies. The PPG provides useful guidance on assessing harm in relation to paragraphs 193 and 194 of the NPPF. The PPG states, '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 assets or from the development within its setting'.
- 11.2 In defining what constitutes substantial harm, the PPG identifies that the impact of total destruction is obviously substantial harm while partial destruction is likely to have a considerable impact but, depending on circumstances, may still be less than substantial harm or conceivably not harmful at all. Anything less than total destruction needs to be evaluated on its own merits, for example, the removal of elements to an asset which themselves impact on its significance may not be harmful to the asset.
- 11.3 The PPG advised works that 'are moderator minor in scale are likely to cause less than substantial harm or no harm at all'. However, it is important to consider each development in its own context as PPG identifies that minor works have the potential to course substantial harm to the significance of an asset. This would so if for example the works removed an element which contributed to the assets special architectural or historic interest.
- 11.4 Table 1 identifies the significance level of a heritage asset; therefore, the next stage is to assess the level of impact the proposed development will have on the heritage asset. Table 2 provide a descriptive context of the level of change on the heritage asset in terms of its character, fabric or setting.

Change Rating	Definition of Impact
High	Change to key elements affecting the significance of the asset's special architectural or historic interest are lost or destroyed, or the significance of the asset's setting is extensively changed.
Medium	Change to many key elements affecting the significance of the asset's special architectural or historic interest are significantly modified or the significance of the asset's setting is noticeably different.
Medium	Change to many key elements affecting the significance of the asset's special architectural or historic interest are significantly modified or the significance of the asset's setting is noticeably different.
Low	Change to many key elements are slightly altered affecting the significance of the assets special architectural or historic interest , or the asset's setting is slightly altered.
Minimal	Change to many key elements are slightly altered affecting the significance of the assets special architectural or historic interest , or the asset's setting is hardly altered.
No Change	The development does not affect asset's special architectural or historic interest or change the asset's setting.

Table 2
Factors for Assessing the Level of a Heritage Asset
(From : Seeing The History in the View 2011)

11.5 By establishing the assets significance (Table 1) and the level of change (Table 2) to the assets from the proposed development, the impact on the significance of each asset from the proposed development can be identified. This can be negligible, minor, moderate or major. Impact from the development to an asset is considered to be significant if its Major or Moderate.

Significance of Asset	Level of Change				
	No Change	Minimal	Low	Medium	High
High	Negligible	Minor	Moderate	Major	Major
Medium	Negligible	Minor	Minor	Moderate	Major
Low	Negligible	Negligible	Minor	Minor	Moderate
Not Significant	Negligible	Negligible	Negligible	Negligible	Negligible

Table 3
Matrix for Establishing Level of Impact Against the Assets Significance
(From : Seeing The History in the View 2011)

12.0 Significance

- 12.1 The significance of listed building is derived from historic fabric and form.
- 12.2 The Newmarket Conservation Area is a heritage asset considered to be of medium significance.
- 12.3 The significance of Newmarket Conservation Area is derived from its age, location and buildings.

13.0 Proposed Works & Assessment

Proposed Works

- 13.1 The proposed works are for necessary structural retention remedial works to the existing facade and decorations post these works
- 13.2 Description / schedule of Works
- Installation of metal straps, ties and support structure to tie and stabilise existing facade. Patch render repairs and full facade & window decoration.

Impact of Works

- 13.3 It is considered that due to its location size, position and no loss of historic material that the proposed represents no harm to the listed building or conservation area.
- 13.4 The proposal ensures there is no loss of historic fabric.
- 13.5 Its position, and form ensure that it will not appear dominant or detract from the historic form of the property and would therefore have no impact on the special interest in the building.
- 13.6 Furthermore, it would have no harm on the character and appearance of the conservation area.
- 13.8 To summarise, the proposed works are considered to preserve the character and appearance of the conservation area and have no impact on the significance of the listed building or its setting and with reuse of historic material ensures there is no loss of historic fabric.