



Donald Insall Associates
Chartered Architects and Historic Building Consultants

**The Old Stag's Head, 65 Church Hill,
Wolverhampton, WV4 5JB**

Heritage Impact Assessment for Simply Planning

December 2023



MARSTON'S
The Old Stags Head

THE OLD STAGS HEAD
BANQUET ROOM
ALES & FOOD

BEER GARDEN
CASH & CARRY

PENNY LANE

FOOD
DRINK COOKIES
PLUS MEALS

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1.0 Summary of Heritage Impact Assessment

1.1 Introduction

Donald Insall Associates was commissioned by Simply Planning in September 2020 to assist them in producing a Heritage Impact Assessment for the Old Stag's Head, 65 Church Hill, Wolverhampton.

The investigation has comprised historical research, using both archival and secondary material, and a site inspection. A brief illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3 (undertaken in 2020). The investigation has established the significance of the site, which is set out in Section 4 and summarised below.

Historic buildings are protected by law and in planning policy; the specific constraints for this site are summarised below. This report was drafted to inform the design of proposals for the site, by BCHN Architects, so that they complied with these requirements. An application for planning permission for '*Change of use and extension of The Old Stags Head Public House, to provide a 6-bed family home (Use Class C3). Erection of retaining wall in rear garden (22-00045/FUL)*' was refused by Wolverhampton City Council on 7 October 2022; this decision was subsequently upheld at appeal. Permission is now sought for a scaled-back scheme of development which seeks to address the issues raised by Wolverhampton officers and the Planning Inspector and Section 5 provides a justification of the scheme according to the relevant legislation, planning policy and guidance.

1.2 The Building and its Legal Status

The Old Stag's Head is a non-designated heritage asset located in the Vicarage Road, Penn Conservation Area in the City of Wolverhampton Council which was formerly in use as a public house. It is in the setting of The Church of St Bartholomew which is listed at Grade II* and includes a number of further listed structures/scheduled ancient monuments within its ground including the walls and gate piers.

Development in conservation areas or within the setting of a listed building requires local authorities to assess the implications of proposals on built heritage. Extracts from the relevant legislation and planning policy documents are in Appendix I no formal appraisal has been undertaken of the conservation area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to have '*special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*' and, in respect of conservation areas, that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the Black Country Core Strategy adopted in 2011. The Core Strategy has policies that deal with development affecting the historic environment, and these require that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2023 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is 'a presumption in favour of sustainable development' and there are also specific policies relating to the historic environment. The Framework states that heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. The Glossary to the National Planning Policy Framework defines a heritage asset 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).

The Framework, in paragraph 194, states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Section 4 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 199, requires that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.

The Framework goes on to state at paragraph 200 that:

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.

Section 5 of this report provides this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either 'substantial' or 'less than substantial'. Where a proposed development will lead to 'substantial harm to (or total loss of significance of) a designated heritage asset', the Framework states, in paragraph 201, that:

...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

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework states, in paragraph 202, that:

...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Framework also requires that the effect of an application on the significance of 'a non-designated heritage asset' should be taken into account in determining the application. A non-designated asset is defined 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', with non-designated heritage assets including 'assets identified by the local planning authority', such as those added to a local list. In weighing applications that affect directly or indirectly non-designated heritage assets, the Framework states, in paragraph 203, that:

...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 206 states that:

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas it states, in paragraph 207, that:

Not all elements of a Conservation Area... will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or... should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area ... as a whole.

1.3 Summary Assessment of Significance

A detailed assessment of significance is included in Section 4.0 of this report. The following paragraphs are a summary explaining why the Old Stag's Head is considered to be a non-designated heritage and its contribution to the Vicarage Road, Penn Conservation Area.

The Old Stag's Head has stood in the centre of the village since before the Tithe map of 1839 and has historic significance locally as part of the village's early development. Owing to its prominent location on the corner of Sedgley Road/Church Hill and Pennwood Lane, its visibility across the carpark site and its relationship with the church and village green, it is a local landmark and the original aesthetic which remains is characterful of a rural village pub.

It is lamentable that the Old Stag's Head has lost its viability as a communal village building, however whilst it has been subject to extensive alteration which has greatly reduced its architectural interest and the evidential value it may have once possessed, the memory of that use is still represented by the surviving fabric and particularly the more historic fabric. This is a very important element of the heritage asset's contribution to the conservation area. The building's highest significance however lies in the fact that its historic use is still legible particularly in its external form, and especially in its more historic fabric. This is because this fabric reflects one of the traditional village centre functions which, while not surviving as a use, are still legible in the conservation area; retaining the emblematic village centre relationship between the church, the green and the pub; a triumvirate of key activities in an English village.

1.4 Summary of Proposals and Justification

The proposals are outlined in detail in the plans and Design and Access Statement by BCHN Architects which this report accompanies. The building is no longer viable as a public house and therefore the scheme proposed seeks to convert it to a five bedroom family home to secure its conservation and its role in the village and conservation area in the long term. The detracting extensions to the north would be remodelled with a unifying flat sedum roof, new and altered openings to increase the provision of natural light and a roof terrace providing an outlook to the raised paddock which would become a family lawn. Further works would include minor alterations to the fenestration and door openings, removal of cluttering services etc from the facades, the upgrade of the building's thermal performance and remodelling of the external courtyard areas.

The use of the building as a public house is no longer viable and as a consequence its future is at risk. Its adaptive reuse as a family home is therefore entirely beneficial in heritage terms; introducing a use which would secure its long-term conservation and retain its visual contribution to the character and appearance of the conservation area.

1.5 Conclusion

It is the conclusion of this report is that overall the proposals meet the policies of the Black Country Core Strategy and the Wolverhampton UDP, the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the tests outlined in the National Planning Policy Framework insofar as they relate to the historic environment.

2.0 Historical Background

2.1 Brief History of Upper Penn

The settlement of Penn dates to the 5th century and was clearly well established by the time of the Domesday Survey in 1086, with a population of around 50-100. The Saxon manor had been owned by the son of Lady Godiva prior to the Conquest, as evidenced by the remains of a churchyard cross raised by her for the use of itinerant preachers. It is therefore likely that Christian worship was taking place on the site well before the construction of the first stone church in c.1200. The only original remains of this church are two Early English bays of the south aisle. The tower dates from the 15th century but was raised and encased in brick in 1765. The church was extended and restored in the 19th century – an annexe to the north-west is dated 1826, the south aisle was largely altered in 1845 and the chancel rebuilt in 1871.¹

The medieval settlement was focused around the two manorial sites at Upper and Lower Penn, with smaller dispersed hamlets elsewhere.² Penn Hall, at the west end of Vicarage Road, may represent a later iteration of one such manor. The present house there dates to the late-17th century but was heavily remodelled in the mid-18th century and now forms part of Penn Hall School. At the south-east end of Upper Penn are the Sedgewick Almshouses, built in 1761 under the terms of the wills of Dr Raphael and Anne Sedgewick;³ the terrace of five houses has been much altered since its construction. The early edition Ordnance Survey maps show that Upper Penn remained a largely rural area through to the late-19th century **[Plate 2.1]**. The village school on Sedgley Road was built in 1871, comprising a number of ranges in red brick and stone.⁴ It was greatly extended to the north-west in the 20th century with a car park and playground fronting the road.

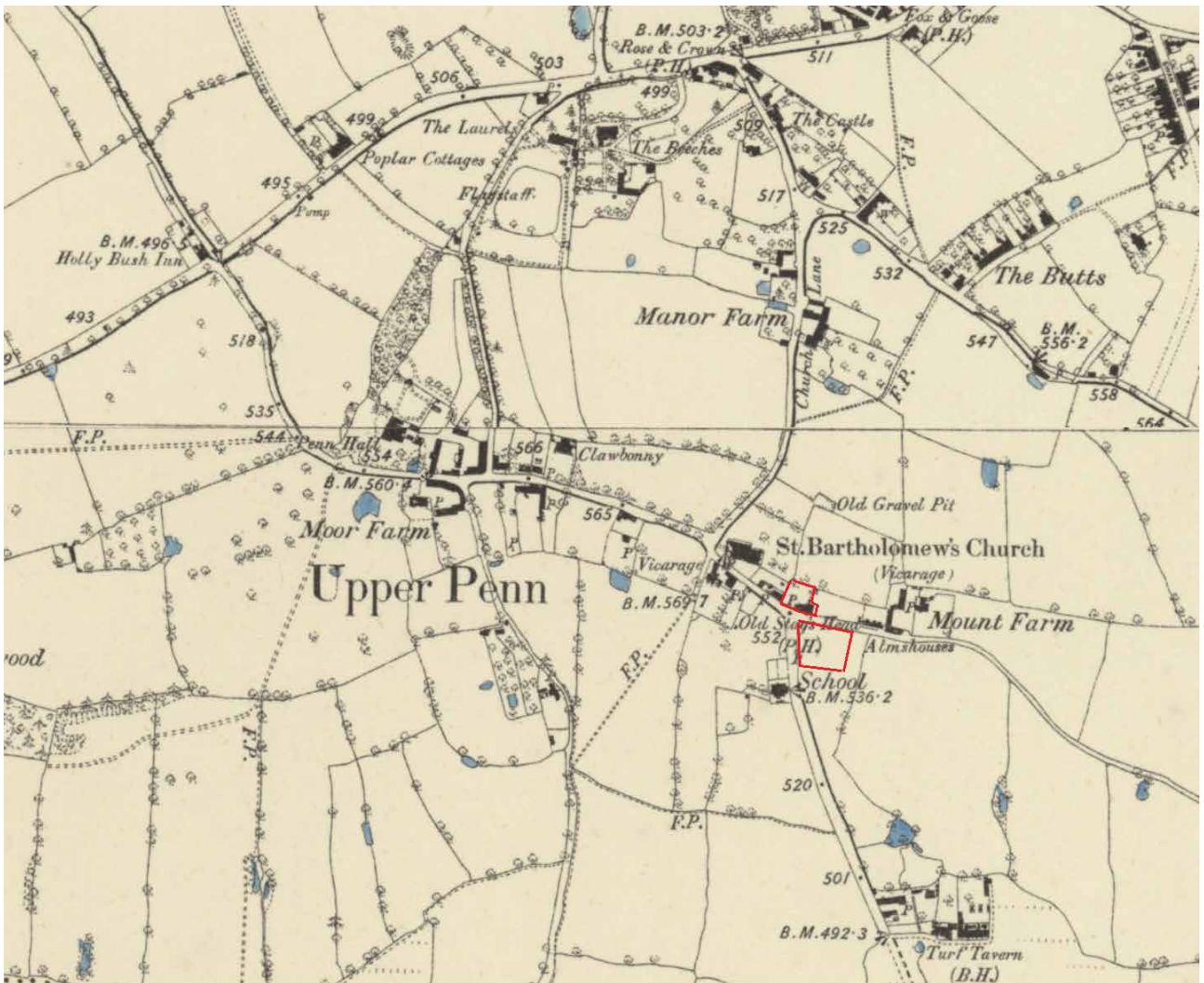
By 1903, a large gravel pit was opened to the rear of the Old Stag's Head, accessed via a track adjacent to the pub **[Plate 2.2]**. Between 1903 and 1919, a small terrace of three houses was built immediately to the east of the pub and two semi-detached dwellings (Mount Cottages) were built on the south side of Penwood Lane, opposite the Almshouses **[Plate 2.3]**.

1 Wolverhampton and Walsall HER, Church of St Bartholomew, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL670&resourceID=1025 [accessed October 2020].

2 Wolverhampton and Walsall HER, Penn, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL726&resourceID=1025 [accessed September 2020].

3 Wolverhampton and Walsall HER, Almshouses, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL895&resourceID=1025 [accessed September 2020].

4 Express & Star, 'Wolverhampton school celebrates 300th anniversary', <https://www.expressandstar.com/editors-picks/2014/12/23/wolverhampton-school-celebrates-300th-anniversary/> [accessed September 2020].



2.1 1886 Ordnance Survey map showing Upper Penn (NLS)



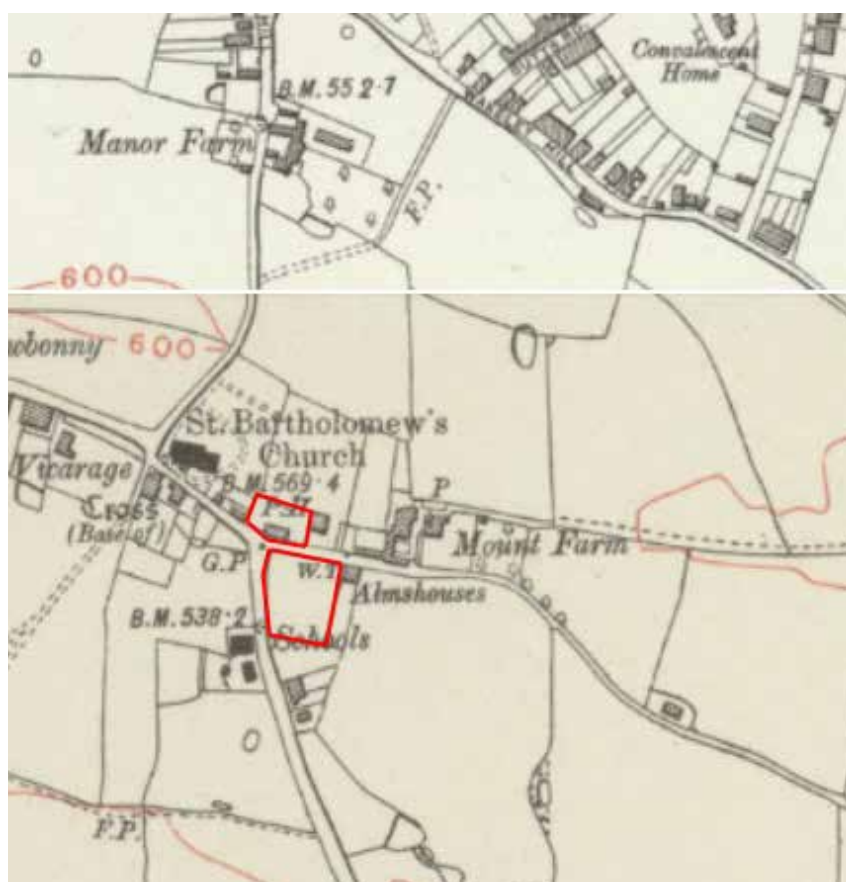
2.2 1903 Ordnance Survey map (NLS)



2.3 1919 Ordnance Survey map (NLS)

By 1919, a certain amount of ribbon development had spread south-west from the outer suburbs of Wolverhampton, mainly taking the form of terraces [Plate 2.4]. By the late-1930s, large-scale suburban development had begun, with multiple semi-detached developments being laid out on former open agricultural land [Plate 2.5]. By 1945 a string of development along the road to the south (Sedgley Road) consisting of semi-detached houses continued as far as Penn Common [Plate 2.6]. The transition of the area to a wider suburb of Wolverhampton was largely complete by the mid-1960s, with an increased density of housing along with three schools and a children's hospital [Plate 2.7].

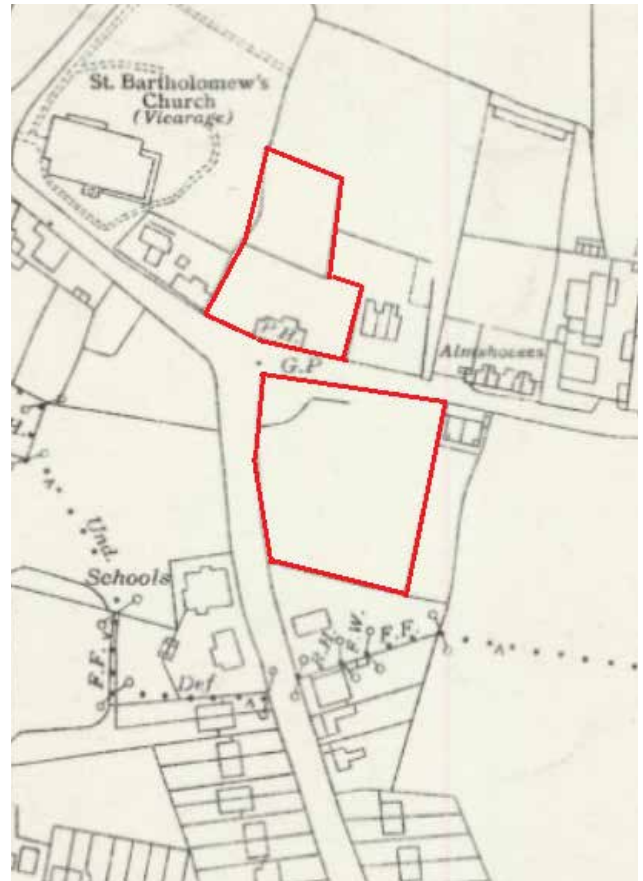
This suburban development generally halted at Penn Common, with only a few small changes at this end of the settlement since the late-19th century. The southern area of Upper Penn, centred on Pennwood Lane, has therefore largely retained a rural feel. The buildings here are mainly low-scale detached and semi-detached houses built of brick, with gardens and hedgerows creating an unmistakably rural setting.



2.4 1919 Ordnance Survey map (NLS)



2.5 1938 Ordnance Survey map (NLS)



2.6 1945 Ordnance Survey map (NLS)



2.7 1966 Ordnance Survey map showing the urban spread of Wolverhampton (NLS)

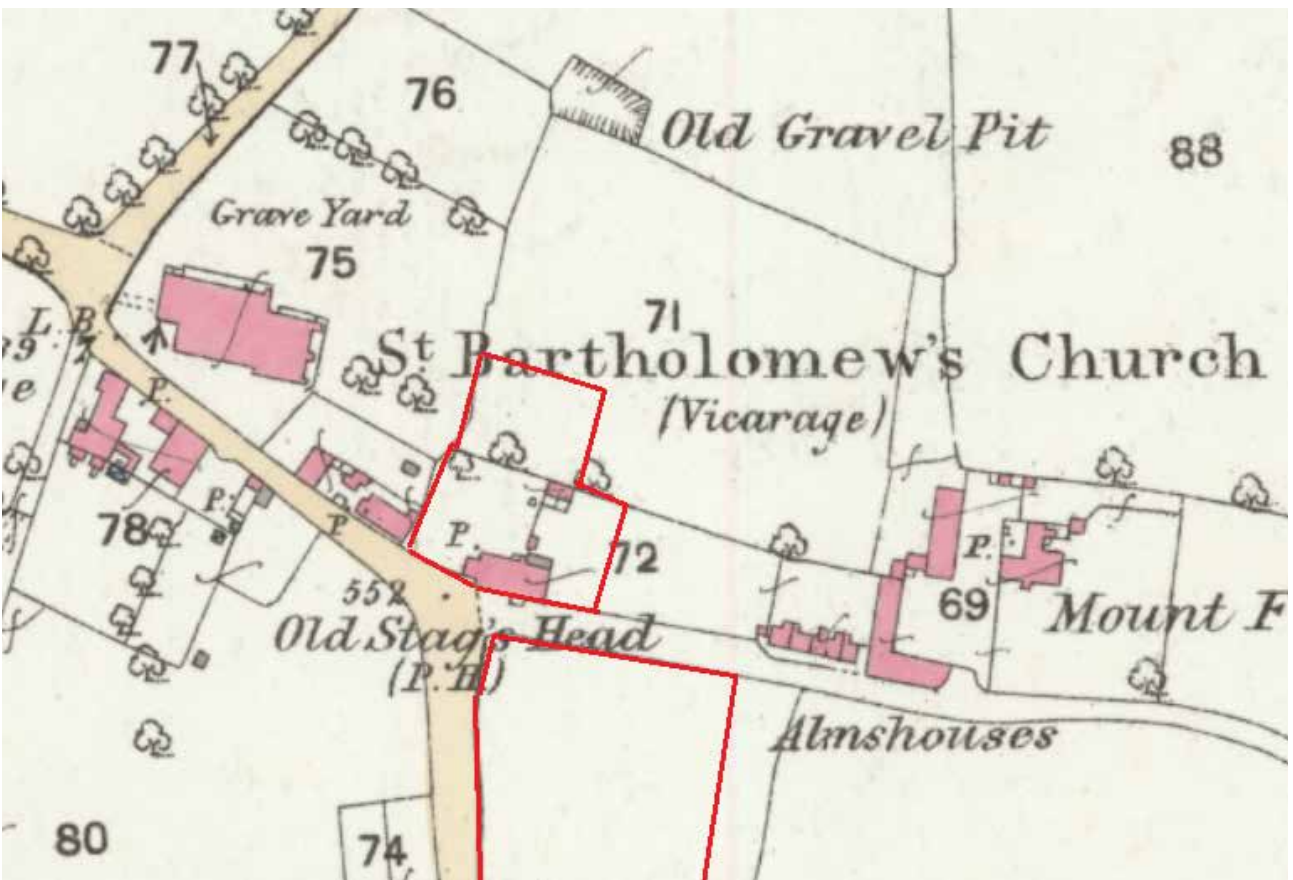
2.2 The Building: The Old Stag's Head

The earliest evidence for the building is the Tithe map which was surveyed in 1839. This shows a simple rectangular plan form directly fronting the road, with a small extension to the west **[Plate 2.8]**. At the rear of the plot is a very small structure built against the plot boundary. The 1887 map shows the site in greater detail with no change to the plan form of the pub whilst the small structure to the rear of the plot is shown to have open pens – likely being used to house livestock **[Plate 2.9]**.

The occupation history for the building commences with the 1839 Tithe map schedule which states that the plot containing the pub was owned by William Bradney Perhouse and occupied by John Hodgkiss. The description of the plot reads, 'Stag's Head, Public House garden and croft'. The plot to the south of the pub, now forming the carpark, was owned by Reverend William Dalton and occupied by Edward Tandy called 'Alms Houses' Meadow'. The census returns for the parish record John Hodgkins as a Victualler in 1861 and Inn Keeper ten years later, both times the building is named as the Stag's Head Inn. In 1881, John Tandy was occupying the building as Inn Keeper and Malster (or Maltster), then referred to as the Staggs Head Inn. The returns for 1891 and 1901 both record George Smith as licenced victualler with his family at the Stag's Head Inn. The historic mapping sequence shows that the land to the south of the pub, now occupied by its car park, had remained undeveloped until the formation of the car park in the late-20th century.



2.8 Tithe Map, surveyed 1839 (The Genealogist)



2.9 1887 Ordnance Survey map (NLS)

20th-Century Alterations

The pub was altered in 1923 to plans by AH Dickenson with the traditional drinking rooms being modified. The tap room was reportedly altered to form the women's and children's room and the entrance moved to the centre, however plans detailing these changes do not survive.⁵

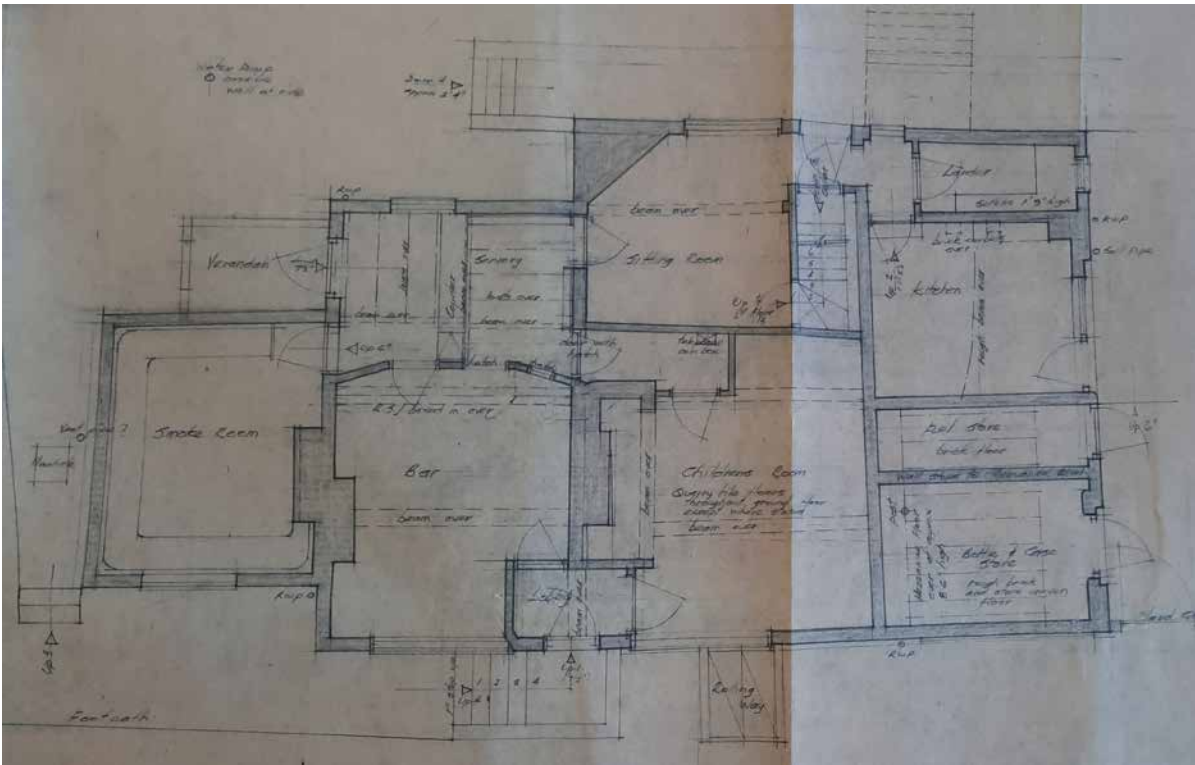
In 1970, further alterations were made by Butler, Wones & Partners for Wolverhampton & Dudley Breweries. Their plans of the existing structure show that the pub had retained a somewhat typical layout, with traditional drinking rooms still in place – notably the Bar and Smoke Room. These were situated at the western end of the pub with a Served fitted with a counter and serving hatches **[Plate 2.10]**. These rooms were completely separated from the Children's Room, to the right of the entrance lobby, which again conforms to the tradition of separate drinking rooms and the Bar and Smoke Room as historically 'male' spaces. The Bottle Store and Fuel Store were both accessed from the yard on the east side of the pub, while the rooms to the rear (Kitchen and Sitting Room) formed part of the private living accommodation. The remaining private rooms on the first floor included two bedrooms at the west end, a bedroom and bathroom in the centre and a storage area to the east – separated by simple matchboard partitions **[Plate 2.11]**.

The internal alterations at this time were extensive. The served was relocated to the centre of the building with a new counter installed to serve the new Bar room, formerly the Children's Room **[Plate 2.12]**. The new Smoke Room was created as a much larger and open space, by the removal of internal walls, including a chimney breast between the former Bar and Smoke Room. At the north-west corner, a flat-roofed extension was added to house a new entrance hall and WCs. At the eastern end, the Fuel and Bottle Stores were converted to form a male WC and Cleaner's Store. At the north-east, another flat-roofed extension provided for the new boiler room, fuel store, bin store and new private entrance. The layout of the first floor was also subject to alteration with new studded plasterboard replacing the matchboard partitions and the former storage area converted to form a sitting room and spare bedroom **[Plate 2.13]**.

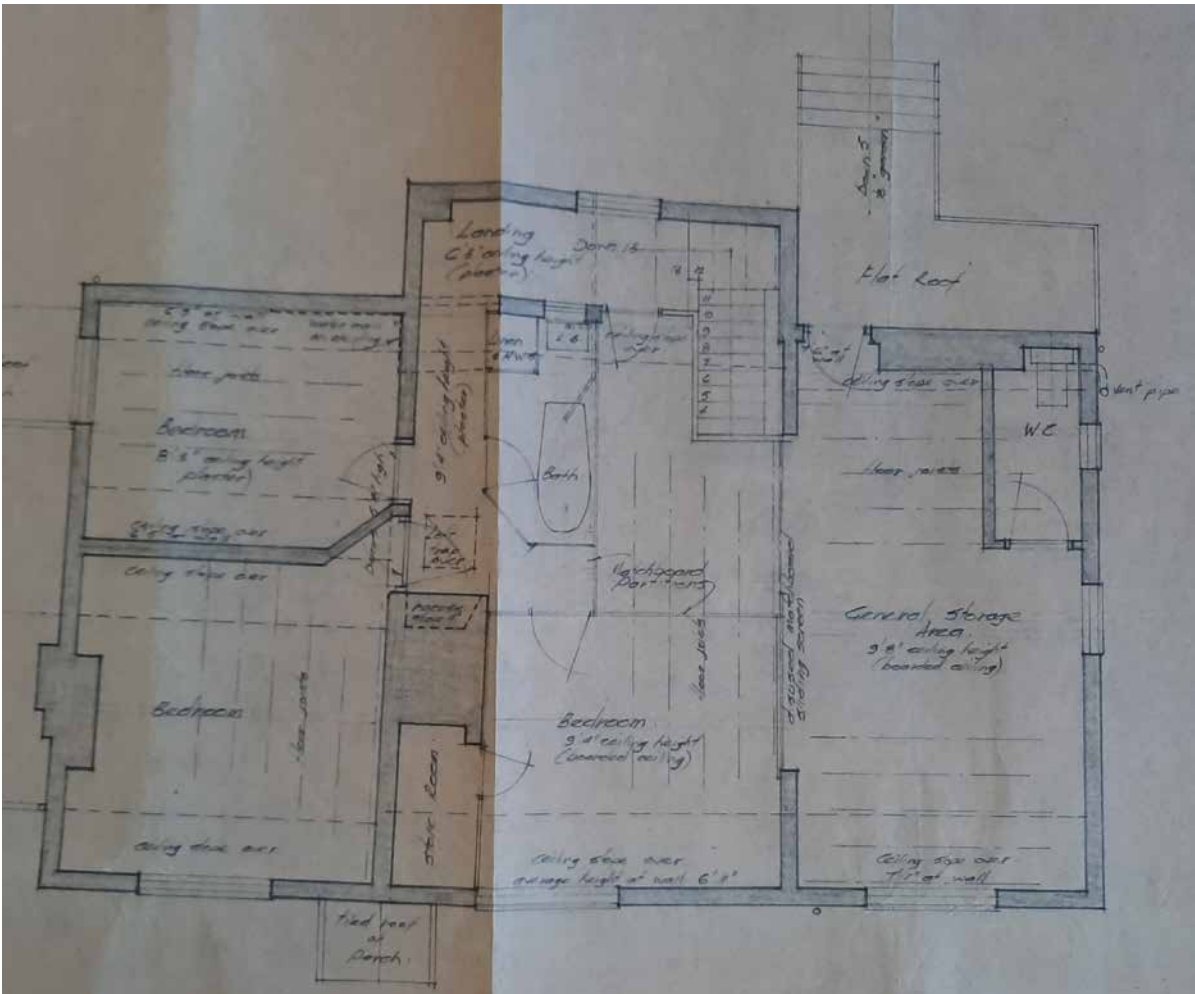
In 2007, plans were approved for an extension to the western end of the pub, into a paved area which previously functioned as the beer garden, providing extra seating capacity **[Plate 2.14]**.

The Old Stag's Head closed in Autumn 2018.

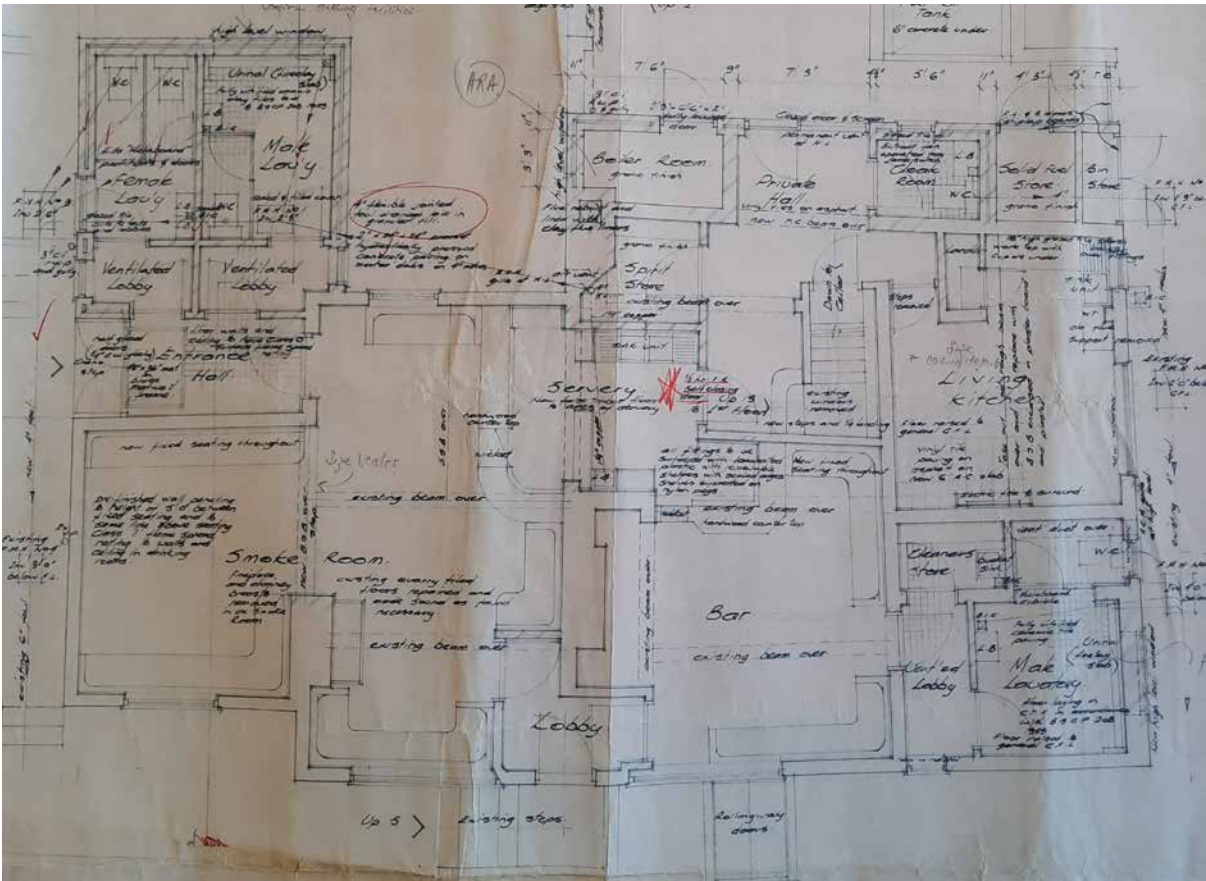
5 CAMRA, 'What Pub?', <https://whatpub.com/pubs/WLV/5129/old-stags-head-wolverhampton> [accessed September 2020].



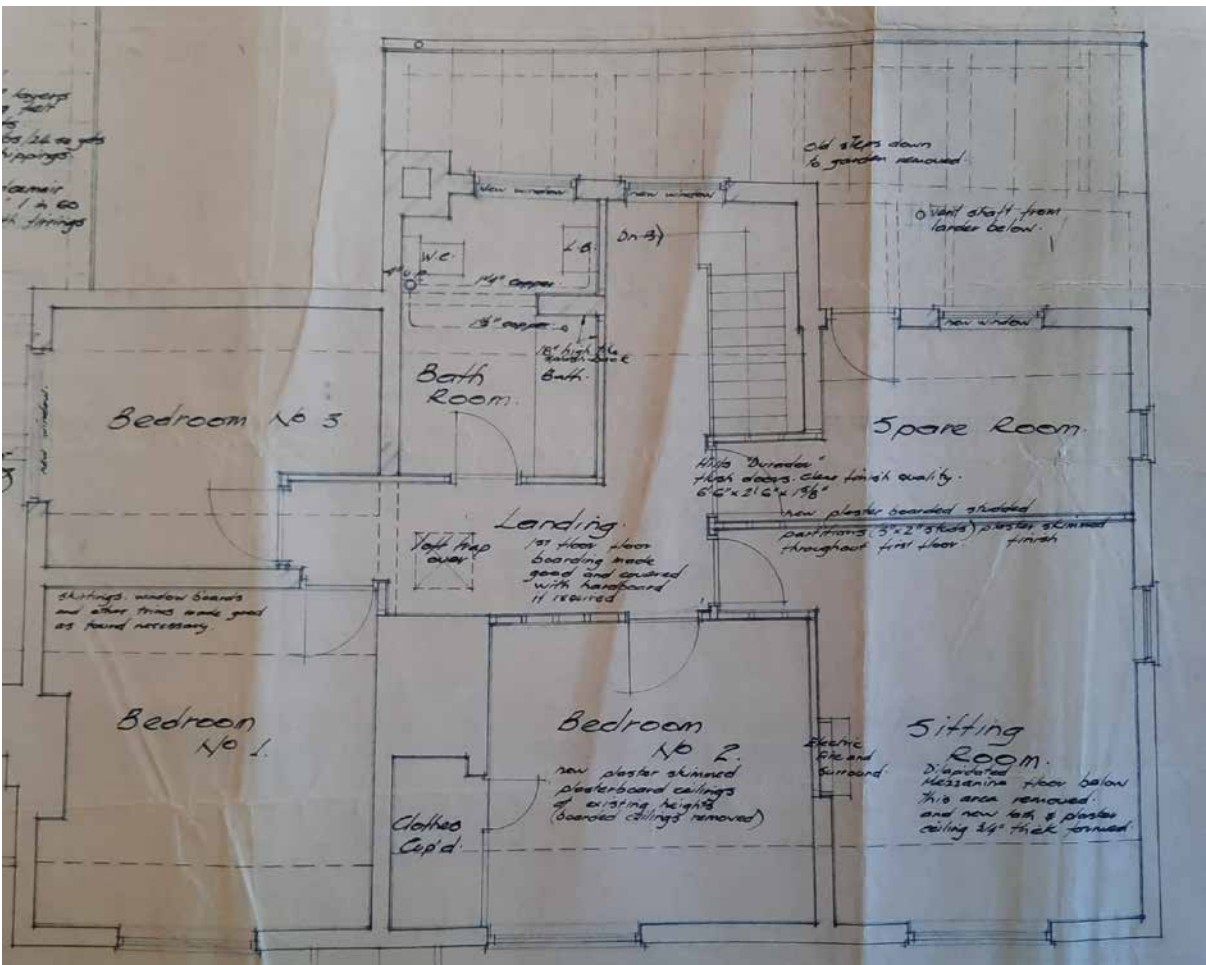
2.10 Ground floor as existing, 1970 (Wolverhampton Archives)



2.11 First floor as existing, 1970 (Wolverhampton Archives)



2.12 Ground floor as proposed, 1970 (Wolverhampton Archives)



2.13 First floor as proposed, 1970 (Wolverhampton Archives)

For the reason stated above, the proposal fails to enhance or preserve the special interest of the Vicarage Road (Penn) Conservation Area. The LPA does not consider the evidence submitted convincingly demonstrates that the conversion to a single dwellinghouse is the optimum viable use of the building in heritage terms. Accordingly, the limited public benefits put forward would not outweigh the identified harm to the conservation area. Such harm is contrary to Saved UDP Policies HE1, HE4, HE5, D6, D8, D9, D12, and policies CSP4 and ENV2 of the BCCS. Together, and amongst other things, these policies require that development is of a high-quality design which respects its surroundings, and that where it affects heritage assets it preserves or enhances the assets and is accompanied by sufficient detail to demonstrate this. The proposal would also conflict with the overarching aims of Section 16 of the NPPF on conserving and enhancing the historic environment.

2.4 Sources and Bibliography

Wolverhampton Archives & Local Studies

WP/2558-70 - Pennwood Lane, "Old Stag's Head", Penn - Alterations for Wolverhampton & Dudley Breweries Ltd

Published Sources

Wolverhampton and Walsall HER, Penn, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL726&resourceID=1025 [accessed September 2020].

Wolverhampton and Walsall HER, Almshouses, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL895&resourceID=1025 [accessed September 2020].

Wolverhampton and Walsall HER, Church of St Bartholomew, https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MBL670&resourceID=1025 [accessed October 2020].

The Genealogist Census Records

CAMRA, 'What Pub?' <https://whatpub.com/pubs/WLV/5129/old-stags-head-wolverhampton> [accessed September 2020].

Express & Star, 'Wolverhampton school celebrates 300th anniversary', <https://www.expressandstar.com/editors-picks/2014/12/23/wolverhampton-school-celebrates-300th-anniversary/> [accessed September 2020].

National Library of Scotland

Historic Maps Collection, <https://maps.nls.uk/>

3.0 Site Survey Descriptions

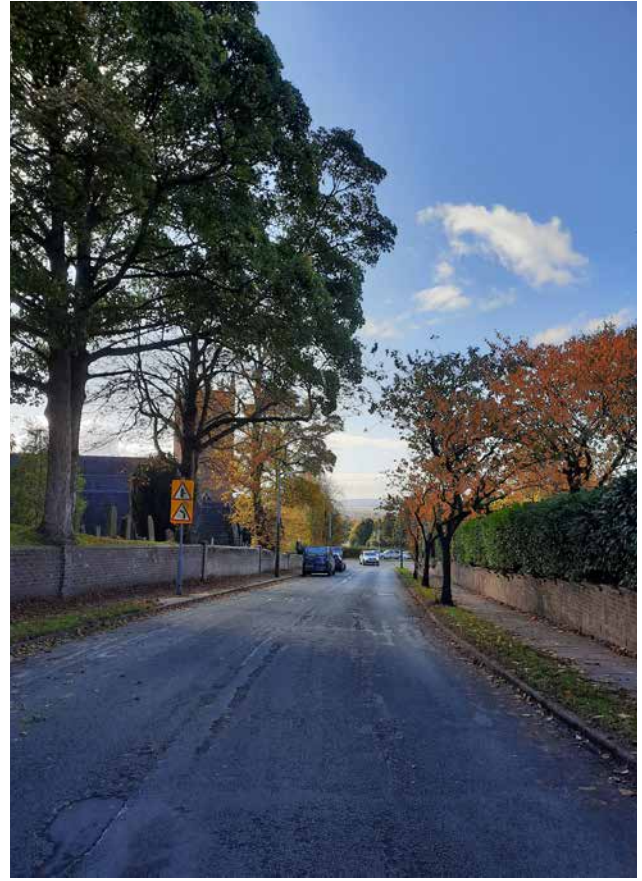
This site survey was undertaken in 2020 and it is noted that the site and building has deteriorated since this point.

3.1 The Setting of the Building and the Conservation Area Context

The conservation area is positioned on the rural fringe of Wolverhampton with the eastern and western ends of the village petering off into farmland associated with the farm buildings which bookend the village and the wider countryside **[Plate 3.1]**. To its southern side, 1930s century housing now extends along Sedgley Road which leads out of the village as far as Penn Common and the wider countryside **[Plate 3.2]**. To the north side of the conservation area the village merges into the 20th century suburban sprawl from Wolverhampton although the descent down Church Hill with St Bartholomew's Church stood at the centre of village retains a sense of arrival **[Plate 3.3]**. The village centre follows historic English tradition with a medieval church and later buildings adjacent to the village green and nearby pub forming its core upon which the rest of the village expands from.



3.1 View eastwards along Pennwood Lane leading into the countryside



3.3 Descent down Church Hill into village with St Bartholomew's Church at its heart



3.2 View southwards out of the conservation area along Sedgley Road

3.1.1 Pennwood Lane

Pennwood Lane extending to the east has an intimate character which signifies the change to the rural countryside which it leads to; immediately to the east of the pub is a small terrace of three early 20-century two storey houses (Mount Pleasant), set back from the street with front gardens and constructed in brick with dentil cornice and arched doorways [Plate 3.4]. Beyond is a modern detached house, Whiteoaks, again red brick and set back from the street [Plate 3.5] with the 1761 Sedgewick Almshouses beyond. Although much altered, with rendered finish and modern windows, the group of five houses contribute to the historic development of the conservation area and continued the low-scale terrace housing typology, set back from the street with a red brick boundary wall with diapering [Plate 3.6]. Opposite stand Mount Cottages, a semi-detached pair in red brick with dark brick banding dating to the early 20th century, again they retain the small-scale charm of this part of the road although have been subject to alteration including modern windows and extensions [Plate 3.7]. The character of the housing on the street then changes with large modern detached and gated properties to the south side comprising Woodcroft House, Pennwood House and Larks Mead [Plates 3.8a & 3.8b] and the collection of handsome buildings which form Mount Farm to the north, large red brick buildings with a prominent rendered farmhouse (present on the 1839 Tithe Map), all set behind a red brick wall with stone coping [Plate 3.9]. The road then takes the character of a country lane as it extends into the countryside.



3.4 Pennwood Lane - Mount Pleasant terrace



3.5 *Pennwood Lane - Whiteoaks*



3.6 *Pennwood Lane - Almshouses*



3.7 *Pennwood Lane - Mount Cottages*



3.8a *Pennwood Lane - Woodcroft House*



3.8b *Pennwood Lane - Pennwood House*



3.9 *Pennwood Lane - Mount Farm*

3.1.2 Sedgley Road

Sedgley Road forms the main road through the village and has a more urban character, only its northern end is included in the conservation area before 1930s detached and semi-detached houses with large gardens extend south. Immediately south of the carpark site is a detached house, No.5, set back from the street and constructed in red brick with arched brick lintels and a gabled roofline this appears to be contemporary with the other infill development in the early 20th century in the conservation area **[Plate 3.10]**. On the facing side of the road is St Bartholomew's Primary School; the original building dates to 1871 with brick ranges with a stone roof and now houses the nursery; this handsome part of the building has been somewhat overwhelmed by the substantial extensions undertaken to its north side during the 20th century **[Plate 3.11]**.



3.10 Sedgley Road - No.5



3.11 Sedgley Road - St Batholomew's Primary School

3.1.3 Church Hill / Vicarage Road

As Sedgley Road bends to become Church Hill, its character changes to one of a more intimate village before opening up to the village green with expansive views to the countryside to the south **[Plates 3.12a & 3.12b]**. St Bartholomew's Church (Grade II*) occupies a prominent position as the road again bends and rises out of the conservation area to meet the suburban sprawl to the north whilst Vicarage Road extends westwards. The church tower forms a local landmark, particularly in views eastwards along Vicarage Road, whilst its brick finish and layering of gabled roof forms make a significance contribution to the character of the conservation area **[Plate 3.13]**.

Between the pub and church is a rendered house at No.63 built hard up against the road, this appears on the 1839 Tithe map and is likely to be contemporary with the pub **[Plate 3.14]**. A further house, No.65, is set raised from the street at the same level as the church adjacent, which appears to be altered from the smaller original building present in the historic maps **[Plate 3.15]**. A handsome red brick house (Nos.60-62) with interlocking gabled roof is located on the southern corner of the bend, set perpendicular to the road (again appearing in the 1839 Tithe map); modern housing has since been constructed in its grounds set back from the street behind the original garden wall (Nos.64-68) **[Plate 3.16]**.

The north side of Vicarage Road comprises of houses constructed during the 20th century; a later 20th century development set around Wheathill Close at the eastern end and bungalows fronting Vicarage Road. Two sets of semi-detached mid-20th century houses west of this are set back from the street with drives and gardens (Nos.30-33), before a run of later 20th century detached houses, again set back from the street. These infill either side of a 19th century semi-detached pair, (Nos.24-25) now rendered with modern windows, set substantially back from the street at an elevated level **[Plates 3.17a – 3.17d]**. At the western end a small cottage (No.22) stands on the corner with The Avenue, set behind a high brick boundary wall with a rendered façade, pitched roof and prominent (partially rebuilt) chimneys which appears on the 1839 Tithe map **[Plate 3.18]**. The Penn School Hall School complex stands on the facing side which occupies the former Penn Hall and dates to the late 17th century (Grade II* with further Grade II listed structures in grounds) **[Plate 3.19]**.

On the south side of Vicarage Road the Church Room, an early 20th century building, is set to the rear of the parking in the village green. Nos.1-5, a small group of two storey red brick terrace early 20th century houses stand to the west; set behind small front yards and low boundary walls, projecting bay windows, brackets to the eaves and stone banding and lintels. A similar, more restrained semi-detached pair lie beyond at Nos.6-7 with No.5a, a modern infill between **[Plate 3.20]** To the west 20th century housing infills either side of Laburnam Cottages which appear on the 1839 Tithe map. The cottages run perpendicular to the road, constructed in brick with simple dark brick banding, a handsome pitched roof line and gabled doorcases **[Plate 3.21]**. Beyond is a further small terrace group at Nos.19-21 which appears to be early 20th century, rendered with small timbered gables to the two end houses and projecting ground floor bays with pitched roofs, modern windows and hard landscaped front gardens **[Plate 3.22]**. Further modern detached houses (No.21a and further south on Chamberlain's Lane) stand within large gardens on the corner with Chamberlain's Lane beyond whilst the original Penn Moor Farmhouse bookends the western end of the conservation area before the rural countryside beyond **[Plate 3.23]**.



3.12a Village green on corner of Church Hill and Vicarage Road



3.12b View south to countryside from village green



3.13 Church Hill - St Bartholomew's Church



3.14 Church Hill - No.63



3.15 Church Hill - No.65



3.16 Church Hill - Nos.60-62 with Nos.64-68 in grounds



3.17a Vicarage Road - Wheathill Close



3.17b Vicarage Road - Nos.30-33



3.17c Vicarage Road - Nos.24-25



3.17d Vicarage Road - Nos.22a-23a



3.18 Vicarage Road - No.22



3.19 Vicarage Road - Penn Hall School



3.20 Vicarage Road - Nos.1-5



3.21 Vicarage Road - Nos.6-7, infill at Nos.8-10 and Laburnam Cottages beyond



3.22 Vicarage Road - Nos.19-21



3.23 Vicarage Road - No.21a with Penn Moor Farmhouse beyond

3.2 The Building

The Old Stag's Head is located in a prominent position in the village on the bend where Sedgley Road becomes Church Hill and meets Pennwood Lane. The open carpark facing increases its presence. The building is built up against the street edge; to the rear the former gravel pit is now a raised grass area previously used as a beer garden whilst hard landscaping, now overgrown, surrounds the building itself. Dilapidated outbuildings stand to the east side of the building behind modern timber fencing and gate which extends from the building façade. To the east side of the building, steps provide access from the street with a brick wall and timber fence above; seating is located in front of the single storey set back wing [Plates 3.24a – 3.28].

The building was constructed before the Tithe map of 1839; it is a red brick faced building with timber beams and posts still exposed internally at ground floor. The front elevation is rendered. Aside from one remaining sash at first floor in the east façade windows are modern replacements and the entrance has been relocated to its current position. The beer drop to the cellar appears to be in its original location. Internally the original separated drinking rooms are somewhat legible but the ground floor has been subject to at least two remodelling schemes during the 20th century and only the exposed timber beams/posts, brick fireplace to the east side and evidence of the original hearth in the centre of the building remain of historic interest. There has also been heavily extended externally from the building's original form which comprised: the main body of the building with tiled pitched roof; the set-down wing with 'M' pitched roof; and a small single storey projection to the east – now extended in length. The extensions vary in quality with the street facing ground floor extension permitted in 2007 a sympathetic elongation of the original ground floor wing with a pitched roof. To the rear the original ground floor façade is obscured by utilitarian 1970s single storey extensions constructed in ill matched modern red brick with expansive flat roofs; the original projecting staircase enclosure still remains exposed at first floor with a modern chimney, dating to the 1970s alterations, projecting above. The two original chimneys remain at roof level to the west of each section of pitched roof [Plates 3.29 & 3.30].



3.24a Front elevation positioned hard up against road edge on corner of Pennwood Lane and Church Hill



3.24b Open view across carpark to the south up Sedgley Road



3.25 Dilapidated outbuildings and hard landscaping to the east side



3.26 Modern timber fencing extending to east



3.27 Raised beer garden to rear



3.28 Stairs and brick boundary wall with fence to west side



3.29 The pub before its western extension (taken from photo in the pub)



3.30 Roof line of pitched roof, lower M pitched roof and projecting pitched roof single storey wing

3.3 The Building Externally

3.3.1 Front Elevation

The front elevation is rendered and comprises three bays with the single storey wing and extension extending to the west. Two bays to the main body of the building; one bay to the side wing with set-down roof. The entrance was relocated in the 1920s; the tiled pitched porch, set on brackets, and brick entrance stairs are likely to have been added at that time. The beer drop appears to be in its original location, positioned centrally in the façade. Windows are modern timber casements; the small window to the east at ground floor with (detracting) vent was inserted in the 1970s. At ground floor two courses of brick are exposed above whilst at first floor projecting brick detailing frames the windows; this is an odd given the date of construction and is likely to be decoration applied at a later date. The large signage board is characterful of traditional pubs. The ground floor wing to the east is set back from the façade and comprises the original bay and then two further bays – the roof has been extended to match but the joint is faintly evident; all with modern casements. Modern fittings such as lighting, alarm boxes, aerials and wires detract **[Plate 3.31]**.

3.3.2 Side (East) Elevation

To the east side the gable ends of the 'M' pitched roof is exposed with the pitched roof and chimney visible behind. Brickwork to the front gable end is painted with a brewery sign and lighting fixed at high level; to the rear this remains exposed brick with a large window inserted in the 1970s with concrete lintel and poorly matched patched brickwork. The single storey side wing is rendered to the rear with two bays of modern casements and a single leaf door in the rear corner. The original element of the wing is now obscured by the 1970s extension; constructed in ill-matched red brick with a flat roof, concrete lintels, windows with vents and a vented door to the rear. The extension extends to meet the rising ground behind **[Plate 3.32]**.

3.3.3 Side (West) Elevation

The west elevation remains exposed brick with alterations undertaken to the ground floor openings in the 1970s clearly evidence by the patched brickwork including infilling the arched opening to the store at the front, a further infilled doorway behind and a modern casement windows with panel below and concrete lintel above. The only remaining original sash window is at first floor with brick lintel above with a simple modern casement set behind; modern signage is located at high level. The façade is cluttered with modern fittings including vents, light fittings, satellite dish, plant and a large extract duct. The single storey flat roof extension projects to the rear, constructed in red brick with utilitarian modern doors and a projecting vent **[Plates 3.33a & 3.33b]**.

3.3.4 Rear Elevation

The rear elevation is obscured by the 1970s extensions and later infill between the two at ground floor level. At first floor the brickwork remains exposed with modern casements and an access door, concrete lintels above and patched brickwork; the 1970s chimney is set to the rear corner of the original staircase projection. Dome rooflights are located in the flat roof of the ground floor extension **[Plates 3.34a & 3.34b]**.



3.31 Front elevation with beer drop, modern entrance and stairs



3.32 Side (east elevation) with build up of detracting alterations and additions



3.33a Side (west) elevation with build up of detracting extensions



3.33b Side (west) elevation with build up of detracting extensions



3.34a Build up of rear extension flat roofs and modern chimney



3.34b First floor rear facade-staircase enclosure with modern door, windows and lintels

3.4 The Building Internally

3.4.1 Basement

The beer cellar is accessed via a flight of brick stairs and has a brick vaulted ceiling, now largely covered over; low brick walls run its length with the beer drop opening at the end **[Plates 3.35a & 3.35b]**. This all appears to be original fabric.

3.4.2 Ground Floor

Internally the 20th century extensions and alterations obscure the appreciation of the building's original layout. The original external wall of the single storey east wing and timber beams are still evident as well as the timber posts framing openings and supporting the ceilings within the two main bar rooms. The exposed brick fireplace to the east in the original part of the building remains with timber beam lintel set on brick brackets and cast iron grate; the original hearth opening in the centre of the building retains its chimney breast and timber beam above; otherwise it has been modernised to provide seating. All bar fixtures and fittings are modern. The original stores to the west side have been converted into toilets and the current kitchen is entirely modern. Doors are modern replacements. Within the rear extensions the original rear wall is evident; now painted brick **[Plate 3.36 – 3.42]**.

3.4.3 First Floor

The stair to first floor was inserted as part of the works undertaken in the 1970s and has a simple timber handrail. The central corridor is a modern studded partition; the room to the west is also subdivided with modern studwork. Floorboards are largely original but otherwise doors and joinery are modern, no cornice is presented and fireplaces have been infilled although the eastern chimney breast remains and the flue to the hearth below in the centre of the building is evident **[Plates 3.43 – 3.46b]**.



3.35a Beer cellar with drop from street



3.35b Brick stairs down to cellar



3.36 Brick chimney breast, fireplace and timber beam mantle



3.37 Hearth in centre of building with chimney breast



3.38 Single storey wing projecting to east, original wall and timber beams evident in first bay



3.39 Original timbers at ground floor



3.41 Modern bar fittings



3.40 Timber beams and access to WCs in altered stores



3.42 Original rear wall still evident in 1970s extensions



3.43 Modern stairs to first floor



3.44a Central corridor at first floor with modern stud partitions



3.44b Central corridor at first floor with modern stud partitions and opening through original external wall



3.45a First floor rooms with no historic features other than original floorboards



3.45b First floor rooms with no historic decorative features, modern stud partition



3.46a Original chimney breast to west of first floor



3.46b Chimney flue to hearth below

3.5 The Car Park

The car park is located on the opposite side of Pennwood Lane and on the corner with Sedgley Road/Church Hill. Tall conifers line its southern boundary whilst the north edge along Pennwood Lane is largely open with low shrubs; a low brick wall steps down along the pavement edge on Sedgley Road. The eastern edge forms the boundary with residential properties on Pennwood Lane with walls and fencing. The carpark is poorly tarmacked and other than the open views it affords across the junction it is of no merit **[Plates 3.47a – 3.47c]**.



3.47a Carpark site facing



3.47b Carpark site facing



3.47c Carpark site facing

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of The Old Stag's Head so that the proposals for change to the site and within its setting are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated. The assessment also identifies the character, appearance and significance of the Vicarage Road, Penn Conservation Area and the contribution which the building and carpark site facing make to this.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as;

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

4.2 The Old Stag's Head

The Old Stag's Head has stood in the centre of the village since before the Tithe map of 1839 and has historic significance locally as part of the village's early development and for its role in the village alongside the mediaeval church and village green. Owing to its prominent location on the corner of Sedgley Road/Church Hill and Pennwood Lane and its visibility across the carpark site it is a local landmark and the original aesthetic which remains is characterful of a rural village pub. It has however been subject to extensive alteration which has greatly reduced its architectural interest and the evidential value it may have once possessed.

Externally these alterations include:

- Build-up of rear extensions
- Western extension
- Rendered facade
- Modern windows and doors, concrete lintels
- Poorly patched brickwork
- Relocated entrance and modern entrance stair and porch
- Detracting clutter including vents, wiring, lighting, satellite dish, aerials etc
- Poor quality external environment including hard landscaping, modern fencing and dilapidated outbuildings

Internally the remaining historic fabric is limited to the vaulted beer cellar and stair, timber beams and posts at ground floor, the brick fireplace and hearth (albeit now without fireplace and fitted with modern seating) and associated chimney breast/flues at first floor. The extensions added to the west and rear have greatly obscured the original plan form and proportions and further diminished its historic character whilst the stair to first floor and most of the partitions are modern.

4.3 Vicarage Road, Penn Conservation Area

The conservation area has roots in the medieval period but the character it possesses today derives from the development of the village from the late 17th century. Despite being engulfed by the suburban expansion of Wolverhampton, it retains a sense of its original rural character, extending into the countryside on its east, west and southern fringes. It is still possible, with some imagination, to understand the historic and traditional village centre with its medieval church and later buildings adjacent to the village green; this relationship emblematic of a historic English village centre.

Key buildings bookend the conservation area, with the Grade II* Penn Hall and Penn Moor Farmhouse at western end and Mount Farm to the east whilst St Bartholomew's Church (Grade II*) stands in its centre with the open village green opposite, its tower visible in a number of views. These key buildings are interspersed by largely residential buildings of varying ages and styles; the 18th and 19th century houses typically red-brick (some rendered) and modest in scale forming small terraces or groups either hard up against the pavement edge or set back with small front yards. 20th century infill development is comfortably accommodated between; those constructed later in the 20th century are typically detached with larger grounds. The later 20th century development set around Wheathill Close is at odds with prevailing character and layout of the village with semi-detached and detached houses set in larger gardens; similar houses, set in larger grounds still, extend south from the conservation area along Sedgley Road. The very large detached houses at the eastern end of Pennwood Lane are similarly at odds with the overall character but set on the fringes, in the same manner as the historic larger buildings, and setback from the street in substantial grounds they are not harmful to its character.

It is lamentable that the Old Stag's Head has lost its viability as a communal village building but the memory of that use is still represented by the surviving fabric and particularly the more historic fabric. This is a very important element of the heritage asset's contribution to the conservation area. This is reinforced by its position in the heart of the village and its prominence across the carpark to the south. Its scale and position, built hard up against the pavement edge, and pitched roofline all give the aesthetic of a historic rural village pub which contributes to the character of the conservation area; however the detracting alterations outlined above diminish this. The building's highest significance however lies in the fact that its historic use is still legible particularly in its external form, and especially in its more historic fabric. This is because this fabric reflects one of the traditional village centre functions which, while not surviving as a use, are still legible in the conservation area; retaining the emblematic village centre relationship between the church, the green and the pub - a triumvirate of key activities in an English village.

5.0 Commentary on the Proposals

5.1 Description of the Proposals and their Impact on the Heritage Assets

The proposals are outlined in detail in the plans and Design and Access Statement by BCHN Architects which this report accompanies. The building is no longer viable as a public house and therefore the scheme proposed seeks to convert it to a five bedroom family home to secure its conservation and its role in the village and conservation area in the long term. The building has been subject to a number of alterations which have diminished its architectural interest and evidential value, principally the build-up of extensions to the north and the poor appearance of the yard and outbuildings to the east; furthermore the detachment of the raised paddock to the north hems the building in and the poor access limits its benefits as an amenity space. The scheme proposes to revitalise the appearance of the building through the remodelling of the 20th century extensions to improve their appearance with a unifying flat sedum roof and increasing the level of natural light serving the interior with new openings, alterations to the fenestration and door openings and the provision of rooflights. Detracting clutter and service ducts and vents associated with its former use would be removed and the building fabric upgraded to improve its thermal performance.

Further works would include the provision of a gated entrance set within a hedge and low brick boundary wall with an area of resin-bound gravel behind for parking. A roof terrace would be provided on top of the single storey rear extension with an outlook to the raised paddock which would become a family garden. The remodelled extensions would maintain a distinction from the architectural character of the historic pub (which would be restored), with a larger extent of glazing and contemporary materials including render and aluminium windows and bi-fold doors.

The use of the building as a public house is no longer viable and as a consequence its future is at risk. Its adaptive reuse as a family home is therefore entirely beneficial in heritage terms; introducing a use which would secure its long-term conservation, remodelling the detracting rear extensions to improve their appearance and making better use of the raised paddock as a family garden. More critically the proposals would retain the visual contribution of the building to the character and appearance of the conservation area as a local landmark and its evidential value as part of the early development of the village and its traditional functions centred on the church, the green and the pub.

5.2 Policy Justification of the Proposals

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the site comprises the Black Country Core Strategy, supported by the saved policies of the Wolverhampton Unitary Development Plan. Decision-makers must also comply with the Planning (Listed Buildings and Conservation Areas) Act requirements. This section therefore assesses the proposed development first against local policy before bringing to bear the requirements of the Act and the heritage policies in the NPPF.

5.2.1 Local Plan Policies

Both the Black Country Core Strategy and Wolverhampton Unitary Development Plan (ENV2 / HE1) place a particular emphasis on the preservation of local character and distinctiveness which stands central to the scheme proposed. Whilst it is regrettable that the use of the building as a public house is no longer viable, its conversion to residential use would ensure that its original aesthetic as a rural village pub, its role at the heart of the village and relationship with St Bartholomew's Church (Grade II*) is preserved – maintaining the local distinctiveness of Penn village. The detailed design approach responds to the requirements of saved UDP policies (D1 / D6 / D9) relating to design by presenting a well-considered response to the site and its context, improving the appearance of the poor quality 20th century extensions, removing detracting services and clutter, restoring the façade of the historic pub and maximising the amenity provision through the terraces and lawn area proposed.

5.2.2 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to have special regard to the desirability of preserving the character and appearance of conservation areas and the setting of listed buildings. Whilst the loss of the original use of the building would diminish its contribution to the conservation area as a community asset, it has otherwise been demonstrated above that the proposals would ensure its character and appearance would be preserved and indeed enhanced - therefore the presumption against the grant of permission is not engaged.

5.2.3 The National Planning Policy Framework

As set out above, the development complies with the heritage policies in the local plan. The NPPF has crystallised previous approaches to the historic environment and draws focus to the 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and 'the desirability of new development making a positive contribution to local character and distinctiveness'. It has given strong emphases to the need to 'weigh up' the pros and cons of impact on heritage assets. In particular, policy now states that benefits arising from proposals, and in particular public benefits which may include securing the optimum viable use of a heritage asset, should be part of the weighing up process. The extent of 'public benefits' required to balance any potential 'harm' to a heritage asset is dependent on whether the 'harm' is 'substantial' or 'less than substantial' (paragraphs 201 and 202).

The building as it stands has no viable use and therefore its adaptive reuse - ensuring its conservation in the long-term and its contribution to local character and distinctness is preserved – goes to the very heart of the NPPF and its focus on sustainable development. Whilst the loss of its use as a community building could be deemed harmful, it has been demonstrated that this use is no longer viable and therefore this harm is incidental and unavoidable. Therefore, the proposed introduction of a residential use which would save the building and its important role in the conservation area is wholly beneficial - sustaining and enhancing the significance of the building, the conservation area and the setting of the Grade II* listed Church by putting it to its 'optimum viable use' consistent with its conservation.

5.3 Conclusion

It is the conclusion of this report is that overall the proposals meet the policies of the Black Country Core Strategy and the Wolverhampton UDP, the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the tests outlined in the National Planning Policy Framework insofar as they relate to the historic environment.

Appendix I - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 66 of the above Act states that:

In considering whether to grant 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.

Similarly, section 72(l) of the above Act states that:

[...] 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 a conservation area.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (July 2023). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

195. 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 197 of the NPPF identifies the following criteria in relation to this:

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

With regard to applications seeking to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), paragraph 198 states that:

...local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 199 the framework states the following:

...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.

The Framework goes on to state at paragraph 200 that:

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.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 201 of the NPPF states that:

...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

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 202 of the NPPF states the following;

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of non-designated heritage assets, the NPPF states:

203. 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.

The Framework requires local planning authorities to 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. Paragraph 206 states that:

... Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas and world heritage sites it states, in paragraph 207, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. 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 200 or less than substantial harm under paragraph 201, 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.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on the 23rd July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such

heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199)

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **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 skill, 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.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Paragraph 7: Why is 'significance' important in decision-taking?

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

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

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

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 193-196 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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 additions to historic buildings where those additions are inappropriate and harm the buildings' 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, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

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

Paragraph 39: What are non-designated heritage assets and how important are they?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph 40: How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on Historic England's website.) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Local Policy

Black Country Core Strategy

The Black Country Core Strategy, adopted 2011, forms part of the Development Plan for the city.

Policy ENV2 Historic Character and Local Distinctiveness

All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

All proposals should aim to sustain and reinforce special character and conserve the historic aspects of the following locally distinctive elements of the Black Country:

- a) The network of now coalesced but nevertheless distinct small industrial settlements of the former South Staffordshire Coalfield, such as Darlaston & Netherton;
- b) The civic, religious and commercial cores of the principal settlements of medieval origin such as Wolverhampton, Dudley, Wednesbury & Walsall;
- c) Surviving pre-industrial settlement centres of medieval origin such as Tettenhall, Aldridge, Oldbury and Kingswinford;
- d) Areas of Victorian and Edwardian higher density development which survive with a high degree of integrity including terraced housing and its associated amenities;
- e) Areas of extensive lower density suburban development of the mid 20th century including public housing and private developments of semi-detached and detached housing;
- f) Public open spaces, including Victorian and Edwardian municipal parks, often created upon and retaining elements of relict industrial landscape features;
- g) The canal network and its associated infrastructure, surviving canal-side pre-1939 buildings and structures together with archaeological evidence of the development of canal-side industries and former canal routes (see also Policy ENV4);
- h) Buildings, structures and archaeological remains of the traditional manufacturing and extractive industries of the Black Country including glass making, metal trades (such as lock making), manufacture of leather goods, brick making, coal mining and limestone quarrying;
- i) The Beacons shown on the Environment Key Diagram and other largely undeveloped high prominences lying along:
 - the Sedgley to Northfield Ridge, including Sedgley Beacon, Wrens Nest, Castle Hill and the Rowley Hills (Turner's Hill);
 - the Queslett to Shire Oak Ridge (including Barr Beacon);
 - including views to and from these locations.

In addition to statutorily designated and protected historic assets particular attention should be paid to the preservation and enhancement of:

- locally listed historic buildings and archaeological sites;
- historic parks and gardens including their settings;
- locally designated special landscape areas and other heritage based site allocations.

Development proposals that would potentially have an impact on any of the above distinctive elements should be supported by evidence included in Design and Access Statements which demonstrates that all aspects of the historic character and distinctiveness of the locality have been fully assessed and used to inform proposals. In some instances local authorities may require developers to undertake detailed Historic Landscape Characterisation studies to support their proposals.

Wolverhampton Unitary Development Plan (UDP)

The Wolverhampton UDP was adopted in June 2006. Following adoption of the Black Country Core Strategy on 3 February 2011 certain policies in the UDP were replaced. Saved guidance and policies relating to the historic environment include:

6.1.3

...In addition to statutory protection, many valuable features of the historic environment are protected through the planning system. Conditions can be attached to planning permissions and special agreements can be made with developers to protect and enhance historic sites and buildings.

6.1.4

As part of the creation of a City of Communities and Neighbourhoods and a Green City, the Wolverhampton Community Plan aims to:

- Increase respect and care for the natural and built environment;
- Improve the quality of urban design of new buildings and spaces;
- Bring prominent empty and underused listed buildings into active use, especially in the City Centre

6.1.7

The patterns of buildings and landscapes in Wolverhampton have evolved over time and are unique, creating a local character and distinctiveness which are constantly under pressure from the demands of modern development. Not every part of the historic environment can or should be protected from change. Conservation is a dynamic process of managing change to ensure that those parts of the historic environment which are most valued and contribute most to local distinctiveness are protected for future generations to experience and learn from. A study of local historic character and distinctiveness can help in the conservation of this broader historic environment, through defining character areas and types and by involving local people. The Council has begun to adopt this approach by identifying Areas of Special Character, to protect historic landscapes, and starting to keep a list of locally important and valued buildings and landscapes, assessing their value against a list of criteria.

Policy HE1: Preservation of Local Character and Distinctiveness (Part I)

All development proposals should take account of the character of the area in which they are to be sited, including its historic character, and should respect its positive attributes. Physical features which strongly and positively contribute to the local character and distinctiveness of the City's landscape and townscape should be retained. In particular, proposals should take account of the special contribution of conservation areas, historic parks and gardens, listed and local list buildings, the canal network, archaeological sites and protected trees.

In exceptional cases where the loss of such features is permitted, the following may be required:

- An appropriate level of survey and recording which may involve archaeological excavation;
- Provision of replacement building(s) of comparable quality and design, especially in respect of buildings of landmark value;
- Where possible, the salvage of special features or elements for re-use in the replacement development scheme.

Policy HE17: Development Affecting the Setting of a Listed Building

Development affecting the setting of a listed building will only be permitted if it respects and enhances the special architectural and historic interest of the listed building, paying special regard to scale, materials, colour and design.

And Wolverhampton Council's policies on **Design**:

Policy D1: Design Quality (Part I)

All development proposals should demonstrate a high standard of design and contribute towards creating a strong sense of place. Proposals should evolve from an understanding of local distinctiveness and the historic context. Poor and mediocre designs will be unacceptable.

Policy D6: Townscape and Landscape

Proposals should create or reinforce local distinctiveness by comprising site-specific design solutions that respond explicitly to the site and its context. Proposals should preserve or enhance qualities of townscape and landscape character that are of value (see Policy HE1). In areas lacking in local distinctiveness, proposals should contribute towards repairing or creating qualities of townscape and landscape character.

The following principles should be taken into account in the design of new development:

- Building frontages and boundary treatments should provide definition and a sense of enclosure for streets and public spaces.
- Distinctive features should be provided to define and emphasise landmarks, corners sites, junctions, vistas, street scenes and public spaces.
- Existing buildings, structures and physical features of local distinctiveness or townscape value should be retained and integrated into new development to maintain the continuity of built form (see Policy HE1).

- Proposals should respect existing vistas, views and skylines that contribute to the character of an area.
- Buildings should relate positively to and face towards streets, open space, squares and canals.
- Public or communal open space should relate to the buildings around it, be designed with a specific purpose in mind and should not just be space left over after development.
- Attractive landscaping, including hard surfaces, parking areas and adequate and useable gardens/amenity areas, should form an integral part of the design of new development and should complement the surrounding area.
- Proposals should make positive use of the topography, land form, changes in levels, landscape setting and natural features (see Policy D12) of the site and the surrounding area.
- Existing landscape features of value should be retained (see Policy D12).

Policy D9: Appearance

Buildings, structures, boundary treatments and landscape features should make a positive contribution to the locality through the use of appropriate form and good quality detailing and materials. Developers are expected to provide details of the external materials and finishes to be used on proposed buildings.

Proposals should take account of the following principles:

- **Form.** As well as scale (height and massing), composition, proportion, articulation, modulation, rhythm, balance and framing are all important to the appearance of a development and may significantly affect the character or quality of an area.
- **Detailing.** Details include all building elements such as entrances, walling, fenestration, roofs, gables, eaves, bays, balconies, porches, walls and fences, and external works. The way in which these details are designed and articulated will affect the visual interest, character and quality of a development when viewed as a whole or in close proximity. The richness of detail is particularly important at ground level or where it is prominent and easily appreciated.
- **Materials.** The quality of materials and finishes contribute to the attractiveness of a proposal's appearance and the character of an area. The use of good quality materials will be required.
- The use of local and/or reclaimed materials, where appropriate, can be a major factor in enhancing local distinctiveness and will be encouraged.

