

RED HOUSE, HIGH STREET
GREAT OAKLEY, HARWICH, ESSEX, CO12 5AQ

HERITAGE STATEMENT



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REVISION SCHEDULE

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1.0 INTRODUCTION

- 1.1. This Heritage Statement has been produced by **Heritage Unlimited (HUL)** for Great Oakley Community Hub Ltd. (GOCH) to support a planning application submission for the demolition and redevelopment of the Red House, Great Oakley.
- 1.2. The project is a non-profit-making venture and relates to the creation of community-led social housing, intended to enable local people to get on the property ladder within the village.
- 1.3. The property has an extant permission (21/00080/FUL) for conversion, infill extension, and change of use, however the current severely deteriorated condition of the property has warranted pursuit of a similar scheme which is to now include demolition and redevelopment. Prior to the current application, a pre-application enquiry was made, supported by extensive heritage and structural assessments. Upon consideration of the dire condition of the building, low level of significance and harm, and public benefits a response was received which was in agreement with the points made and favourable to the proposal.
- 1.4. The Red House is situated within Great Oakley Conservation Area and was identified as a non-designated heritage asset (NDHA) in the 2021 consultee response by Place Services, in their role as heritage advisor to the local planning authority (LPA) with regards to planning ref. 21/00080/FUL. This application granted permission to convert the Red House, a single dwelling into two residential flats along with an infill development on land previously developed between the Red House and Maybush Inn.
- 1.5. In 2022, Place Services produced an appraisal document for Great Oakley Conservation Area. The appraisal mentions the Red House several times but does not identify the building as a NDHA unlike the neighbouring Maybush Inn. The document also includes a section within the appraisal on NDHA and provides a list of buildings which are considered to be NDHA. It is however noted that the conservation area appraisal does state the list of NDHA is not exhaustive and other buildings could be identified through the planning system.
- 1.6. The current condition of the building has been analysed along a review of the surveyor's report to inform this report. In turn, the above element (condition and significance) will provide a baseline to assess the current proposal, which is to demolish and redevelop the site.

- 1.7. As the proposed works affect a heritage asset, paragraph 200 of the National Planning Policy Framework (2023) (NPPF) requires a Heritage Statement to support the planning application. This document has been prepared in accordance with the requirements of the NPPF.
- 1.8. The purpose of a Heritage Statement is to identify the significance of any heritage asset affected by the proposed development, the impact the proposed development will have upon the identified significance and justification for the proposed development. The Heritage Statement also needs to assess the proposed work in accordance with the statutory tests provided in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.9. This Heritage Statement should be read in conjunction with architectural plans and other supporting documents, which form this planning application.
- 1.10. This report has been compiled by Shaun Moger MSc Historic Building Cons and Paul Clarke BA (Hons) Arch Cons is based on desk-based research and a site visit carried out in June 2023.

2.0 SITE LOCATION AND HISTORIC CONTEXT

- 2.1. The Red House is situated on a corner plot at the junction of High Street and Farm Road. The name is probably derived from the red brick used for its construction which has now been covered with cement render and which is painted red.
- 2.2. The first historic map available is the Chapman and Andrea map of Essex produced in 1777. The map shows the settlement in the late 18th century and shows a building occupying the site of the Red House.
- 2.3. When the Chapman and Andre map is overlaid onto the 1842 Tithe map the overlay does not include the Maybush Inn. It is acknowledged that the Maybush Inn website provides a detailed history of the public house and identifies that the inn is first recorded in 1769 and first opened as a beerhouse. However, the conception of beerhouses didn't come about until 1830 with the Beerhouse Act.
- 2.4. There is of course the anomaly of map scales when overlaying historic map to take into consideration when making comparisons.
- 2.5. The 1842 Tithe map (see Fig.2) appears to show the settlement of Great Oakley had been further developed.
- 2.6. The Tithe return records the Red House (plot 41) was owned and occupied by Thomas Carter and documents the plot as a house and garden. Plots 40 and 41, situated between the Red House and the Maybush Inn (plot 38), records plot 40 to be owned and occupied by John Cowey and documents has a house and garden, whilst Plot 39 was owned by Richard Stone Blowers and occupied by James Clarke and is documented as a house and bake office.
- 2.7. For context, the property abutting the Red House to its northeast elevation is recorded as plot 42 on the Tithe map and the return identifies that the property was owned by William Randell and divided into three occupancies with himself occupying part of what is described as a house and shop. The remaining two occupants – William Fisher and Edward Carter – occupy a section of the property denoted as house, garden, and smithy.

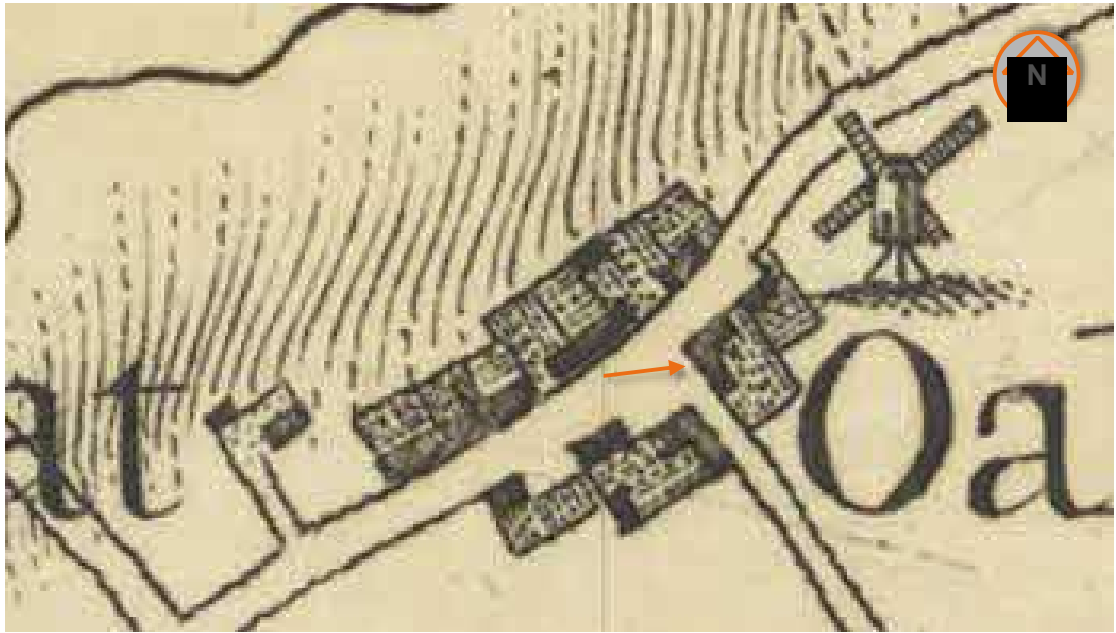


Fig.1: An extract from Chapman and Andrea's 1777 map of Essex showing Great Oakley in the latter part of the 18th century. The orange arrow denotes the Red House.



Fig.2: 1842 Tithe map showing the mid-19th century plan form of Great Oakley.

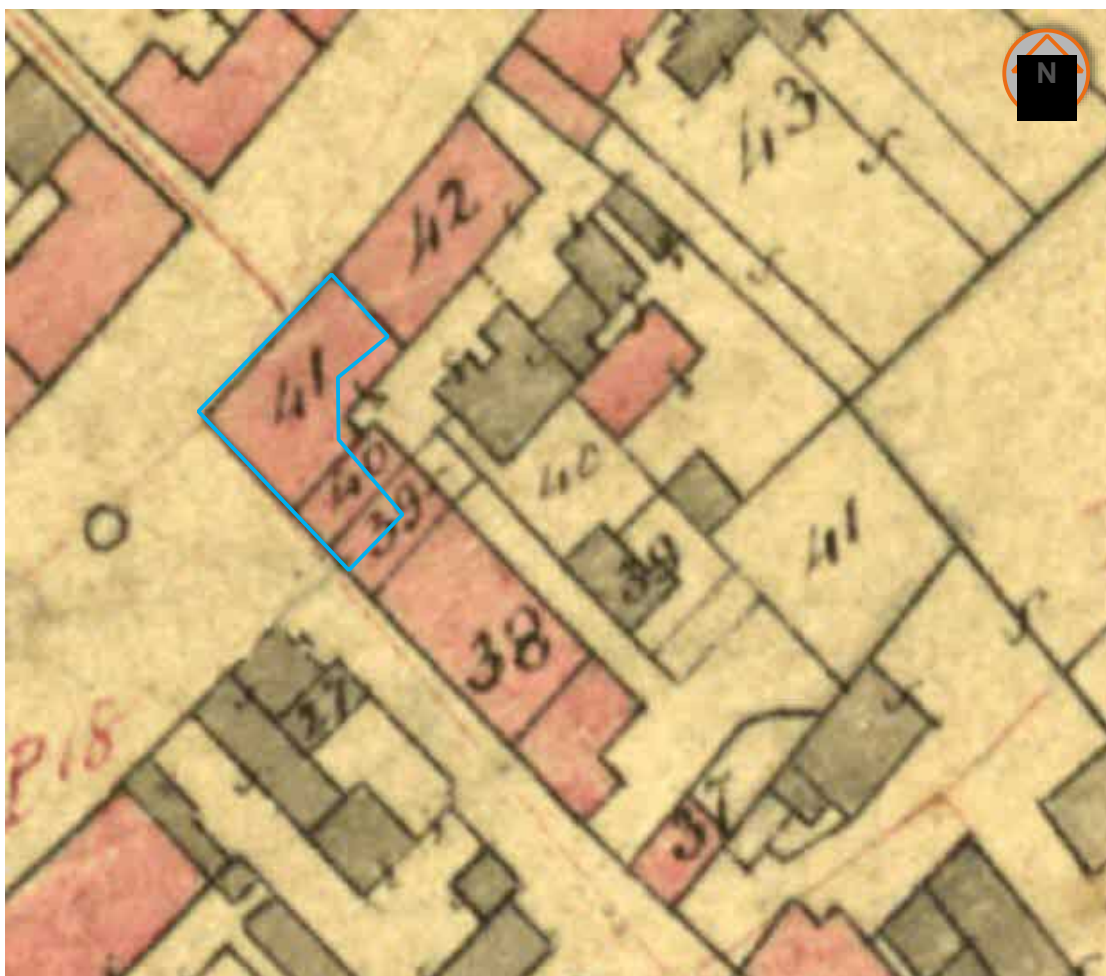


Fig.3: 1842 Tithe map overlaid with the plan with plan form of the Red House taken from the 1777 map, shown in blue.

- 2.8. The first Ordnance Survey map available was surveyed in 1874 and published in 1880, which is a low scale – six inch to one mile – map and shows a similar plan form to the that shown on the Tithe map.
- 2.9. The 1891 census return is the only return that records the property as the Red House, Harwich Road and the property is occupied by Susan Ling and her son Alfred Ling. Susan’s occupation is recorded as a market gardener and Alfred’s occupation is a thatcher. Both occupants have their birthplace record as Great Oakley.
- 2.10. The next official document to reference occupant at the Red House was the 1939 Register. Unlike the 1891 census which records the Red House being situated on Harwich Road, the 1939 document records the Red House as being situated on High Street. The Register records the family name as Udall, who appear to have originated from London and records James Udall as a Shopkeeper.



Fig.4: Ordnance Survey map, surveyed 1874, published 1880. The orange arrow denotes the Red House.

- 2.11. The 1921 revised 25 inch to one mile Ordnance Survey map shows the Red House split into two buildings and an undated photograph, probably taken late 19th/early 20th century shows the Red House as a shop. There is also an inter-war image which shows the Red House as a shop.



Fig.5: Ordnance Survey map, revised 1921, published 1923. The orange overly denotes current plan form of the Red House.



Fig.6: Undated photograph, probably late 19th or early 20th century showing the Red House and its High Street elevation as a shop.

3.0 ASSESSMENT

- 3.1. As identified above, the Red House is situated in Great Oakley Conservation Area, which was designated in 1973 and its boundary amended in 1983 to omit modern housing developed on the site the cornmill.
- 3.2. The Maybush Inn is identified in the 2022 conservation area appraisal as one of several key unlisted heritage assets in the conservation area. The appraisal further states, these buildings by virtue of their derivation, form and appearance, mean the Maybush Inn along with the other identified buildings, make a positive contribution to the conservation area.
- 3.3. The appraisal identifies that the red house is in a '*deteriorated condition*' and the gap site between the Red House and Maybush Inn are '*detracting features*'.
- 3.4. Currently the site has planning permission to convert the Red House into two residential flats and develop the land between the Red House and Maybush Inn.
- 3.5. Structural assessment of the Red House identified issues with the foundations of the property as well as other structural defects – see structural engineers report, ref 1811, produced in 2018 by Steven Heard Associates and the 2021 report by DBS Consulting Structural and Civil Engineers, ref 20-493/R1.
- 3.6. The later DBS report generally agrees with the findings documented in Heard's 2018 report and identifies, '*A significant portion of the existing structure has deteriorated beyond normal serviceable limits and requires replacement.*' This report also identifies some ground and first floor walls – internal and external – need to be rebuilt and that the roof structure is inadequate and in very poor condition and needs full replacement. The report further documents, '*the majority of the first floor construction needs to be replaced due to its poor condition and/or inadequate construction. Areas are evident where the existing floor timbers have suffered extensively from rot and timber infestation. There are various locations where the floor members are undersized for their span and loadings.*'
- 3.7. Costings for underpinning works only, provided by Williams Construction (Essex) Ltd in February 2023 came to £423,321.40. It is understood from Great Oakley Community Group that this cost makes the project uneconomical to convert the existing building.

- 3.8. As stated in the above reports, the property is in a state of poor repair and internal decay. There are visible signs of internal damp resulting from a dilapidated chimney stack, which allows for water ingress. Ceilings have largely been removed as well as some of the plaster to walls. There is also decay to floorboards and in general the property has suffered from lack of occupancy.

Baseline

- 3.9. The current use of the Red House is a single residential dwelling and as such it retains permitted development rights (PDR) consistent with those allocated for properties in conservation areas. Also, in accordance with section 55 (2a) of the Town and Country Planning Act 1990, internal works to the property do not require planning permission as the building is not listed on the National Heritage Register of England.
- 3.10. The non-designation heritage asset status attributed to the building in the 2021 granted planning permission does not remove the right to make internal changes to the property. There are no Article 4 Directions on the property to restrict PDR to the exterior other than those in place by the conservation area designation.
- 3.11. The Red House is a single residential development, which has been externally rendered with cement to the street elevation and side elevation facing the Maybush Inn. The rear elevations have been half rendered to the lower half of the elevation with the upper half of these elevations being brick. All the elevations are painted red.
- 3.12. The roof is M-shaped and the outer pitches facing High Street and Farm Road are covered with plain clay tiles, which are primarily handmade whilst some modern, probably machine made have been used on the pitch facing Farm Road. The inward and rear pitches have been covered with modern, probably machine made pan tiles. These modern tiles also differ in colour with the handmade clay tiles. The fenestration throughout the building is uPVC and the entrance door. are moderns. To the rear (southeast) elevation, brick buttresses have been constructed to support the structural stability of the elevation.
- 3.13. The current elevation to High Street (northwest) differs in character from the historic image at Fig.6. The arched doorway is now a window and the ground floor windows have had their cills lowered to increase the height of these windows (see Fig.8). There is also evidence that a doorway to the north of the central ground floor window with the arch detail has been infilled.



Fig.7: Buttresses and parrass plate to southeast elevation. A previous intervention to resist the walls movement. Also of note is the location of the door were the southeast elevation meets the northeast elevation which has a window perpendicular to the doorway. This is not a suitable location for this opening as it results in a little of no lateral support for the main southeast elevation. (See para 4.4.1 of Steven Heard Associates structural report).

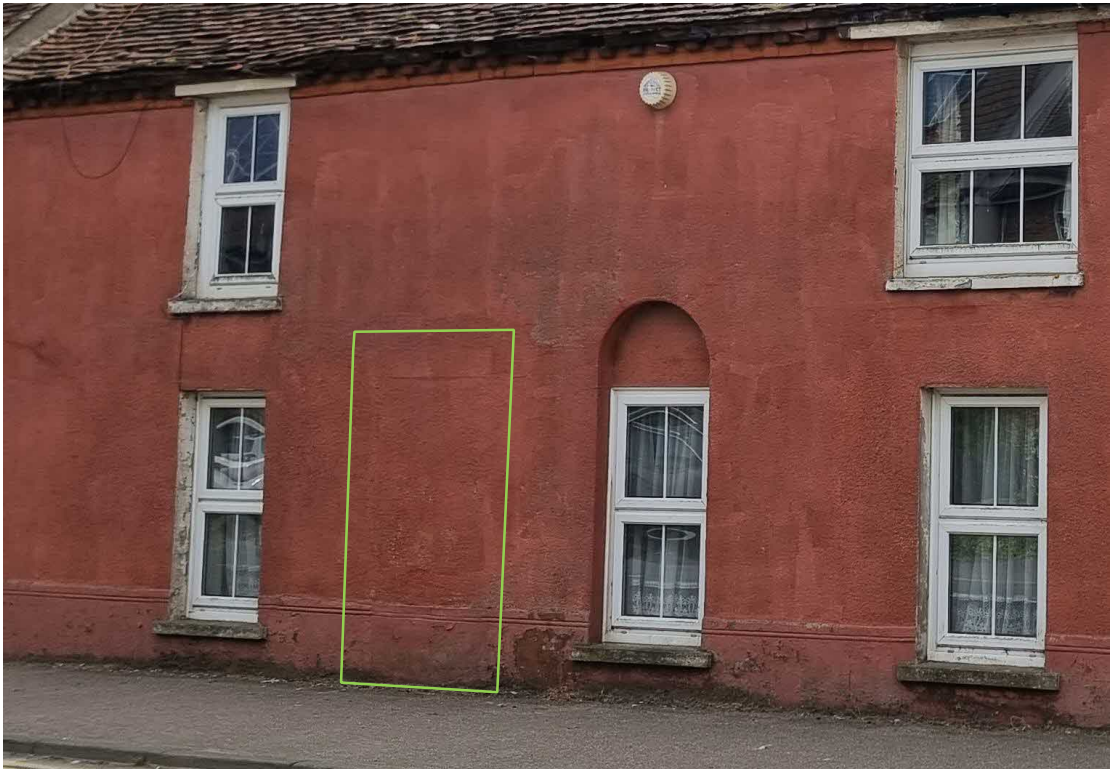


Fig.8: Northwest elevation fronting High Street shows the cills to ground floor windows have been lowered and the green box denoted a former doorway has been infilled.



Fig.9: Street facing elevations, shown in context with the Maybush Inn.

- 3.14. To the lower section of the street facing elevations (northwest and southwest) is a cement plinth and this detail is shown on the late 19th century image of the property (see Fig.6) and as such appears to be in situ before the elevation were rendered. Whilst the historic image shows a plinth to the building, the quality of the image does not allow for the detail on the current plinth to be evaluated. Therefore, without scientific evaluation, we cannot say for certain if the in situ plinth is of historic context or a modern replacement. However, the plinth is formed with a hard cement.
- 3.15. Internally, the building is in a poor condition and from map regression the building is shown to have been two units in the early 20th century, then later in the century the property reverted to a single dwelling. These changes probably altered the internal layout and circulation pattern.
- 3.16. However, whilst some of the internal fabric has historic and archaeological value, section 55 of the Planning Act allows for its removal without planning permission.



Fig.10: Example of floor joists which have historic and archaeological value and show signs of irreversible decay. The planning system allows for their removal without planning permission.



Fig.11: The addition of modern timbers to in situ joists appear have been inserted to strengthen the floor.



Fig.12: Water ingress from damaged chimney stack and modern gypsum plaster to opposite wall which has blown.



Fig.13: Timber brace appears to have been inserted into a brick wall with modern cement. The brace is one of pair located in a wall on the first floor. The cement may be a repair.



Fig.14: Timber stud wall to first floor.

4.0 PLANNING LEGISLATION AND POLICIES

Legislation

- 4.1. The legislative framework for the preservation and enhancement of listed buildings and conservation areas are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Historic England, defines preservation in this context, as not harming the interest in the building, as opposed to keeping it utterly unchanged.
- 4.2. In 2014, a ruling by the Court of Appeal (Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and the National Trust) made clear that to discharge this responsibility, decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings (and by implication other heritage assets) when carrying out the balancing exercise of judging harm against other planning considerations, as required under the National Planning Policy Framework.
- 4.3. Another ruling made in May 2017 by the Court of Appeal (Barwood Strategic Land II LLP v East Staffordshire Borough Council and the Secretary of State for Communities and Local Government), upheld a High Court ruling, that subordinates National Planning Policy Framework development presumptions to the statutory authority of an up-to-date local plan, as the NPPF is no more than ‘guidance for decision-makers, without the force of statute behind it. Paragraph 13 of the decision states, ‘*The NPPF is the Government’s planning policy for England. It does not have the force of statute, and, ought not to be treated as if it did. Indeed, as one might expect, it acknowledges and reinforces the statutory presumption in favour of the development plan, and it also explicitly recognizes and emphasizes its own place in the plan-led system of development control. Its “Introduction” acknowledges that “[planning] law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”, and that “[the NPPF] must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions”. Paragraph 12 recognizes that the NPPF “does not change the statutory status of the development plan as the starting point for decision making”. Paragraph 13 describes the NPPF, correctly, as “guidance for local planning authorities and decision-takers”, which, in the context of development control decision-making, is “a material consideration in determining applications”. Paragraph 215, in “Annex 1: Implementation”, says that “due weight should be given*

to relevant policies in existing plans according to their degree of consistency with [the NPPF] (the closer the policies in the plan to the policies in [the NPPF], the greater the weight that may be given)", but this too is guidance for decision-makers, without the force of statute behind it'.

- 4.4. Therefore, by implication, this judgment again emphasises the relative importance of sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in making planning decisions in relation to development that affects listed buildings and conservation areas.
- 4.5. Section 72(1) of the abovementioned Act is relevant to the proposed development and provides the statutory test against which planning permission affecting conservation areas, as designated heritage assets should be assessed by the Local Planning Authority.
- 4.6. Section 72(1) states, *'In the exercise, with respect to any buildings or other land in a conservation area, of any... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.*

National Planning Policy Framework (2023)

- 4.7. As mentioned above, there is a need to carry out a balancing exercise of judging harm against other planning considerations as required under the NPPF. The NPPF sets out the Government's planning policies for England and how these are to be applied. The guiding principle of the document is a presumption in favour of sustainable development and the protection and enhancement of the historic environment is embedded in this approach.
- 4.8. Sustainable development is defined as meeting the needs of the present without compromising the needs of the future. Paragraph 8 of the NPPF breaks down this definition into three objectives: economic, social, and environmental. Within the environmental objective, sustainable development needs to contribute to 'protecting and enhancing our natural, built and historic environment'.
- 4.9. Paragraph 20 of the NPPF contains Strategic Policies, which provide an overall strategy for the pattern, scale and quality of development and make sufficient provision for the conservation and enhancement of the natural, built, and historic environment.

- 4.10. Section 16 of the NPPF contains policies relating to conserving and enhancing the historic environment. Within this section (paragraph 200), the Local Planning Authority requires the applicant to describe the significance of any affected heritage asset including any contribution made by their setting as part of an application.
- 4.11. Significance is defined in Annex 2 of the NPPF, as the value of a heritage asset to this and future generations because of its archaeological, architectural, artistic, or historical interest. Significance also derives not only from the asset's physical presence but also from its setting. Setting of a heritage asset is the surroundings in which the heritage asset is experienced, the extent of which is not fixed and can change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to significance of an asset.
- 4.12. Impact from a proposed development to the significance of a designated heritage asset needs to be evaluated, NPPF paragraph 205, states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. NPPF paragraph 206 identifies that alteration, destruction, or development within the setting of a designated heritage asset can result in harm to, or loss of, the significance of the asset and that such loss requires a clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional and substantial harm or loss of grade I and grade II* listed buildings should be wholly exceptional.
- 4.13. NPPF Paragraphs 207 and 208 define the levels of harm as substantial or less than substantial. The National Planning Practice Guidance (PPG) provides useful guidance on assessing harm in relation to these definitions and gives the following example, 'In determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting'. The PPG quantifies substantial harm (NPPF paragraph 207) as total destruction while 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. Anything less than total destruction needs to be evaluated on its own merits, for example, the removal of elements to an asset which themselves impact on its

significance may therefore not be harmful to the asset. The PPG advises works that 'are moderate or minor in scale are likely to cause less than substantial harm (NPPF paragraph 208) or no harm at all'. However, it is important to consider each development in its own context as the PPG also identifies that minor works have the potential to cause substantial harm to the significance of an asset.

- 4.14. Paragraphs 207 and 208 refer to 'public benefit' as a means to outweigh the loss of or harm to a designated heritage asset. The PPG identifies that public benefit may follow many developments and as such this benefit could be anything that delivers economic, social or environmental progress which are the dimensions to sustainable development defined by NPPF Paragraph 8. The PPG states, 'Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefit'. Public benefits may include heritage benefits such as:

Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.

Reducing or removing risk to heritage asset.

Securing the optimum viable use of a heritage asset in support of its long-term conservation.

- 4.15. The three points above relate to NPPF Paragraph 203, which requires the Local Planning Authority to take these points into account when determining applications. Although, there is no defined list of public benefits, examples of public benefit for a designated heritage asset may include:

The restoration of a listed building.

The improved setting of a listed building.

The enhancement of a conservation area.

- 4.16. The requirement for non-designated heritage assets to be considered is set out in NPPF Paragraph 209 whereby a balanced judgement is required having regard to the scale of any harm or loss and the significance of that non-designated heritage asset.

Local Planning Policy

- 4.17. As well as legislation and national planning policies, the local planning authority's local planning documents also contains policies relevant to the historic environment:
- 4.18. Tendring District Local Plan 2013-2033 and Beyond, North Essex Authorities' Shared Strategic Section 1 Plan (Adopted January 2021)

Policy SP7: Place Shaping Principles

All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective. All new development should reflect the following place shaping principles, where applicable:

Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;

Provide buildings that exhibit individual architectural quality within well-considered public and private realms;

Protect and enhance assets of historical or natural value;

- 4.19. Tendring District Local Plan 2013-2033 and Beyond Section 2 (Adopted January 2022)

Policy PPL 3: The Rural Landscape

The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- c. traditional buildings and settlement settings;
- f. designated and non-designated heritage assets and historic landscapes including registered parks and gardens

Policy PPL 8: Conservation Areas

CONSERVATION AREAS

New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;
- b. materials and finishes, including boundary treatments appropriate to the context;
- c. hard and soft landscaping;
- d. the importance of spaces and trees to the character or appearance; and
- e. any important views into, out of, or within the Conservation Area.

Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.

Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Within the District the Council keeps a record of conservation areas that are at risk of degradation. The Council will support proposals that protect and enhance the conservation areas at risk.

Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset).

In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

Policy SPL 3: Sustainable Design

Part A: Design. All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

- f. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- g. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- h. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- i. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value;
- j. and boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species.

5.0 CASE LAW

- 5.1. Case law regarding the demolition/redevelopment of non-designated heritage assets which make a positive contribution to conservation areas has been found to be acceptable where the replacement buildings are also deemed to make a positive contribution to the character and appearance of the area.
- 5.2. This was the case in *Dorothy Bohm & Ors v Secretary of State for Communities and Local Government & Ors*, Court of Appeal - Administrative Court, December 08, 2017, [2017] EWHC 3217 (Admin). The judgment of which clarifies that just because something is a 'positive contributor', the LPA should not automatically protect it from demolition/development as would otherwise be the case for designated assets. Instead, a conclusion should not be made until such time that the potential enhancements of a proposed development have also been assessed.
- 5.3. In another case regarding demolition within a conservation area, on 27 August 2019, Kerr J handed down judgment in *Tower Hamlets v SSHCLG* [2019] EWHC 2219 (Admin). The case concerned the proper interpretation of paragraph 196 of the NPPF (2018, now para 208 of the 2023 version). The paragraph provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm "should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 5.4. This case concerned the unlawful demolition of buildings in the Coldharbour Conservation Area in Tower Hamlets as a result of which the Council took enforcement action, requiring the buildings to be re-built in facsimile. A successful appeal was made by the owners of the land on the grounds that planning permission should be granted for the demolition. The Inspector therefore interpreted the balancing exercise under paragraph 196 (present 208) of the NPPF as permitting the benefits of likely future re-development to be taken into account.
- 5.5. The decision was challenged by the Council by way of joined applications under sections 288 and 289 of the Town and Country Planning Act 1990 on the grounds that the paragraph is confined to balancing the benefits which arise only from the direct proposal in question at the time (i.e., demolition), rather than a future undefined proposal for re-development. Despite finding "considerable force" in the Council's submissions, Kerr J concluded that the paragraph was not restricted in this way and could in fact extend to future benefits arising from the site becoming vacant.

- 5.6. In another relevant case study, section 277(8) of the Town and Country Planning Act 1971, the near-identical precursor to section 72(1) the Planning (Listed Buildings and Conservation Areas) Act 1990, was considered by the House of Lords. The House decided in *South Lakeland District Council v Secretary of State for the Environment* [1992] that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”
- 5.7. Consequently, the House of Lords therefore rejected the suggestion of the High Court in *Steinberg v. Secretary of State for the Environment* [1989] that section 72 requires a positive impact (enhancement). Rather, the absence of harm, i.e. neutral/no impact or preservation, is sufficient to satisfy the test.
- 5.8. With regards to the application of planning policy, the demolition of an NDHA within a Conservation Area should be assessed in terms of NPPF (2023) paragraph 209, with the summary assessment of the development taking into account the scheme as a whole (including the replacement building) and any public benefits arising from the proposal in terms of the impact on the designated asset (the Conservation Area), applying the tests of NPPF paragraphs 205-208.
- 5.9. Paragraph 139 of the NPPF is also of relevance, stating that whilst *‘development that is not well designed should be refused, ...significant weight should be given to ...outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’* This reference to sustainability also links to the aforementioned public benefit, whereby improvements to carbon footprint are highly valued and recognized as a benefit across the planning system.

6.0 ASSESSING SIGNIFICANCE

- 6.1. Significance of a heritage asset is defined by the NPPF as the value of a heritage asset placed on it by current and future generations because of its heritage interest. This interest may be archaeological; architectural; artistic or historical. The setting of a heritage asset also contributes to its significance and is defined by the NPPF as the surrounding in which a heritage asset is experienced. In comparison, Historic England's Conservation Principles (2008) uses evidential; aesthetic; historical and communal values to define significance. These different set of values have been combined for the purpose of this report.
- 6.2. Part 4 of British Standard 7913:2013 Guide to Conservation of Historic Buildings provides information on heritage values and significance. In context, this document states, 'A wide range of factors can contribute to the significance of a historic building. As well as physical components, significance includes factors such as immediate and wider setting, use and association (e.g., with a particular event, family, community or artist and those involved in design and construction)'.

6.3. Identifying the values of an asset allow us to understand the degree of significance and inform us of the potential impact the proposed works will have the heritage asset and its setting. These values may be tangible, the physical fabric of the building, capable of being touched, or view such as its landscape. Also, the value may be intangible through a past event or an association with a person.

Evidential (archaeological) value relates to physical aspects of the site which provide evidence from the past. This can be with built form or below ground archaeology.

Historical value is the extent to which the asset is associated with or illustrative of historic events or people.

Aesthetic (architectural/artistic) value includes design, visual, landscape and architectural qualities.

Communal value includes social, commemorative, or spiritual value, local identity, and the meaning of place for people.

- 6.4. The assessment of significance draws upon information contained in the section on Heritage Assets and uses the values defined above to establish the level of significance detailed below:

Features of the asset which contribute to the principal historical and architectural interest are considered to be of **high significance**.

Features of the asset which noticeably contribute to the overall architectural or historical Interest and may include post construction features of historic or design interest are considered to be of **medium significance**.

Features of the asset which make a relatively minor contribution to the historic and architectural interest are considered to be of **low significance**.

Features which do not contribute to the historic and architectural interest of the asset, and in some cases may even detract from the significance are therefore considered to be either **neutral or detracting**.

Assessing Setting

- 6.5. The primary guiding document for assessing setting is The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 (2017), produced by Historic England is the primary guiding document for assessing setting.
- 6.6. Setting varies from asset to asset and cannot be generically defined. Changes to the setting of heritage assets may be positive such as replacing poor development which has compromised the assets setting. It is likely that the setting of an asset has changed over time from the dynamics of human activity and natural occurrences such as weather.
- 6.7. The importance setting makes to the contribution to the significance of the heritage asset is often related to how the heritage asset is seen in views. This can include views looking towards the heritage asset or from the heritage asset looking outwards and may include relationships between the asset and other heritage assets, natural or topographical features. Assets may also be intended to be seen from one another in designed landscapes for aesthetic reasons.

- 6.8. Historic England's Good Practice Advice 3, The Setting of Heritage Assets (2017), notes a staged approach to proportionate decision-taking, with relevant NPPF paragraphs along with guidance contained in the National Planning Practice Guidance (PPG) for their implementation, providing the framework for the consideration of changes affecting the setting of heritage assets which should be assessed proportionately and based on the nature, extent, and level of the heritage asset's significance.
- 6.9. The Guidance recommends a five-step approach to the assessment of the effect of development on the setting of heritage assets as follows:

Step 1: identify which heritage assets and their settings are affected;

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);

Step 3: assess the effects of the proposed development whether beneficial or harmful, on that significance;

Step 4: explore ways of maximising enhancement and avoiding or minimising harm;

Step 5: make and document the decision and monitor outcomes.

Significance of Great Oakley Conservation Area

- 6.10. The significance of the conservation area is derived primarily from its historic, architectural, and evidential values, formed by a tightly knit pattern of historic buildings in the vernacular style. The area is formed by the historic core of the settlement and centres around the former medieval square which has since been infilled and extended by later development phases. As a designated heritage asset, Great Oakley Conservation Area is considered to be of **medium significance**.

Significance of Red House

- 6.11. As a non-designated heritage asset which derives its significance from its age and architectural character, the Red House is of **low significance**. However, due to its dire condition, the level of significance and the property's contribution to the streetscape has been considerably reduced.

Significance of Maybush Inn

- 6.12. Similarly, The Maybush Inn also derives its significance from its age and architectural character, plus the social values and contributions to the area typically associated with public houses. Therefore, as a non-designated heritage asset, the Maybush is considered to be of **low significance**.



7.0 PROPOSED WORKS AND ASSESSMENT

Proposed Works

- 7.1. As identified in the introduction and described in detail in section 3 of this Heritage Statement, the proposal relates to the demolition and redevelopment of the Red House. This current application follows the successful planning application 21/00080/FUL which was for a similar scheme to convert the Red House, a single dwelling, into two residential flats along with an infill development on land previously developed between the Red House and Maybush Inn.
- 7.2. However, the seriously deteriorated condition of the property has prompted a follow-up application to pursue demolition and ground-up redevelopment instead of the unviable and unsafe conversion of a derelict structure with limited surviving fabric of interest.
- 7.3. The proposed redevelopment is to be a like-for-like replacement when viewed from the street with the remainder of the proposal similar to the 2021 permission - to create two self-contained flats and an infill development between the Red House and Maybush Inn. However, whilst the 2021 scheme split the two self-contained flats into one ground and one first floor dwelling, the current application now proposes a layout of side-by-side two storey dwellings. The infill development is to provide a further first floor flat plus a multi-use community facility to the public house at ground level.

Assessment and Impact

- 7.4. Evidence of the context and condition of the property have been provided in earlier sections of this Heritage Statement, including structural assessment by a professional, providing justification for the scheme by demonstrating that it is more viable than the extant permission. This material was also provided to the LPA during the pre-app stage, receiving a supportive response which acknowledged all points raised stating:

“Red House has been vacant for a number of years. It is in a state of disrepair with stained and peeling paintwork, cement render and decaying timber door and has suffered the loss of its historic windows and replacement with poorly detailed uPVC units. As assessed within the previous planning process, the building also suffers of severe structural issues due to lack of maintenance and shallow foundations built on unsuitable soil... [the supporting] detailed structural report, soil investigations, and proposal for structural repair confirm

severe structural concerns and poor conditions of a significant portion of the existing structure which has deteriorated beyond normal serviceable limits and requires replacement. Moreover, due to the poor conditions of the existing building, substantial building works in close proximity to the walls to be retained, including demolitions and underpinning, are likely to be challenging and hazardous and could result in further damage to the Red House and surrounding historic buildings.”

- 7.5. The conservation officer identified the Red House to be an NDHA and landmark building in a prominent position in the conservation area and remarked that the demolition of the existing building would result in a “less than substantial” level of harm. In accordance with NPPF paragraph 208, this level of harm to the conservation area is weighed against the ample public benefits brought by its proposed community-driven and optimum viable usage and found to be offset. Similarly, the balancing exercise for impact to NDHA set out in paragraph 209 is also satisfied.
- 7.6. Whilst the officer states that *“retention of at least the original facades and central chimney... would still be considered a preferable solution”* they go on to acknowledge that this may be structurally unfeasible and unsafe – a point which is reaffirmed by this Heritage Statement and other supporting documents – in which case the officer states that *“the reconstruction of the Red House, to be carefully taken down and rebuilt on a like for like basis... would be considered acceptable.”*
- 7.7. ECC Place Services (Heritage) continue by stating that they *“acknowledge the accompanying structural reports and note that to convert the existing building could cause more harm to both the Red House and adjacent properties. Therefore, subject to more details including external materials, they do not raise any objections.”* In this regard, it is therefore concluded that the current application would be of a lesser impact than the extant permission.
- 7.8. As the proposal is for a like-for-like replacement of a building which (in its prime condition) made a positive contribution to the character and appearance of the conservation area, the design is considered to be high quality and appropriate, sympathetic to the established character, sense of place, and views. Furthermore, as the building will be identical but in a comprehensively improved condition and viable use, the proposal is considered to have a **positive impact** to the conservation area and setting of the nearby designated and non-designated assets.

- 7.9. The proposed infill development is similarly stated in the pre-app response to be *“similar to the former building and connects to the existing roof profiles. The proposal will be two storey and although visible to the streetscene, it is in keeping with the immediate area, and aligns with the historic appearance of the location.”*
- 7.10. Furthermore, the response remarks that *“the change of use of the land behind the pub to a garden area to serve the public house and community facility will not cause any material harm and will not materially alter the appearance of the site.”*
- 7.11. In summary, whilst the loss of the Red House, a non-designated asset of low significance and derelict condition, would cause less than substantial harm at the lower end of the scale, it is acknowledged that the proposal for like-for-like redevelopment would in fact be of lesser potential impact than the extant permission, which is found to be unsafe and unfeasible. As the resulting building would match existing, with the proposed infill development also in keeping with the established vernacular style, the character and appearance of the conservation area would be **unharm**. In light of the improvement of the property’s condition and the substantial public benefit of the new, community-focused and viable uses, the scheme is considered to have a **positive impact** overall.

8.0 CONCLUSION

- 8.1. Paragraph 201 of the NPPF advises Local Planning Authorities that the particular significance, including setting of any heritage asset is assessed. This document has concisely described the heritage asset affected by the proposed works and its significance.
- 8.2. It is concluded in previous sections of this Heritage Statement that the like-for-like redevelopment of the site to facilitate a non-profit-making venture which relates to the creation of community-led social housing and facilities will have a positive impact. Whilst the loss of the Red House, a non-designated heritage asset and positive contributor to Great Oakley Conservation Area, would lead to less than substantial harm, this is easily outweighed by the public benefits whilst the identical design would preserve the established character and views. It is also identified, due to the poor structural condition of the existing building and resulting safety and feasibility concerns, that the current application would have a lesser impact than the extant permission which takes the conversion approach – a point with which ECC Place Services (Heritage) are in agreement, leading them to voice no objection to the proposal in the pre-application stage.
- 8.3. With regards to the development meeting the statutory test provided by 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the minimum aim is for works to preserve the character or appearance of a conservation area. It is considered that the proposal satisfies this test as it relates to like-for-like redevelopment of the Red House and an infill addition between it and the Maybush Inn of a matching vernacular style. As the proposal will greatly improve the condition of the Red House, previously identified as a positive contributor to the area and now greatly deteriorated, the redevelopment could also be seen to exceed this requirement and enhance the character and appearance of Great Oakley.
- 8.4. It should be remembered that Historic England defines preservation in this context as not harming the interest in the building (or heritage asset), as opposed to keeping it utterly unchanged.
- 8.5. With regards to NPPF paragraphs 205-208, public benefit is required to offset less than substantial harm to a designated asset. Whilst only a very low level of harm is identified, this is easily outweighed by the substantial public benefits of the community-focused, optimum viable use and the creation of additional housing.

- 8.6. With regards to paragraph 209 a balanced judgement is required with regard to the scale of any harm or loss to the significance of the NDHA. As identified above, the demolition of the Red House can be justified in light of its poor structural condition, like-for-like replacement, and public benefits.
- 8.7. Regarding local policy, as discussed above, the proposal preserves the character and appearance of the conservation area and the locally listed building. The design and materials of the proposal reflect the style of the property as well as retaining its relationship within the conservation area and local context and as such, it is considered the proposal accords with adopted polices SP 3, PPL 3, PPL 8, and SPL 3.
- 8.8. In conclusion, the proposed works meet the requirements of the Planning (Listed Buildings and Conservation Area) Act 1990, the NPPF and local planning policies. It is therefore requested that the planning application be approved.

9.0 SOURCES

Ministry of Housing, Communities & Local Government (2023), *National Planning Policy Framework*.

Planning (Listed Buildings and Conservation Area) Act 1990

Ordnance Survey Maps (various dates)

Ministry of Housing, Communities & Local Government (2018) <http://planning.guidance.communities.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/> / National Planning Policy Framework (NPPF 2019 revision) / National Planning Policy Guidance (NPPG 2019) / National Design Guide (2019)

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Historic England (2008) *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

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South Lakeland District Council v Secretary of State for the Environment [1992]

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Tendring District Local Plan 2013-2033 and Beyond, North Essex Authorities' Shared Strategic Section 1 Plan (Adopted January 2021)

Tendring District Local Plan 2013-2033 and Beyond Section 2 (Adopted January 2022)



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