

**26 Broad Street
Ludlow
Shropshire**
NGR: SO 5119 7447

**A
Heritage Impact Assessment
of a
Garden Room**

Text

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Summary

There are proposals for a new garden room in the rear of the gardens of No.26 Broad Street in the medieval heart of the south Shropshire market town of Ludlow. The building is Grade II listed as are most of its neighbours – though No.27 immediately to the south in Grade II. The site is also within the town’s extensive conservation area. This report was therefore commissioned to better understand the heritage issues involved and the potential impact of the proposals in heritage terms - as recommended in the guidance of the National Planning Policy Framework and local guidelines. It is not concerned with other planning matters. It concludes that the proposals will result in no harm – substantial or less than substantial – to any adjacent heritage assets or to the conservation area. Therefore neither Sections 66 or 72 of the 1990 Planning Act nor Paragraphs 207-9 of the National Planning Policy Framework would be engaged.*

1. Introduction

There are proposals to erect a garden room in the rear of the grounds of No.26 Broad Street in the centre of the ancient medieval market town of Ludlow, on the southern edge of Shropshire. The house is Grade II listed, there are many other heritage assets nearby, and it lies within the town’s conservation area.

Under the guidelines of the National Planning Policy Framework and local guidelines, this Consultancy was commissioned to provide a better understanding of the site and its development in order to inform any development proposals and to then assess any potential impact on the heritage values of the site and its vicinity. The remit does not extend to any other planning matters.

1.1 Report Format

The report format is quite simple. After this brief introduction, there are short sections on the requirements of NPPF (Section 2) and Heritage Impact Assessments (Section 3). These are followed by an outline of the setting and history of the site (Section 4) and a description of it (Section 5). Section 6 outlines the proposals and Section 7 is the heritage impact assessment. Section 8 is a conclusion and Section 9 a list of the references used for this report.



Fig. 1: Location plan (Ordnance Survey Open Data).

2. Planning Legislation and Guidance

Planning law relating to listed buildings and conservation areas is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2-3) of the Act states that:

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(3) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.

Section 66 of the Act deals with the responsibilities of local planning authorities – the decision makers - when dealing with planning applications that could impact on heritage assets and in virtually repeating Section 16(2) states that:

‘In considering whether to grant planning permission for development or permission in principle 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’.¹

Section 72 of the same Act states that, in relation to conservation areas:

‘with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.²

In March 2012 the *National Planning Policy Framework* (NPPF) replaced all other separate *Planning Policy Guidelines* and *Planning Policy Statements*.³ Revised versions were published in July 2018, February 2019, July 2021, September 2023 and December 2023.⁴ The glossary of the NPPF described ‘heritage assets’:

‘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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’

¹ Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 section 66 (1), 41

² *Ibid.* section 72

³ Department for Communities & Local Government, 2012, *National Planning Policy Framework*.

⁴ Department for Levelling Up, Housing and Communities, 2023, *National Planning Policy Framework*.

The main relevant paragraphs in the NPPF and local guidelines reiterate the sections of the 1990 Planning Act. Paragraph 200 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’.

Paragraph 201 states that:

‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.

3. Heritage Impact Assessments

3.1 General Introduction

The purpose of a heritage impact assessment (HIA) is to meet the relevant guidance given in the NPPF. This outlines the need to inform the planning decisions when considering proposals that have the potential to have some impact on the character or setting of a heritage asset. It is not concerned with other planning issues.

The nature of the heritage assets and the potential impact upon them through development are both very varied. The heritage assets include both designated heritage assets – such as listed buildings, scheduled ancient monuments and conservation area – and non-designated heritage assets, a rather uncomfortable and sometimes subjective category that includes locally listed buildings, field systems, buried archaeological remains and views.

The degree of impact a development could have on such assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views. Alternatively, development can result in the restoration and enhancement of a heritage asset and the ensuring of its long-term future.

Under the requirements of the NPPF and of other useful relevant guidance, such as English Heritage’s *Conservation Principles* and *Informed Conservation*, and recent material from the newly formed Historic England, the process of heritage impact assessments can be summarised as involving three parts

These are:

1. understanding the heritage values and significance of the designated and non-designated heritage assets involved and their settings;
2. understanding the nature and extent of the proposed developments;
3. making an objective judgement on the impact that the proposals outlined in Part 2 may have on the information outlined in Part 1.⁵

3.2 Definition of Setting

Setting, as a concept, is defined in the Glossary of the NPPF as:

‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

The latest version of the Historic England guidance on what constitutes setting states:

‘Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.’⁶

The Historic England guidance also states that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.

For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance’.⁷

⁵ English Heritage, 2008, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*; Clark, K, 2001, *Informed Conservation*

⁶ Historic England, 2017, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2nd ed.)*, para.9

⁷ *Op.cit.*, Part 1, reiterating guidance in the PPG of the NPPF.

In terms of the setting of heritage assets the approach is the same but the latest Historic England guidance - *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3* (GPA3) of 2017 - suggests a five-step approach:⁸

- 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) or allow significance to be appreciated;
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

3.3 Definition of Significance

The glossary of the *Planning Practice Guidance* (PPG) to 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, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.

These are further explained as:

Archaeological interest: *as defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

Architectural and artistic interest: *These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.*

Historic interest: *An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.*

⁸ *Op.cit.*, para.19

The PPG also states that:

*‘Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as ‘locally listed’.’*⁹

but cautions that:

*‘A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process’.*¹⁰

3.4 Definition of Harm

Current guidance by Historic England is that ‘change’ does not equate to ‘harm’. The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – *substantial* and *less than substantial*. Paragraph 207 of the revised NPPF states that:

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

- a) the nature of the heritage asset prevents all reasonable use 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’.*¹¹

It has been clarified in High Court Judgement of 2013 that this would be harm that would ‘*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*’.¹² Paragraph 208 of the revised NPPF states that:

‘Where a development proposal would 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 proposals including, where appropriate, securing its optimum viable use’.

⁹ Planning Practice Guidance, 2014, paragraph 39

¹⁰ *Ibid.*

¹¹ Ministry of Housing, Communities & Local Government, *op. cit.*, para.207

¹² *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25

Similarly, Paragraph 209 states that:

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

Recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to *‘have special regard to the desirability of preserving the [listed] building or its setting’*. As stated by HH Judge David Cooke in a judgment of 22 September 2015 regarding impact on the setting of a listed building:

‘It is still plainly the case that it is for the decision taker to assess the nature and degree of harm caused, and in the case of harm to setting rather than directly to a listed building itself, the degree to which the impact on the setting affects the reasons why it is listed.’

The judgment was endorsed by Lord Justice Lewison at the Court of Appeal, who stated that:

*‘It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused’.*¹³

¹³ Court of Appeal (PALMER and HEREFORDSHIRE COUNCIL & ANR) in 2016 (Case No: C1/2015/3383)

4. Setting and Outline History

4.1 Ludlow

No.26 Broad Street lies on one of the most prestigious streets in Ludlow, one of the most attractive and historic towns in England – noted for its fine castle, cathedral-like parish church, and fine timber-framed and brick-fronted buildings that span several centuries in date. Although seen as the classic example of a medieval new town, the origins of Ludlow have been subject to a great deal of scholarly debate and this is still ongoing.

There does seem to have been a Saxon settlement at Ludford, on the other bank of the Teme and formerly in Herefordshire. There may well have been settlement in the later-11th century at Dinham, close to the then new Norman castle on the Shropshire bank. Whatever these early phases in the town's development were, it is generally accepted that a major town-planning programme to the east of the castle was begun sometime in the 12th century.

Such new towns were planned in many parts of the country and in particular along the troublesome Welsh borders. They were designed to generate income for the local magnates in the form of burgage and market rentals, as well as to provide a civilising focus in such rural and often unruly areas. They had the additional benefit of providing necessary labour for the guarding castle, and strongholds in times of war.

The new Ludlow was based on a fairly rigid grid pattern, though it is no longer certain that all was either laid out or settled at once. Essentially, the focus of the town was a wide market-place occupying the flat ridge of high ground to the west of the cliff-top castle. This market area continued eastwards past the parish church of St. Laurence's and ended in what is now called the Bull Ring.

From it, three parallel main streets (Mill, Broad and Old streets) ran down the south slope towards the River Teme. The line of Old Street was continued over the ridge and down the north slope as Corve Street, and there is some evidence to suggest that this may represent an earlier ancient north-south through route.

With its powerful castle being, for many years, the home of the Council of the Welsh Marches, Ludlow was the effective capital of much of Wales and the English baronies adjacent. In the later-17th century the effects of the English Civil War and the disbanding of the Council led to a decline until the early-18th century – but the town then became an important market town and, to a limited extent, a fashionable place to live or visit.

It had recovered to such an extent that by 1784 even the often grumpy diarist and traveller John Byng, later Viscount Torrington, wrote that '*This is one of the best towns for a genteel family of small fortune to retire to, I have ever seen; for it is cheap, well-built, and clean, surrounded by a charming country; and river; and affords a theatre, public walks, an assembly once a fortnight, and annual races*'.¹⁴ This revival of the town and lack of any major redevelopment after the mid-19th century has left a legacy of many fine Georgian townhouses.

¹⁴ Andrews, C Bruyn (ed.), 1934, *The Torrington Diaries, Vol.1*, 130

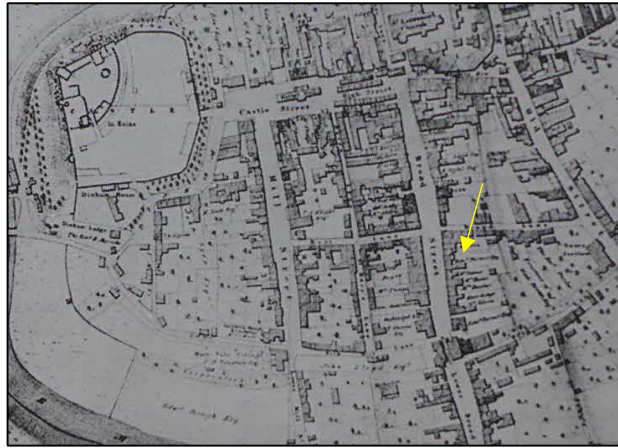


Fig.2: Extract from Wood's

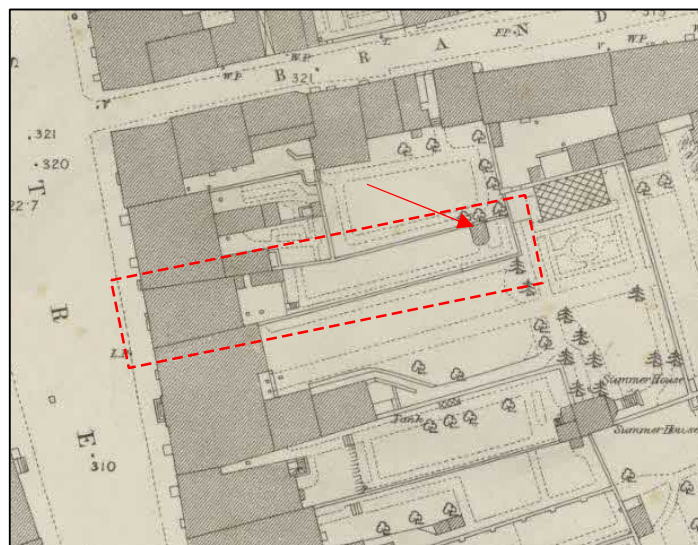


Fig.3: Detail from the 1:500 Ordnance Survey map, surveyed in 1884; note garden building.

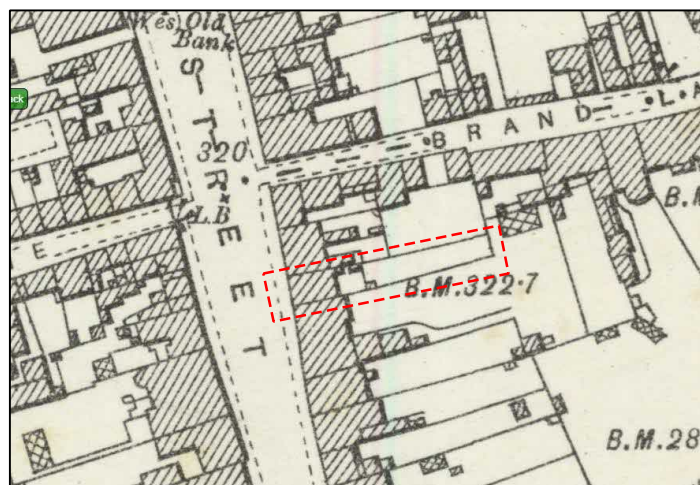


Fig.4: Extract from the 1902 revision of the 1:2500 Ordnance Survey map.

4.2 No.26 Broad Street

No.26 lies on the east side of Broad Street, below its junction with Brand Lane and well inside the line of the town walls and the surviving Broad Gate. Broad Street has long been recognised as one of the most attractive streets in England and was evidently one of the most prestigious in the town, with grand houses lining it – most of which had equally grand rear gardens – notwithstanding the narrowness of many of the former burgage plots. Within the gardens were, and still are, a wide range of garden rooms and glasshouses.

No.26 is immediately adjacent to one of the grandest house in the whole town, No.27 Broad Street immediately to the south; that was an older property rebuilt by Shropshire architect Thomas Farnolls Pritchard in the mid-1760's for local lawyer Somerset Davies and it is likely that Pritchard was also responsible for the Gothick gazebo once in its extensive rear gardens.¹⁵

No.26 Broad Street is a more modest property, probably of the later-18th century; it doesn't seem to be the same façade shown (indistinctly) in Samuel Scott's *circa* 1766 painting of the street – which does clearly show the then newly remodelled No.27 Broad Street. No.26 has a nearly-symmetrical three-bay three-storey front to the street and is built of rendered rubblestone. To the rear is a typically long and narrow garden, based on the medieval burgage plot.

The 1:500 Ordnance Survey map (surveyed 1884) shows steps from behind the house up to a path along the south side of the garden, leading to a summerhouse with canted corners built against the northern wall (*see* Fig.3). The date of the building is unclear but it seems to have been removed by the time the 1:2500 Ordnance Survey map was revised in 1902; by that time a small building is shown on the site of the earlier steps up to the rear garden (*see* Fig.4).



Pl.1: View up Broad Street in the 1880's by Benjamin Stone; The façade of No.26 arrowed.¹⁶

¹⁵ Ionides, J, 1999, *Thomas Farnolls Pritchard of Shrewsbury*, 166-9; Morriss, R K, 1993, *The Buildings of Ludlow*, 95. The gazebo formerly belonging to No.27 is now in the grounds of 5 Brand Lane.

¹⁶ From Birmingham Library, published in Lloyd, D and Klein, P, 1984, *Ludlow: An Historical Anthology*.



Pl.2: The Broad Street elevation of No.26 Broad Street.



Pl.3: Looking back from the end of the garden towards the frontage buildings.

5. Description

As noted above, the house fronts Broad Street and behind it is the long and narrow garden occupying the former burgage plot. The garden is flanked by brick walls of different dates and character on the north and south sides, with a mature yew hedgerow along the shorter eastern boundary; there is a path along the south side. Roughly midway along the garden is a mature yew hedge separating a slightly higher section nearer to the house from the rest.

The garden has recently been cleared and in the rear section is well-established stone flag paving. Because of the prevailing topography, although the garden is at the same level as those to the north, there is a considerable drop down from the boundary to the level of the gardens behind No.27 Broad Street to the south.



PL.4: View east in the rear part of the garden with location of new build arrowed.



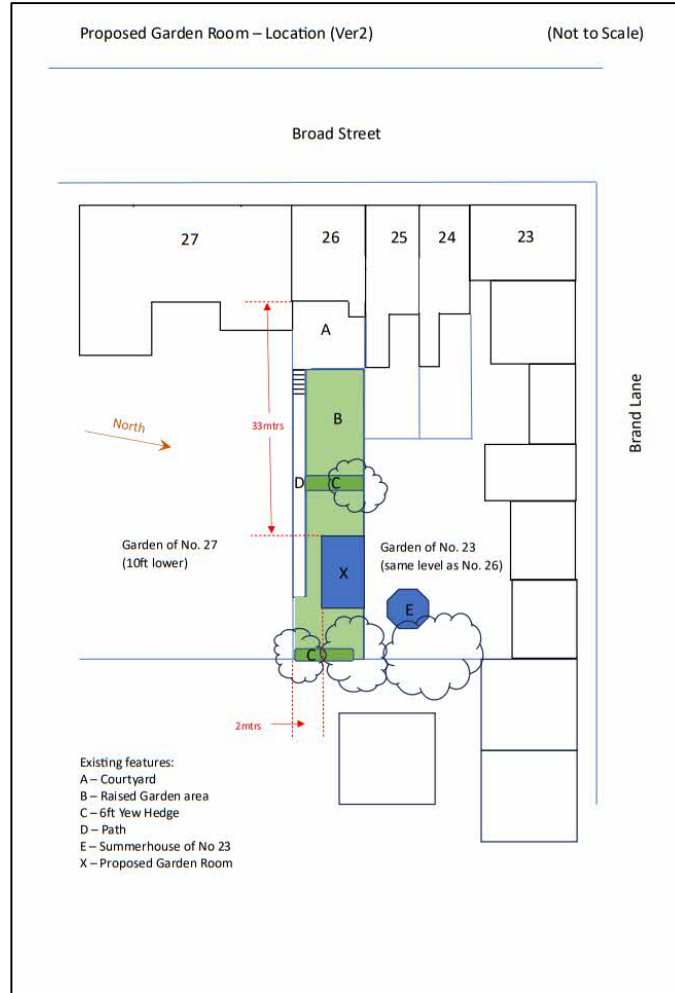
Pl.5: View north-west from the site of the proposed garden room.



Pl.6: View north from the site with the buildings on Brand Lane in the background.

6. The Proposals

The proposal is to place a new garden room of contemporary timber-clad design based on screw piles in the rear part of the garden, abutting the northern garden wall. The location and design are indicated in the figures below:



Figs 5 & 6: Location plan and artist's rendering of the proposed garden room.

7. Heritage Impact Assessment

7.1 Impact on the Listed Building

No.26 Broad Street is a Grade II listed building and thus considered to be of national as opposed to local significance in heritage terms. The proposed garden room is set well to the rear of the narrow gardens behind the property, with a mature yew hedge in between.

Even had no such hedge existed, and had there been clear reciprocal views between the rear of the listed building and the proposed garden room, it is considered that whilst there would have been a degree of change to the grounds and the setting of the listed building, such change would not equate to any harm – substantial or less than substantial – to its character or significance.

The proposed garden room is considered to be a perfectly appropriate addition to the garden – and indeed, there is clear precedent in the evidence of the historic mapping for an earlier building in roughly the same location that was still standing at the end of the 19th century (*see above*, Section 4.2 and Fig.3). There are also many similar structures of various dates in the rear grounds of many of the buildings in the centre of the town.

It is therefore considered that in relation to any potential impact on the listed building, neither Section 66 of the 1990 Planning Act nor Paragraphs 207-8 of the National Planning Policy Framework would be engaged.

7.2 Impact on Adjacent Heritage Assets

The centre of Ludlow has one of the highest concentrations of listed buildings for a town of its size in England, and virtually every building on both sides of Broad Street are statutorily listed. As noted above, No.27 Broad Street to the south is one of the grandest in the town and is Grade II* listed – placing it amongst the top 8% of all *listed* buildings in the country; to the north, Nos.24-5 Broad Street – probably of similar date to No.26 – is Grade II listed.

The location of the proposed garden room, secluded and to the rear of its grounds, will have little visual impact on the settings of these neighbouring buildings or, indeed, any other listed building in the vicinity. Over time the boundaries of the gardens of the buildings on both Broad Street and Brand Lane have been altered and an earlier clarity of the boundaries formed by the medieval burgage plots has been considerably eroded.

This is why the garden immediately to the north of the proposed location of the garden room is not that of No.25 Broad Street but of No.23, a Grade II listed building at the junction of Broad Street Brand Lane. Within that garden are two garden buildings – a polygonal garden room and a glasshouse – visible from the gardens of No.26.

The gardens of No.27 immediately to the south – set at a much lower level due to historic landscaping – have been altered and curtailed in the recent past with much of the formerly extensive areas to the east and south-east no longer in the same ownership; that is why the contemporary gazebo is now in the grounds of the much humbler 5 Brand Lane.

Consequently whilst the gardens to both sides of No.26 Broad Street are attractive and well-maintained, their present character is relatively modern in terms of their extent and the buildings within them. Therefore the potential visual impact of the proposed summer room will be considerably limited compared with what could have been the case a century or so ago.

In any event it is considered that because of the clear precedent for good quality detached garden structures in the rear gardens of the buildings along Broad Street, the proposed addition of the garden room for No.27 is considered to be appropriate and proportionate and to have no impact on the character or significance of the rear elevations or the gardens of the adjacent listed properties. Therefore neither Sections 66 of the 1990 Planning Act nor Paragraphs 207-9 of the NPPF would be engaged.

7.3 Impact on the Conservation Area

Not surprisingly, most of central Ludlow is a designated conservation area, though surprisingly it was not designated until 1970, a few years after the relevant Act that led to the creation of such areas; the area has been reviewed and extended three times since, the past time in 1994. There appears to be no online accessible conservation area appraisal but given the historical quality of the town and its architecture it is clear that all of the central area is of high heritage significance with very few areas falling below that threshold.

The site of the proposed garden room is both secluded and private and due to the manner in which the houses line the streets in the centre of the town, there are no views of it from the public domain.

Throughout the centre of the town there is a distinct and historically significant contrast between the degree of uniformity of the closely packed houses fronting the main thoroughfares and the very different and varied character of their rear gardens – perfectly exemplified by the complex changes in property boundaries behind No.26 Broad Street and its neighbours and the many different types, sizes and alignments of the various garden buildings within them.

The proposed garden room for No.26 fits into that individuality of approach to the rear gardens seen throughout the middle of Ludlow – and also is of a similar high quality of design that occurs behind these generally high-status properties. It is considered that the private nature of the site means that there would be no impact on the key views and vistas throughout the conservation area because it is not visible from the public domain.

Even were that to be the case it is not considered that the proposal could have any negative impact on the appearance, character or significance of the conservation area. Therefore, Section 72 of the 1990 Planning Act would not be engaged.

7.4 Archaeological Issues

Ludlow is an historic town, essentially medieval in origin but overlying potentially earlier settlement and its burgage plots offer potentially rich buried archaeological strata that could be impacted by any groundworks of depth.



Pl.7: The classic view north up Broad Street, showing the unbroken run of houses on both sides of the street and absence of views to their rear gardens.



Pl.8: View west along Brand Lane (GoogleEarth ©).

However, the proposed garden room is a relatively light-weight structure which will be supported on screw piles whose impact on buried archaeological levels is fairly negligible. It is therefore considered that the potential for archaeological disturbance is negligible.

8. Conclusions

For the reasons outlined above it is considered that the proposals are well-designed and proportionate and will result in an overall enhancement of the setting of the listed building by reintroducing a garden structure into its grounds. In regard to the design of the proposed building, quality rather than style is what matters, as outlined in the 2004 document, *CABE and the Historic Environment* which states that:

‘In designing for historic environments it is important is to achieve high quality design which adds to the quality of what exists, rather than getting bogged down in questions of style. Designs should be developed for present-day needs, in a holistic manner that responds to all relevant considerations and local circumstances. This does not predispose that designs have to be of any particular style, use any particular materials, or have a specific ‘look’, either copying older buildings or looking particularly modern’.

Additionally, Para.143 of English Heritage’s 2008 *Conservation Principles* states:

‘There are no simple rules for achieving quality of design in new work, although a clear and coherent relationship of all the parts to the whole, as well as to the setting into which the new work is introduced, is essential. This neither implies nor precludes working in traditional or new ways....’

There will be a degree of change resulting from the proposals though change does not equate to harm. In the statement in the pioneering 2008 document, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* that: *‘Change in the historic environment is inevitable, caused by natural processes, the wear and tear of use, and people’s responses to social, economic and technological change’.*

The prospect of change, even to listed buildings, is anticipated in the government’s *National Planning Policy Framework* but was more clearly outlined in earlier guidance from 1996, *Planning Policy Guideline No.15 (PPG 15)*, which stated – in relation to listed buildings that:

‘Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.’

Conservation areas are not and were not designed to stifle development but to guide such development and change so that it does not impact adversely on the special character of a conservation area that led to its initial designation. This is summarised in the foreword to the current Historic England guidance which states that:

*‘Change is inevitable. This guidance sets out ways to manage change in a way that conserves and enhances historic areas through conservation area designation, appraisal and management’.*¹⁷

The general overarching principle is to encourage sympathetic development but to prevent any development that does not either preserve or enhance the special character of the conservation area. This is taken up in the guidance of the revised *National Planning Policy Framework*, which states that:

*‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.*¹⁸

That change does not inevitably equate to harm in planning law was made clear in one of the key High Court judgements of Lord Bridge, related to developments within conservation areas: *South Lakeland District Council vs. Secretary of State for the Environment*. He stated that whilst all developments within a conservation area *‘must give a high priority to the objective of preserving or enhancing the character or appearance of the area’*, where a development would not have any adverse impact and met other planning requirements:

*‘... One may ask rhetorically what possible planning reason there can be for refusing to allow it. All building development must involve change and if the objective of Section 277(8) [of the 1971 Planning Act, substantially the same as Section 72(1) of the 1990 Act] were to inhibit any building development in a conservation area which was not either a development by way of reinstatement or restoration on the one hand (‘positive preservation’) or a development which positively enhanced the character or appearance of the area on the other hand, it would surely have been expressed in very different language...’*¹⁹

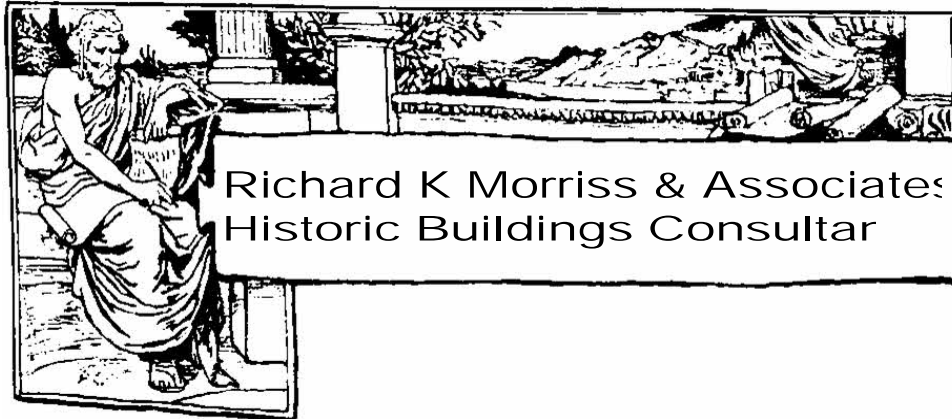
¹⁷ EH

¹⁸ Ministry of Housing, Communities & Local Government, *op. cit.*, para.200

¹⁹ 1992, *South Lakeland District Council vs. Secretary of State for the Environment*

9. References

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The Consultancy

Richard K Morriss founded this Consultancy in 1995 after previously working for English Heritage and the Ironbridge Institute of the University of Birmingham and spending eight years as Assistant Director of the Hereford Archaeology Unit. Although Shropshire-based the Consultancy has worked throughout the UK – from the Scilly Isles to the Scottish Highlands - on a wide variety of historic buildings for clients that include the National Trust, the Landmark Trust, English Heritage, the Crown Estates, owners, architects, planning consultants and developers. It specialises in the archaeological and architectural analysis of historic buildings of all periods and planning advice related to them. It also undertakes broader area appraisals, heritage impact assessments and Conservation Management Plans.

*Richard Morriss was a former Member of the Institute of Field Archaeologists and of the Association of Diocesan and Cathedral Archaeologists, is archaeological advisor to four cathedrals, occasional lecturer at Bristol and Birmingham universities, and author of many academic papers and of 20 books, mainly on architecture and archaeology, including *The Archaeology of Buildings* (Tempus 2000), *The Archaeology of Railways* (Tempus 1999); *Roads: Archaeology & Architecture* (Tempus 2006) and ten in the *Buildings of series: Bath, Chester, Ludlow, Salisbury, Shrewsbury, Stratford-upon-Avon, Warwick, Winchester, Windsor, Worcester* (Sutton 1993-1994). The latest work is an Historic England funded monograph on the *Houses of Hereford* (Oxbow 2018) and a similarly funded monograph on *Clun Castle, Shropshire*, will be published shortly.*

He was a member of the project teams responsible for the restoration of Astley Castle, Warwickshire, winner of the 2013 RIBA Stirling Prize; the restoration of the Old Market House, Shrewsbury, winner of a 2004 RIBA Conservation Award; and Llwyn Celyn, Monmouthshire, winner of the RICS Conservation Project of the Year 2019. He has also been involved in several projects that have won, or been short-listed for, other awards including those of the Georgian Group for Mostyn House, Denbigh; St. Helen's House, Derby; Radbourne Hall, Derbyshire and Cusgarne Manor, Cornwall.



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