

**The Shears
Halifax Road
Hightown
Liversedge
Yorkshire**

Built Heritage Assessment



Report prepared for:
Freeths LLP

On behalf of:
Andrew Mitchell

CA Project: MK0209

CA Report: MK0209_1

March 2020



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SUMMARY

In February 2020, Cotswold Archaeology was commissioned by Freeths LLP, on behalf of Andrew Mitchell, to undertake a Heritage Assessment in respect of The Shears public house, Liversedge, Yorkshire. The Shears is presently operating as a public house.

It is evident from the well documented history of the Luddite movement, and the uprisings of 1812, that The Shears was a notable Inn that provided an important meeting place for the planning of two attacks that were targeted against the introduction of machinery to the textile mills. The Shears has retained its name and public house function since the time of the Luddite movement, allowing for a recognition of the public house's connection with these notable events.

However, the historical and social values that are derived from the building's historical narrative are not dependent on the fabric of the public house itself. The Shears has experienced a high degree of alteration, replacement and removal of historical fabric, both internally and externally. The important parts of the internal layout that relate to the Luddite meetings have been lost and the whole interior relates to renovations in the 20th and 21st-centuries. Externally, the principal, northern façade has also been considerably altered from that which would have been presented in the early 19th-century. As a result, the building possess very limited architectural interest, and not sufficient in its own right to justify it as a (non-designated) heritage asset.

The strong historical and communal (social) values that define the heritage significance of the building have persisted in spite of the removal of historic fabric. The public house embodies these heritage values but merely as a monument to the story instead of an authentic artefact of the events. These values are captured and preserved in documents, heritage trails and oral history that place the public house in context with the local landscape and the story of the Luddite movement.

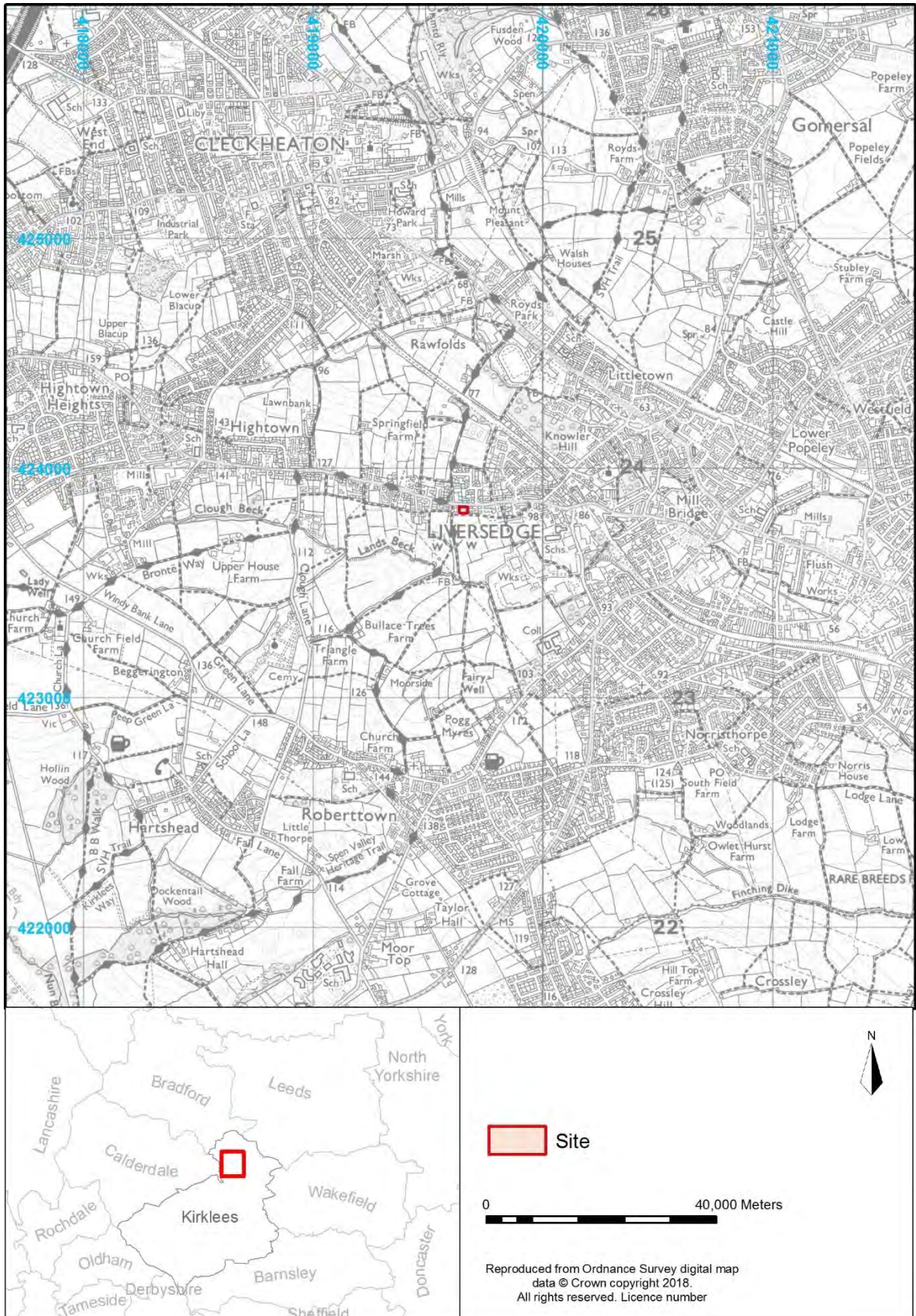


Fig. 1: Site location plan

1. INTRODUCTION

1.1. In February 2020, Cotswold Archaeology was commissioned by Freeths LLP, on behalf of Andrew Mitchell to undertake a Heritage Assessment in respect of The Shears public house, Liversedge, Yorkshire (hereafter referred to as ‘The Shears’ or ‘the public house’). The Shears is presently operating as a public house and is located to the south side of the A649 (Halifax Road), approximately 1km west of the junction between Halifax Road and the A62 (Huddersfield Road) in Liversedge (NGR: 419639, 423833; Fig. 1).

Objectives and professional standards

1.2. The composition and development of the historic environment within the Site and wider landscape are discussed in this report. A determination of the significance of the public house is presented.

1.3. Cotswold Archaeology is a Registered Organisation with the Chartered Institute for Archaeologists (CIfA). This report has been prepared in accordance with appropriate standards and guidance, including the ‘Standard and Guidance for archaeological investigation and recording of standing buildings or structures’ published by CIfA (2019).

1.4. The scope of this assessment is to clearly establish the significance of the public house, and to guide those plans so as to minimise their impact on the recognised significance. The assessment involved a building survey that equates to Level 1 standards as defined in *Understanding Historic Buildings: A guide to good recording practice* (Historic England, 2016).

Statute, policy and guidance context

1.1. This assessment has been undertaken within the key statute, policy and guidance context presented within the table overleaf (Table 1.1). The applicable provisions contained within these statute, policy and guidance documents are referred to, and discussed, as relevant, throughout the text. Fuller detail is provided in Appendix 1.

| Statute | Description |
|---|--|
| National Heritage Act 1983 (amended 2002) | One of four Acts of Parliament providing for the protection and management of the historic environment, including the establishment of the Historic Monuments & Buildings Commission, now Historic England. |
| Conservation Basics: English Heritage Practical Building Conservation (English Heritage, 2013) | Guidance that covers the processes involved in caring for historic buildings and gives advice on the practical application of current legislation and guidance. |
| Conservation Principles (English Heritage 2008) | Guidance for assessing heritage significance, with reference to contributing heritage values, in particular: <i>evidential</i> (archaeological), <i>historical</i> (illustrative and associative), <i>aesthetic</i> , and <i>communal</i> . |
| National Planning Policy Framework (2019) | Provides the English government's national planning policies and describes how these are expected to be applied within the planning system. Heritage is subject of Chapter 16 (page 54). |
| Good Practice Advice in Planning: Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015) | Provides useful information on assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness. |
| Understanding Historic Buildings: A guide to good recording practice (Historic England, 2016) | Sets out the process of investigating and recording historic buildings for the purpose of historical understanding. |
| Good Practice Advice in Planning: Note 3 (GPA3): The Setting of Heritage Assets, Second Edition (Historic England, 2017) | Provides guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes. |
| Listing Selection Guide: Commerce and Exchange Buildings (Historic England, 2017b) | A guide to outline the selection criteria used when listing commerce and exchange buildings. |
| Kirklees Local Plan (2019) | Comprises the local development plan (local plan), as required to be compiled, published and maintained by the local authority, consistent with the requirements of the NPPF (2019). Intended to be the primary planning policy document against which planning proposals within that local authority jurisdiction are assessed. Where the development plan is found to be inadequate, primacy reverts to the NPPF (2019). |

Table 1.1 Key statute, policy and guidance

2. METHODOLOGY

Architectural Description

- 2.1. The Architectural Description was guided in its composition by the *Standard and guidance for the archaeological investigation and recording of standing buildings or structures* (Chartered Institute for Archaeologists, 2019); *Understanding Historic Buildings: A guide to good recording practice* (Historic England, 2016) and *Conservation Basics: English Heritage Practical Building Conservation* (English Heritage 2013). The building recording was undertaken to Level 1 standards as defined in *Understanding Historic Buildings: A guide to good recording practice* (Historic England, 2016).
- 2.2. The analysis was based principally upon a building inspection. A Site visit was undertaken on the 24 February 2020 by Richard Hardy, Historic Buildings Consultant and Robert Sutton, Head of Consultancy. The building itself was inspected both externally and internally. The majority of the internal rooms of the building were inspected, except for the loft space and first floor of the southern range.
- 2.3. This assessment has been informed by the field survey and an analysis of available secondary sources. These sources principally include the accounts of 19th-century journalist Frank Peel (1880 and 1893), contemporary analysis by Alan Brooke and Lesley Kipling (2013) as well as a number of other online and published material. An analysis of these secondary sources has informed an understanding of the historical values that contribute to the significance of the building.

Assessment of heritage significance

- 2.4. The significance of the public house has been assessed and described, in accordance with paragraph 189 of the NPPF (2019), the guidance issued by ClfA (2019) and *Historic Environment Good Practice Advice in Planning Note 2* (Historic England 2015). Determination of significance has been undertaken according to the industry-standard guidance on assessing heritage value provided within 'Conservation Principles' (English Heritage 2008). This approach considers heritage significance to derive from a combination of discrete heritage values, principal amongst which are: **i)** evidential (archaeological) value, **ii)** historic (illustrative and associative) value, **iii)** aesthetic value, **iv)** communal value, amongst others. Further detail of this approach, including the detailed definition of those aforementioned

values, as set out, and advocated, by Historic England, is provided in Appendix 1 of this report.

- 2.5. The July 2019 revision of the Planning Practice Guidance (PPG) defines non-designated heritage assets as those identified as such in publicly accessible lists or documents provided by the plan-making body. Where these sources do not specifically define assets as *non-designated heritage assets*, they will be referred to as *heritage assets* for the purpose of this report. The assessment of *non-designated heritage assets* and *heritage assets* will be equivalent in this report, in line with industry standards and guidance on assessing significance and impact. They may not, however, carry equivalent weight in planning as set out within the provisions of the NPPF.

Limitations of the assessment

- 2.6. This assessment is principally based upon a historic building survey, undertaken on 24 February 2020, which has been supplemented by secondary information derived from a variety of sources, only some of which have been directly examined for the purpose of this assessment. The assumption is made that this data, as well as that derived from other secondary sources is reasonably accurate. Access to the building was possible within most areas and all areas of direct importance to this assessment were assessed.

3. ARCHITECTURAL DESCRIPTION

Introduction

- 3.1. The following building survey provides a description of the building through an external and internal survey to Level 1 standards as defined in *Understanding Historic Buildings: A guide to good recording practice* (Historic England, 2016). The southern range and eastern extension will be referenced but are likely to represent later additions to the public house that do not appear to have been *in situ* at the time of the Luddite movement. Consequently, the focus of the survey will be on the principal, northern element of the public house, incorporating the elements that pertain to the earliest phase of the building.

Exterior

- 3.2. The Shears is arranged over two distinct elements, incorporating separate roof structures. To the northern extent, the principal public house element (Photo 1) is double-pile and incorporates two storeys. The principal façade (northern elevation) incorporates four mullioned windows of three lights, apart from the westernmost unit to the ground floor which incorporates four lights. A door is set off centre between the two ground floor windows, however, this is no longer in use.
- 3.3. The doors and windows to the northern elevation are each topped with drip moulds and bounded by stone dressings. An historic photograph (Historic Photo 1), dating to approximately 1895, records that the window arrangement to the northern elevation has been much altered since the late 19th-century. Historically, three of the windows incorporated two lights and a single mullion, with no drip mould decoration. The remaining window comprised a small projecting bay to the eastern ground floor aperture. A further historic photograph, dating to 1962¹, records the present window arrangement *in situ* by that time, evidencing that the alterations were likely carried out during the early 20th-century. The 1895 photograph also evidences a rusticated stone treatment to the entire northern elevation that has since been altered to the present appearance of plain render. A date stone bearing the inscription 'HWS 1773' is set within the wall above the doorway and would have been obscured by the historical stone façade, suggesting that either the date stone has been reset or, most likely, that the stone façade was itself an alteration during the 19th-century.

¹ <https://www.examinerlive.co.uk/news/west-yorkshire-news/critics-plan-axe-18th-century-16181900>



Historic Photo 1: The Shears in approximately 1895

- 3.4. The evident change over time illustrates the complete reconfiguration of the principal, northern elevation where fenestration has been altered in both shape and size whilst the facing materials have also been entirely changed. Moreover, the recognised alterations are likely not the first phase of change to the appearance of the principal façade, with the stone rustication and fenestration featured in 1895 most likely representing an earlier phase since the building's origins in the 18th-century.



Photo 1: Oblique photograph of northern and western elevations

- 3.5. The rear range of the public house (Photo 2) is orientated at 90 degrees to the south of the principal northern extent of the building and incorporates a two story construction incorporating an incongruous arrangement of windows. Whilst the southern and western elevations are rendered, the eastern elevation comprises exposed rubble construction (Photo 3) that evidences multiple areas of renewal and alteration.
- 3.6. To the north-eastern extent of the public house is a 20th-century single-storey extension (Photo 3) that was constructed for the incorporation of male and female WC facilities.



Photo 2: Overview of southern range, looking east



Photo 3: Overview of southern range, looking west

Historic development of The Shears

- 3.7. Historic maps (Figs. 2 to 5) record a sequence of changes to the footprint of the public house, further evidencing the degree to which the public house has been altered. The earliest map consulted as part of this assessment, dating to 1804 (Fig. 2), records a building in the same position and orientation as the extant public

house. At that time, the southern range appeared to be truncated when comparing to the extant footprint of the building, suggesting that the southern range was subsequently altered, demolished or extended further during the 19th-century (Figs. 3 and 4).

- 3.8. The accompanying 1804 apportionment entry for the plot of the public house (393) lists the use of the building as ‘private public house etc’ and ‘private cottage’, evidencing the likely existence of the building as a public house at that time. This also corroborates historical accounts that The Shears was an Inn during the peak of the Luddite movement (1812). The 1804 map also evidences the former presence of a property within the extant car park area, arranged over two plots (394), listed as ‘House, Cottages & Shop’. These buildings may those visible in the photograph from 1895 (see Historic Photo 1).

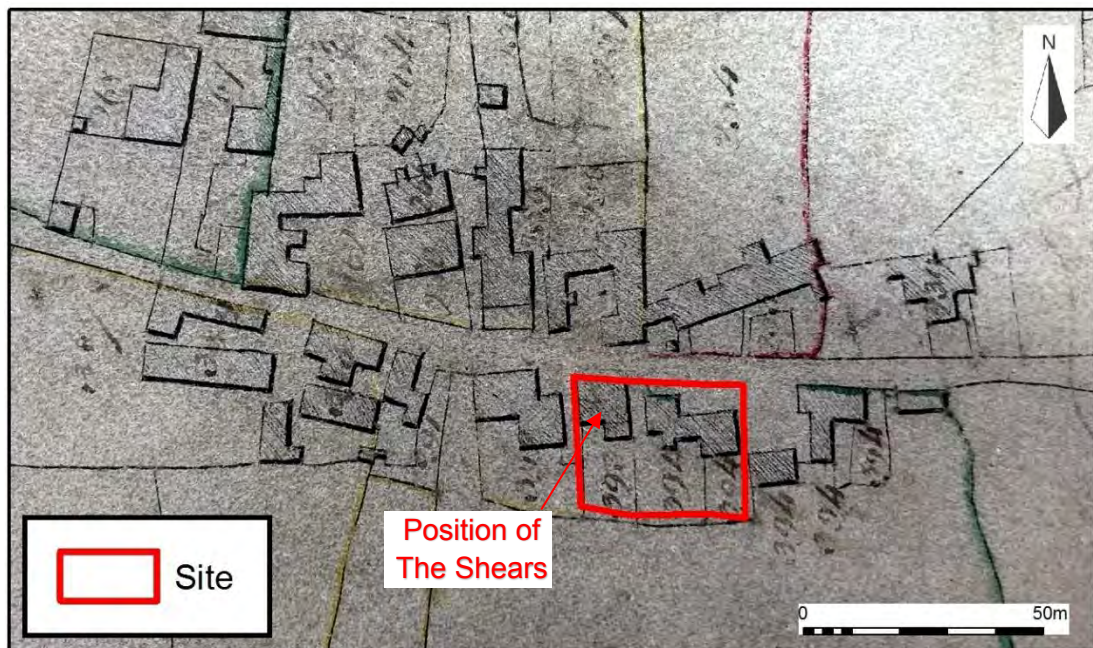


Fig. 2: 1804 township map of Liversedge (West Yorkshire Archive Service)

- 3.9. The township maps of 1834 and 1880 (Figs. 3 and 4) appear to evidence an enlarged range that approximately accords with the extant southern extension. The properties located in the extant car park were still present by 1880, and are likely to represent those recorded in Historic Photo 1. Several properties to the east of the Site had been demolished by 1834.
- 3.10. The next notable change within the Site is the demolition of the building(s) immediately east of the public house by the time of the OS map of 1933-38 (Fig. 5).

The broad configuration of the public house and immediate surrounding landscape remains relatively unchanged through the 20th and into the 21st-centuries apart from cul-de-sac development to the rear of properties along Halifax Road.



Fig. 3: 1834 Map of Liversedge (West Yorkshire Archive Services)



Fig. 4: 1880 Plan of the Township of Liversedge (West Yorkshire Archive Services)

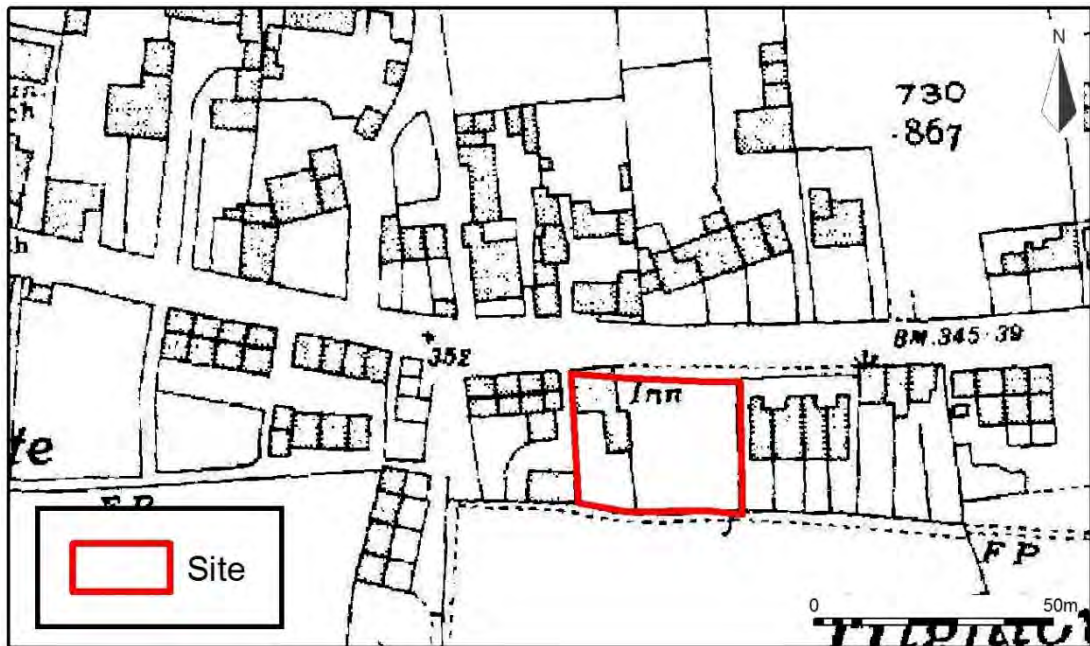


Fig. 5: Extract of 1933-1938 OS 25-inch map

Interior

- 3.11. Internally, the public house is much altered from its historical layout. Contemporary and documentary evidence records that the public house has undergone at least three phases of alteration and reconfiguration. An historical account of the internal layout of the public house was provided within Frank Peel's 1893 publication *Spenn Valley: Past and Present*, which is transcribed below:

'The interior arrangement of the Inn was, at the period of which we are writing [1812], different to what it is at the present time. The bar was then at the back, at the right hand side of the passage, the other back room on a line with it being the kitchen, and over both the front rooms was the club room. It was in this large room that the meeting of the croppers was held at which the delegates from Huddersfield were present, and which took place in April 1812.'

- 3.12. Presently, the ground floor arrangement incorporates an open plan public lounge area, with the servery placed to the rear and centre of the room (Photos 4 and 5). To the eastern and western extents of the room are three brick fireplaces (Photo 6), constructed in the 21st-century as part of a refurbishment of the public house in 2010. It is likely that the former arrangement of the public house may have incorporated a central passage, leading from the main door in the northern elevation with rooms leading off either side. The present, open plan arrangement of the lounge represents a completely modern public house arrangement with no evidence of the historical layout, fixtures or fittings.



Photo 4: Overview of servery, looking south-west



Photo 5: Overview of north-western extent of bar lounge



Photo 6: 21st-century fireplace to western extent of ground floor

- 3.13. The first floor of the public house is accessed via a staircase located to the south-eastern extent of the principal public house element. A central landing area (Photo 7) allows for access to three bedrooms, a bathroom and a WC. The account by Peel (1893) alludes, in the past tense, to a large 'club room' to the front (north) of the first floor that was evidently no longer legible by 1893. The extent and shape of the former club room is no longer appreciable through examination of the extant fabric. The consistent use of 1930s style panelled doors may indicate that the extant layout of the first floor may date to this period. The only notable features are the survival of a ladies WC room, evidenced by the Art Deco style stained glass window within the door to the room (Photo 8). This further evidences the likely 1930s date of the first floor layout.



Photo 7: Overview of first floor landing, looking south



Photo 8: Art Deco style stain glass in Ladies WC door

- 3.14. Despite its apparently late 18th-century origins, the public house retains very little historic fabric relating to this period. The principal, northern façade of the building has been completely altered since the early 20th-century whilst, internally, the

historic layout has been lost and is no longer intelligible. All fixtures and fittings principally date to a 21st-century refurbishment of the public house.

4. HISTORIC ASSOCIATIONS

Introduction

- 4.1. This section will explore the historical associations of the local area with the advent of the Luddite uprisings of the early 19th-century, with a particular focus on the events of 1812 where local landmarks were documented in accounts of an attack on Cartwright's Mill in Rawfolds. The role of the Shears in these events will be highlighted and described in order to contextualise how the story of the Luddites is told in the surviving fabric of the building.

The origins of the Luddite movement

- 4.2. As the industrial revolution gathered pace during the 18th-century, developments in the mechanisation of manufacturing processes became more and more widespread. Several innovations such as the invention of the simple weaving machine in 1733 and the Spinning Jenny in 1764 allowed workers to produce goods more quickly, increasing productivity (Brain 2019).
- 4.3. By the 1790s, the influence of the industrial revolution was not readily apparent in Huddersfield and its surrounding parishes. The wool textile industry in the area remained largely domestic with key manufacturing process such as wool carding and finishing were still concentrated in small workshops. These included croppers, who were workers that used heavy shears to crop the knap from a roll of cloth. However, the following 30 years saw a rapid increase in industrialisation in the area that brought an unprecedented acceleration in economic and technological change. (Brooke and Kipling 2013).
- 4.4. A combination of the war between England and France and bad harvests had impacted the population by 1799 (Brooke and Kipling 2013). Food became expensive and the introduction of shearing frames allowed for greater efficiencies and the mechanisation of processes, resulting in many croppers being laid off. The 1799 Combination Acts outlawed the organisation of Trade Unions, resulting in the establishment of a semi-clandestine group called the Cloth Dressers Institution. The aim of the group was to limit the spread of machinery, both by the invocation of ancient laws (the use of shear frames was prohibited in laws dating back to the Tudor period) and through direct action' including strikes and attacks on premises using the machines (Brooke and Kipling 2013).

4.5. In 1808, the legal means for opposition to the introduction of machines was removed when parliament passed a bill allowing them to repeal most of the old laws that regulated the woollen manufacturing industry. Over the following years, the introduction of shear frames accelerated, resulting in increased discontent among workers, leading to the organisation of Luddites in the area. Luddites were an oath-based organisation of textile workers that used lawful and practical means to oppose the large scale introduction of machinery that threatened their livelihoods. The movement began in Nottingham and culminated in a rebellion from 1811 to 1816 that spread to other regions, including West Yorkshire.

The Luddite meetings at The Shears and attack on Cartwright's Mill - 1812

4.6. At the beginning of the 19th-century, The Shears was described as 'one of the most substantial buildings in the locality in which it stands, most of the surrounding property being ordinary cottages' (Peel 1880). Croppers assembled in large numbers at The Shears each Saturday to hear of the activities of workmen in other places. Although nearby venues such as The White Hart and Cross Keys hosted similar gatherings, Peel describes The Shears as the most popular venue (Peel 1880).

4.7. A mill owner local to Liversedge, William Cartwright, began experimenting with the introduction of mechanical shear frames at his mill at Rawfolds at around 1809 to 1810. During February 1812, the local workforce, concerned by the potential effect of these machines on their livelihoods, organised an attack on Hartshead Moor of cropping frames that were being delivered to Cartwright's Mill. The organisation of this attack is documented to have been planned during a meeting at The Shears (Kipling and Hall 1984).

4.8. A significant event during the Luddite uprising was an attack on Cartwright's Mill on 11 April 1812. Peel transcribes a meeting, apparently held in the upstairs club room at The Shears, in great detail whereupon an assemblage of Liversedge Luddites converged on the public house to learn from croppers in Huddersfield of their "objects and methods" for rebellion (Peel 1880). Notably, the final decision to attack the mill was reportedly taken at St Crispin Inn, Halifax, and not at The Shears (Peel 1880). The speculated route of the Luddite's march to the mill is recorded on Fig. 6.



Fig. 6: Possible marching route of Luddite attack on Cartwright's Mill, as speculated by Frank Peel (1893). Basemap represented by Township map of 1804

4.9. The attack on Cartwright's mill was significant for the fact that it resulted in the deaths of two of the Luddites. Their bodies were taken first to the Yew Tree Inn and then onto The Star, both in Robertstown. Both buildings still stand, however, the former Yew Tree Inn is now a private residence. It is reputed that the failed attack was the catalyst for a change in philosophy for the Luddites where instead of targeting machinery, they would instead try to harm the mill owners² (Brooke and Kipling 2013).

² The quote from George Mellor at the time who reputedly said 'there was no method of smashing the machinery, but by shooting the masters'

The Shears and the story of the Luddites

- 4.10. An assessment of available documentary sources evidences a broad appreciation that The Shears was a notable meeting place of croppers prior to and during the height of the Luddite movement in 1812. The highly detailed accounts of meetings at The Shears provide a degree of colour to the historical proceedings; however, these are principally derived from ‘folklore and word-of-mouth descriptions’ collected by the 19th-century journalist Frank Peel (Reid 1986). It is unclear to what degree contemporary written sources have relied on Peel’s account in their own analysis of these events, in lieu of any other verified accounts.
- 4.11. According to *Conservation Principles* (EH 2008), association with a notable person, event or movement gives historical value a particular resonance for a place. There is little doubt that The Shears shares well documented associations with the Luddite movement and, in particular, one of its most important events (the attack on Cartwright’s mill). However, the ability to understand this association is reliant on the retention of ‘some semblance of its appearance at the time’ of the event (EH 2008, paragraph 42). As stated in *Conservation Principles*, ‘The historical value of a place...is not as easily diminished by change or partial replacement as evidential value’ and that ‘Historical values are harmed only to the extent that adaptation has obliterated or concealed them...’ (EH 2008, paragraph 44).
- 4.12. It is clear that The Shears has lost much in the way of historic fabric relating to the period of these notable events. Frank Peel describes in great detail that, as early as 1880, the legibility of the internal layout of the public house had been compromised through alterations. Subsequent alterations to this layout are evident throughout the 20th and 21st-century. Historic photographs perpetuate this narrative of change, evidencing the considerable degree of alteration to the principle northern façade of the public house (see Historic Photo 1).
- 4.13. The sub-division of the first floor in particular prevents an appreciation of the former club room as an appropriate place for the Luddites to meet. Furthermore, the extensive degree of alteration to the ground floor means that the layout, fixtures and fittings bear little resemblance to that which existed during these meetings. The evident degree of change to the public house means that the extant fabric should no longer be considered an authentic representation of the building at the time of the Luddite meetings.

-
- 4.14. Nonetheless, The Shears has retained its ‘purpose’ as a public house, as was the case at the time of the Luddite movement. As stated in *Conservation Principles*, ‘The use and appropriate management of a place for its original purpose...illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values...’ (EH 2008, paragraph 45). In this regard, the use of the building as public house is pertinent to the narrative of the connection with the Luddite movement. However, in most other ways, an appreciation of the use of the public house as it was used by the Luddites in the early 19th-century has been diminished through the multiple alterations to the building’s internal layout and consequent loss of the first floor meeting room.
- 4.15. The Shears remains publicly accessible and is still in use as a public house that retains a role as a social venue for the gathering of local people, however, it is no longer an authentic representation of the Inn used by the Luddites in 1812. As a monument to historical events, the building is reliant on information plaques and documented histories to convey its story.
- 4.16. Stories of the area’s connection with the Luddite movement are strongly preserved through written accounts, folklore and surviving monuments in the wider landscape. Some of these monuments have been created in the very recent past, such as a commemorative statue, created in 2012 (Photo 9) and heritage trails that tell the story of the Luddites through a tour of associated places in the landscape (Photo 10).



Photo 9: Luddite statue at junction of Knowler Hill and Halifax Road



Photo 10: Luddite Trail information board

English Heritage Listing application

4.17. In 2009, an application was submitted to English Heritage (EH) for the public house to be considered for Listing. In December 2009, English Heritage reported that the building did not meet the criteria for national designation.

4.18. In their assessment, EH reasoned that:

Historical association can be a factor in the designation of buildings, and the association of the pub with the Luddites is of interest as part of the nation's social and economic history. However, in order to justify statutory protection, there must normally be some quality of interest in the physical fabric of the building itself. Unfortunately, this not present at the Shears, where only the name and location are indicative of its history.

4.19. The assessment by EH accords with the assessment presented in this report, that the physical fabric of the public house does not represent an adequate embodiment of the building's historical connection with the Luddite movement. More specifically, EH have identified that very little remains of architectural interest as the principal reason for their decision.

5. STATEMENT OF SIGNIFICANCE

Introduction

- 5.1. The following Statement of Significance has been produced with reference to the four heritage values identified in *Conservation Principles* (English Heritage 2008, section 2) along with the Listing Selection Guide for Commerce and Exchange Buildings (Historic England, 2017).

Evidential and Historical Value

- 5.2. The historical value of the public house is represented only through the retention of the name *The Shears*, which has persisted since at least the early 19th-century, and through documented testimonies collected during the 19th-century that recount the public house's role at the time of the Luddite movement. Over time, multiple alterations to the building's fabric have diminished the ability to appreciate the connection between the building and the historical events of the Luddite movement. The historic layout of the building has been altered to the extent that intelligibility of the layout at the time of the Luddite movement is no longer possible.
- 5.3. Very limited evidential value of the public house is retained through the remaining historic fabric contained in the building at the time of the Luddite movement. However, the erosion of historic fabric means that the value of the public house as an authentic representation of the building of the time of the Luddite movement is very limited.

Aesthetic Value

- 5.4. The public house retains very limited aesthetic value (and architectural interest). The building does not represent a particularly noteworthy example of public house architecture and retains no fixtures and fittings of note aside from the early 20th-century WC on the first floor. The accumulation of alterations to the exterior and interior of the building serve to present a public house that bears little resemblance to the building when originally constructed (or at the time of the 1812 uprising).

Communal Value

- 5.5. Communal (Social) value of *The Shears* is retained through its continued use as a public house. There is a strong awareness of the public house's role during the Luddite movement that is preserved through documented histories, word of mouth and local heritage trails. The communal value of the public house is therefore retained in spite of the considerable erosion of historic fabric from the public house.

6. CONCLUSIONS

- 6.1. It is evident from the well documented history of the Luddite movement, and the attack on Cartwright's Mill in 1812, that The Shears was a notable Inn that provided an important meeting place for the planning of two attacks that were targeted against the introduction of machinery to the textile mills. The Shears has retained its name and function since the time of the Luddite movement, allowing for a recognition of the public house's connection with these notable events.
- 6.2. However, the historical and social values that are derived from the building's historical narrative are not dependent on the fabric of the public house itself. The Shears has experienced a high degree of alteration, replacement and removal of historical fabric, both internally and externally. The important parts of the internal layout that relate to the Luddite meetings have been lost and the whole interior relates to renovations in the 20th and 21st-centuries. Externally, the principal, northern façade has also been considerably altered from that which would have been presented in the early 19th-century.
- 6.3. The strong historical (associative) and communal (social) values that define the heritage interest of the building have persisted in spite of the removal of historic fabric. The presence of the public house continues to embody these heritage values but merely as a monument to the story instead of an authentic artefact of the event. These values are captured and preserved in documents, heritage trails and oral history that place the public house in context with the local landscape and the story of the Luddite movement. As *Conservation Principles* sets out in paragraph 58, '*...social values tend to be less dependent on the survival of historic fabric. They may survive the replacement of the original physical structure, so long as its key social and cultural characteristics are maintained...*'.

7. REFERENCES

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APPENDIX 1: KEY HERITAGE STATUTE POLICY & GUIDANCE

Heritage Statute: Listed Buildings

Listed buildings are buildings of 'special architectural or historic interest' and are subject to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Under Section 7 of the Act 'no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.' Such works are authorised under Listed Building Consent. Under Section 66 of the Act 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

Note on the extent of a Listed Building

Under Section 1(5) of the Act, a structure may be deemed part of a Listed Building if it is:

- (a) fixed to the building, or
- (b) within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948

The inclusion of a structure deemed to be within the 'curtilage' of a building thus means that it is subject to the same statutory controls as the principal Listed Building. Inclusion within this duty is not, however, an automatic indicator of 'heritage significance' both as defined within the NPPF (2019) and within Conservation Principles (see Section 2 above). In such cases, the significance of the structure needs to be assessed both in its own right and in the contribution it makes to the significance and character of the principal Listed Building. The practical effect of the inclusion in the listing of ancillary structures is limited by the requirement that Listed Building Consent is only needed for works to the 'Listed Building' (to include the building in the list and all the ancillary items) where they affect the special character of the Listed building as a whole.

Guidance is provided by Historic England on 'Listed Buildings and Curtilage: Historic England Advice Note 10' (Historic England 2018).

National heritage policy: the National Planning Policy Framework

Heritage assets and heritage significance

Heritage assets comprise ‘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’ (the NPPF (2019), Annex 2). Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields and Conservation Areas (designated under the relevant legislation; NPPF (2019), Annex 2). The NPPF (2019), Annex 2, states that the significance of a heritage asset may be archaeological, architectural, artistic or historic. Historic England’s ‘Conservation Principles’ looks at significance as a series of ‘values’ which include ‘evidential’, ‘historical’, ‘aesthetic’ and ‘communal’.

The July 2019 revision of the Planning Practice Guidance (PPG) expanded on the definition of non-designated heritage assets. It states *that ‘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.’* It goes on to refer to local/neighbourhood plans, conservation area appraisals/reviews, and importantly, the local Historic Environment Record (HER) as examples of where these assets may be identified, but specifically notes that such identification should be *made ‘based on sound evidence’, with this information ‘accessible to the public to provide greater clarity and certainly for developers and decision makers’.*

This defines *non-designated heritage assets* as those which have been specially defined as such through the local HER or other source made accessible to the public by the plan-making body. Where HERs or equivalent lists do not specifically refer to an asset as a *non-designated heritage asset*, it is assumed that it has not met criteria for the plan-making body to define it as such, and will be referred to as a *heritage asset* for the purpose of this report.

The assessment of *non-designated heritage assets* and *heritage assets* will be equivalent in this report, in line with industry standards and guidance on assessing significance and impact. They may not, however, carry equivalent weight in planning as set out within the provisions of the NPPF, should there be any effect to significance.

The setting of heritage assets

The ‘setting’ of a heritage asset comprises ‘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' (NPPF (2019), Annex 2). Thus it is important to note that 'setting' is not a heritage asset: it may contribute to the value of a heritage asset.

Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets', which has been utilised for the present assessment (see below).

Levels of information to support planning applications

Paragraph 189 of the NPPF (2019) identifies 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'.

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2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;

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- b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
 - c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;
 - d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;
 - e. accommodate innovative design where this does not prejudice the significance of heritage assets;
 - f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted

Good Practice Advice 1-3

Historic England has issued three Good Practice Advice notes ('GPA1-3') which support the NPPF. The GPAs note that they do not constitute a statement of Government policy, nor do they seek to prescribe a single methodology: their purpose is to assist local authorities, planners, heritage consultants, and other stakeholders in the implementation of policy set out in the NPPF. This report has been produced in the context of this advice, particularly 'GPA2 – Managing Significance in Decision-Taking in the Historic Environment'.

GPA2 - Managing Significance in Decision-Taking in the Historic Environment

GPA2 sets out the requirement for assessing 'heritage significance' as part of the application process. Paragraph 8 notes 'understanding the nature of the significance is important to understanding the need for and best means of conservation.' This includes assessing the extent and level of significance, including the contribution made by its 'setting' (see GPA3 below). GPA2 notes that 'a desk-based assessment will determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation to do so' (Page 3).

Heritage significance

Discussion of heritage significance within this assessment report makes reference to several key documents. With regard to Listed buildings and Conservation Areas it primarily

discusses ‘architectural and historic interest’, which comprises the special interest for which they are designated.

The NPPF provides a definition of ‘significance’ for heritage policy (Annex 2). This states that heritage significance comprises ‘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’. This also clarifies that for World Heritage Sites ‘the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance’.

Regarding ‘levels’ of significance the NPPF (2019) provides a distinction between: designated heritage assets of the highest significance; designated heritage assets not of the highest significance; and non-designated heritage assets.

Historic England’s ‘Conservation Principles’ expresses ‘heritage significance’ as comprising a combination of one or more of: evidential value; historical value; aesthetic value; and communal value:

- Evidential value – the elements of a historic asset that can provide evidence about past human activity, including physical remains, historic fabric, documentary/pictorial records. This evidence can provide information on the origin of the asset, what it was used for, and how it changed over time.
- Historical value (illustrative) – how a historic asset may illustrate its past life, including changing uses of the asset over time.
- Historical value (associative) – how a historic asset may be associated with a notable family, person, event, or moment, including changing uses of the asset over time.
- Aesthetic value – the way in which people draw sensory and intellectual stimulation from a historic asset. This may include its form, external appearance, and its setting, and may change over time.
- Communal value – the meaning of a historic asset to the people who relate to it. This may be a collective experience, or a memory, and can be commemorative or symbolic to individuals or groups, such as memorable events, attitudes, and periods of history. This includes social values, which relates to the role of the historic asset as a place of social interactive, distinctiveness, coherence, economic, or spiritual / religious value.

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