

**LAND OFF BURN ROAD, BIRCHENCLIFFE**

**Heritage Statement**

October 2023





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*Front cover: Looking south over the application site towards Yew Tree Road (sometimes called Burn Road) and the houses recently built on the opposite side of the road, and west showing the existing tennis courts*

# LAND OFF BURN ROAD, BIRCHENCLIFFE

## Heritage Statement

### EXECUTIVE SUMMARY

**Application Site Name:** Land off Burn Road, Birchencliffe

**Application Number:** 2023/91406

**Address:** Land south of 98, Burn Road, Birchencliffe, Huddersfield, HD2 2EG

**Local Planning Authority:** Kirklees Council

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**Humble Heritage Ltd is a professional built heritage and archaeological consultancy operating in the specialised area of the historic environment. The practice has extensive experience of historical and archaeological research, assessing significance and heritage impact and preparing Heritage Statements, archaeological desk-based assessments, statements of significance, conservation management plans and so forth. Humble Heritage Ltd provides heritage and archaeological advice on behalf of a wide variety of clients across much of England. The Institute of Historic Building Conservation (the IHBC) recognises Humble Heritage as a professional Historic Environment Service Provider.**

Humble Heritage Ltd undertook this Heritage Statement in October 2023 to assess the effect upon the historic environment of an application for planning permission for a new residential development of three dwellings on land off Burn Road, Birchencliffe (revised version of an earlier proposed scheme for four dwellings). The application site is to the southwest of the grade II listed Middle Burn Farm and is part of the land forming allocation HS35 in the Kirklees Local Plan 2019. A scheme for four dwellings at the site was granted outline planning permission in 2016, though this permission subsequently lapsed in 2019.

This report provides a history of the proposed development site. It assesses the contribution that the application site makes to the significance of the nearby grade II listed building Middle Burn Farmhouse and the impact of the proposed development on the historic environment.

There is very little visual connection between the application site and Middle Burn Farmhouse due to vegetation and the general topography. The application site has no special historical connection with Middle Burn Farmhouse. It does not seem to have been part of the farmland associated with the farmhouse. Instead, historic maps suggest that it was associated with the three historic miners' cottages that were amalgamated to form the present-day No.98 Burn Lane, within the garden of which the application site is located. Today the application site bears no resemblance to the farmland that was the

original setting for Middle Burn Farmhouse but has the character of a domestic garden with tennis courts and immaculate lawns.

Because of this the application site makes no contribution to the significance or special architectural or historic importance of Middle Burn Farmhouse. It is directly analogous with the nearby areas of the HS35 allocation that have been recently developed to the south of Yew Tree Road and west of Burn Road. The land upon which these housing estates have been granted planning permission was within the setting of Middle Burn Farmhouse but was judged to not contribute to its special interest.

Two houses were permitted to be built to the immediate south of Middle Burn Farmhouse (in 2020 after the adoption of the local plan) on land that is arguably a much more important part of the setting of Middle Burn farmhouse than the application site. That application that was approved by Kirklees Council Conservation and Design who commented that '*Conservation and Design have no concerns about the proposed development on heritage and design grounds. The harm to the setting of Middle Burn Farm has been suitably minimised.*'

In light of these considerations, recent pre-application advice from the local planning authority suggested that if the earlier scheme was to be revised from four dwellings to three dwellings it would represent an acceptable solution. Accordingly, the scheme has been revised to comprise three dwellings in line with the pre-application advice.

Construction of three dwellings as proposed will have no harmful effect on the significance of the grade II listed Middle Burn Farmhouse and will preserve its special architectural or historic interest. The proposed development will therefore be in accord with the heritage provisions of the National Planning Policy Framework and the relevant sections of the 1990 Planning (Listed Buildings and Conservation Areas) Act as well as local planning policy.

## INTRODUCTION AND METHODOLOGY

- 1.01 This Heritage Statement was prepared by Dave Pinnock (BA, MA) of Humble Heritage Ltd in October 2023. This assessment is intended to accompany an application for planning permission for a new residential development on land off Burn Road, Birchencliffe. The proposed scheme consists of three new dwellings, replacing an earlier version of the scheme that proposed four new dwellings.
- 1.02 The aims of this report are:
- To satisfy the requirement of paragraph 194 of the National Planning Policy Framework, which indicates that applicants should provide a description of the significance of any heritage assets affected by their proposals (including any contribution made by their setting);
  - To assess whether the proposed development is sustainable development with regard to its impact on the historic environment.
- 1.03 This assessment has been informed by a site visit in July 2023. Historic Ordnance Survey maps of the application site published from 1854 onwards were examined and the West Yorkshire Historic Environment record was consulted.
- 1.04 This Heritage Statement is revised version of the original Heritage Statement produced in July 2023 by Humble Heritage Ltd. The earlier document related to the earlier proposed scheme of four dwellings and has been subsequently revised to take account of the reduction of the scheme to three dwellings.

## HERITAGE PLANNING CONTEXT

### *General*

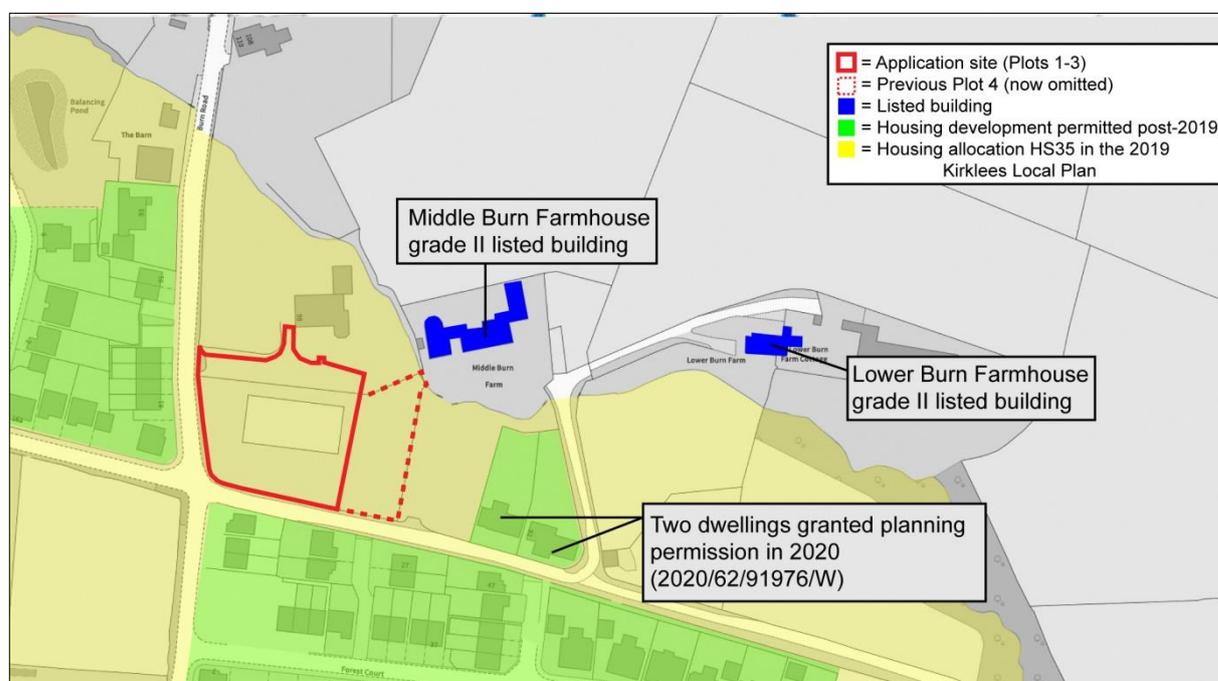
- 2.01 The application site was awarded outline planning permission in 2016 for a very similar scheme comprising four detached dwellings rather than the presently proposed three dwellings (2016/60/90073/W). The application site contains no historic buildings or other designated or non-designated heritage assets. It is not within a conservation area. The application site is situated within the setting of the grade II listed Middle Burn Farmhouse. A second grade II listed building (Lower Burn Farmhouse) is located some distance to the east, though the application site is sufficiently distant that it is not within its setting.
- 2.02 The application site is within housing allocation HS35 in the 2019 Kirklees Local Plan. Kirklees. The development principles outlined in the allocation text state that no development shall take place on an area marked as high significance in the Council's Local Plan Heritage Impact Assessment to the south of listed buildings. This relates to safeguarding the setting of the two listed buildings.
- 2.03 Conservation and Design at Kirklees Council commented unfavourably on the earlier version of the application, consisting of proposals for four dwellings. This stated that the development would cause substantial harm to the listed building of Middle Burn Farm.
- 2.04 Following further discussion with the planning authority and their consideration of an earlier version of this Heritage Statement written to consider the four-dwelling scheme, pre-application advice was issued by the Planning Officer (Email from: Katie Chew to Nick Willock, Sent: Thursday, August 17, 2023 10:41 AM).

- 2.05 The pre-application advice acknowledged the existence of a previous outline permission for four dwellings (now lapsed) at the application site. It drew attention to a subsequent Farrell & Clark Heritage Impact Assessment which had identified an area of 'high significance' to the setting of Middle Burn Farmhouse, within which the application site is located. However the pre-application advice considered the evidence on site and the information submitted within the application. It concluded that:

*'... any development directly to the south of Middle Burn Farm would cause a higher level of harm but would be considered to be less than substantial harm to its setting as per the requirements of the NPPF. Furthermore, it is considered that the areas adjacent to this, whilst still located within an identified area of 'high significance' could be assessed as having a lesser degree of harm the further away from the assets, any development is located.'*

- 2.06 The advice concluded that it was only the easternmost plot that could potentially cause less than substantial harm to the setting of Middle Burn Farmhouse (and only then if the intervening mature hedge were to be removed, however unlikely). A compromise was suggested, which would allow the partial development of the application site:

*'Taking the above into account, we would like to work with you to reach an acceptable form of development for this site however, we do want to ensure that this is done sensitively and respectfully in regard to the setting of adjacent heritage assets. To reduce the harm to an acceptable level, **it is recommended that the small parcel of land (bounded by mature hedging to the east) is retained as is and omitted from the scheme. This will require the dwelling on plot 3 to be moved towards the north and plot 4 to be omitted altogether.** By removing this section of land, we are still allowing development on site but we are ensuring that open land to the south of the Listed Building Middle Burn Farm is retained in the interests of preserving the wider setting and views of the asset from Burn Road. Subject to the details submitted in a reserved matters application, including the design, scale and materials of the dwellings, this could be an acceptable solution moving forward. Also on a separate note, as case officer this would accord with Principle 2 of the Housebuilders Design Guide SPD.'*



Application site location in its historic environment context overlaid on modern Ordnance Survey map.

### **Legislation, national planning policy and guidance**

- 2.07 Listed buildings are protected in law by the 1990 Planning (Listed Buildings and Conservation Areas) Act, Sections 16(2) and 66(1), the latter of which states, *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*
- 2.08 At the heart of the National Planning Policy Framework (NPPF) is a strong presumption in favour of sustainable development (paragraphs 11-14). The purpose of this Heritage Statement is to assess whether the proposed development is capable of meeting the test of sustainable development as regards its impact on the historic environment.
- 2.09 Paragraph 197 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and the desirability of new development making a positive contribution to local character and distinctiveness. This states that:
- '197. In determining applications, local planning authorities should take account of:*  
*(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*(c) the desirability of new development making a positive contribution to local character and distinctiveness.'*
- 2.10 The NPPF recognises listed buildings as *'designated heritage assets'*. Grade II listed buildings are not classed as *'assets of the highest significance'* (paragraph 200).
- 2.11 Paragraph 199 of the National Planning Policy Framework 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)...'* Paragraph 200 states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'*
- 2.12 Paragraphs 201 and 202 of the National Planning Policy Framework make a distinction between proposals that will lead to *'...substantial harm to (or total loss of significance of)...'* a designated heritage asset (paragraph 201) and proposals which will cause *'...less than substantial harm...'* (paragraph 202).
- 2.13 As the application does not affect the fabric of the listed buildings any impact will be through changes to their settings. Setting is defined in the National Planning Policy Framework (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'* (NPPF, Annex 2: Glossary)
- 2.14 Historic England's advice note, which advises on the application on the NPPF's concept of setting (Historic England 2017 Historic Environment Good Practice Advice in Planning Note 3: The setting of Heritage Assets) states that:
- 'Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it*

*contributes to the significance of the heritage asset or to the ability to appreciate that significance.'* (Historic England 2017, para.9).

- 2.15 The assessment methodology employed in this report is based on what Historic England describe as 'A Staged Approach to Proportionate Decision-Taking' as outlined in the Historic England guidance note on the setting of heritage assets (Historic England 2017).

### **Local planning policy and guidance**

- 2.16 The allocation text for housing allocation HS35 reads (*Kirklees Local Plan: Allocations and Designations. Adopted 27 February 2019. Pages 48-49*):

#### **Site HS35**

*Local Plan ID HS35*

*Site address Land east of Halifax Road, Birchencliffe, Huddersfield*

*Ownership Private*

*Gross site area (Ha) 16.8*

*Net site area (Ha) 11.39 - developable area reduced due to presence of UK BAP habitats, most of which are covered by protected trees and to reduce impact on Grade II listed buildings.*

#### **Constraints**

*Additional mitigation on wider highway network may be required*

*Public right of way crosses the site*

*Potentially contaminated land*

*Noise source near site - Road traffic noise*

*Site lies within UK BAP priority habitat*

*Site is close to listed buildings*

*Site is close to area of archaeological interest*

*Protected trees on site*

*Two Grade II listed buildings lie to the north of the site*

#### **Allocation: Housing**

*Indicative capacity 243 dwellings*

#### **Reports required**

*Transport Assessment*

*Travel Plan*

*Air Quality Impact Assessment*

*Noise assessment*

*Contamination report (Phase 1 and 2)*

*Pre-determination archaeological evaluation*

*Flood Risk Assessment*

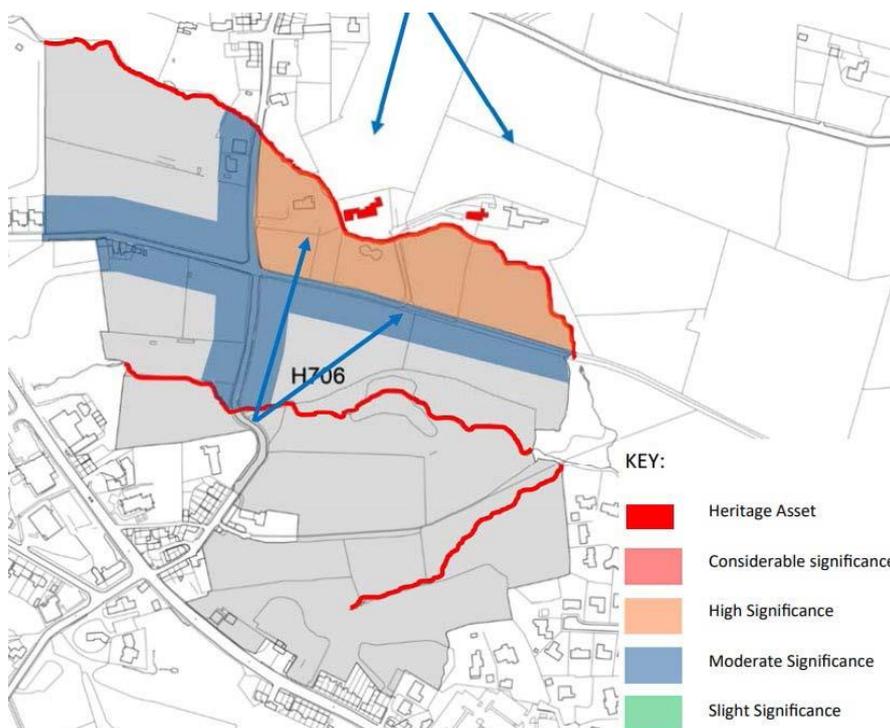
*Heritage Impact Assessment*

*Ecological Assessment*

#### **Other site specific considerations**

*In order to safeguard the setting of the Grade II listed buildings known as Middle Burn Farm and Lower Burn Farm, no development shall take place on the field/area marked as high significance in Councils Heritage Impact Assessment to the south of the listed buildings.*

*Proposals will identify an appropriate layout, scale, appearance and materials of the proposed residential development to minimise harm to the setting of the Listed Buildings, taking into account the evidence presented in the Councils Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.*



*Council's Local Plan Heritage Impact Assessment referred to in the allocation text.*

## HISTORY OF THE APPLICATION SITE AND RELEVANT HERITAGE ASSETS

### ***Application site***

- 3.01 The application site consists of land that forms part of the domestic garden for 98 Burn Road. The site is occupied by a tennis court and surrounding grassed area. To the east of the site is a piece of land at a slightly lower level and is laid to lawn, separated from the rest of the site by a hedge. This area was originally proposed to comprise Plot 4, but in the revised scheme will remain undeveloped. The eastern boundary of that area is a very tall evergreen hedge, which separates the land from the setting of Middle Burn Farmhouse.
- 3.02 Burn Road runs north-south beyond the western boundary. A further road (Byway Open to All Traffic) runs east-west to the south of the application site, which is sometimes called Yew Tree Road and sometimes Burn Road (as it was labelled on historic Ordnance Survey maps).

### ***The vicinity of the application site***

- 3.03 Middle Burn Farmhouse dates from the 18<sup>th</sup> century, with a datestone on the later barn giving a date of 1798. Lower Burn Farmhouse is of a similar date. Both are shown on the Ordnance Survey map published in 1854 (surveyed 1848-50), though it is clear that there have been later additions to the range of buildings at Middle Burn Farmhouse especially. Neither was labelled as a farm on the 1854 map, though the area was labelled Burn Colliery. The presence of a barn dated 1798 at Middle Burn Farmhouse suggests that whatever its role in the colliery it was at least partly involved with agriculture.
- 3.04 No.98 Burn Lane, within the garden of which the application site is located, was constructed in the late nineteenth century sometime between 1848 and 1888. It is now a single dwelling known as Burn Croft. Two buildings are shown in roughly the same location on the 1854 Ordnance Survey map, but they are smaller and not quite in the same position. The owner of 98 Burn Road

understands that it originated as three miners' cottages (a semi-detached pair with a third detached cottage to the rear), which have subsequently been extensively modernised/rebuilt and incorporated to form a single dwelling. The curtilage of the three dwellings can be traced on the 1893 Ordnance Survey map (surveyed 1888).

- 3.05 No details of Burn Colliery are recorded in the West Yorkshire Historic Environment Record. A stone-capped shaft is apparently present to the west of 98 Burn Road, beyond the boundary of the application site, and this may be a mine entry. This is shown on a coal authority report, along with a number of other mine entries and an adit, most of which are located to the north of the application site and none of which are within its boundary (see Abbeydale Building Environment Consultants 2023 *Phase 1 Desk Study Report & Coal Mining Risk Assessment: 98 Burn Road, Birchencliffe, Huddersfield, West Yorkshire*. Report: 632004DS).
- 3.06 There are reports of a railway running northeast to southwest through the northwest corner of the application site, dated 1891. If accurate this could relate to the colliery, although the stated date does not accord well and the small-scale of the colliery makes it less likely. It is unclear from where the information is derived as no railway is shown on historic Ordnance Survey maps or recorded in the West Yorkshire Historic Environment Record (see Abbeydale Building Environment Consultants 2023 *Phase 1 Desk Study Report & Coal Mining Risk Assessment: 98 Burn Road, Birchencliffe, Huddersfield, West Yorkshire*. Report: 632004DS).
- 3.07 The historic dwellings that form 98 Burn Road may have originally been miners' cottages. If so, it is likely that they also had land attached and served as smallholdings (indicative of a mixed economy typical of small-scale coal mining in this area). A number of mineworkers who were also farmers, and coalmine owners who were also farmers, are recorded in the immediate area, so this was clearly a common socio-economic pattern (see e.g. Alan Brooke n.d. '*Colliers & Hurriers of the Huddersfield Area, Part II*' <https://undergroundhistories.wordpress.com/colliers-and-hurriers-part-ii/>).
- 3.08 The 1893 Ordnance Survey map shows a pattern of boundaries that suggest that the application site was associated with the dwellings that today form no.98. On that map the land is separated from the land apparently attached to Middle Burn Farmhouse by a solid boundary, alongside which runs the north south access track for the houses. The parcel of land to the immediate east of the application site (former site of the proposed Plot 4, now omitted) appears likely to have been associated with Middle Burn Farmhouse in the late nineteenth century, although it is understood that the owner of 98 Burn Road purchased the land from Middle Burn Farmhouse some years ago.
- 3.09 The land around 98 Burn Road, including the application site, now has the form of a well-maintained domestic garden. The application site includes a tennis court with mesh fencing, manicured lawns, tarmac paths and evergreen hedges of domestic rather than agricultural character (see front cover and photos below).

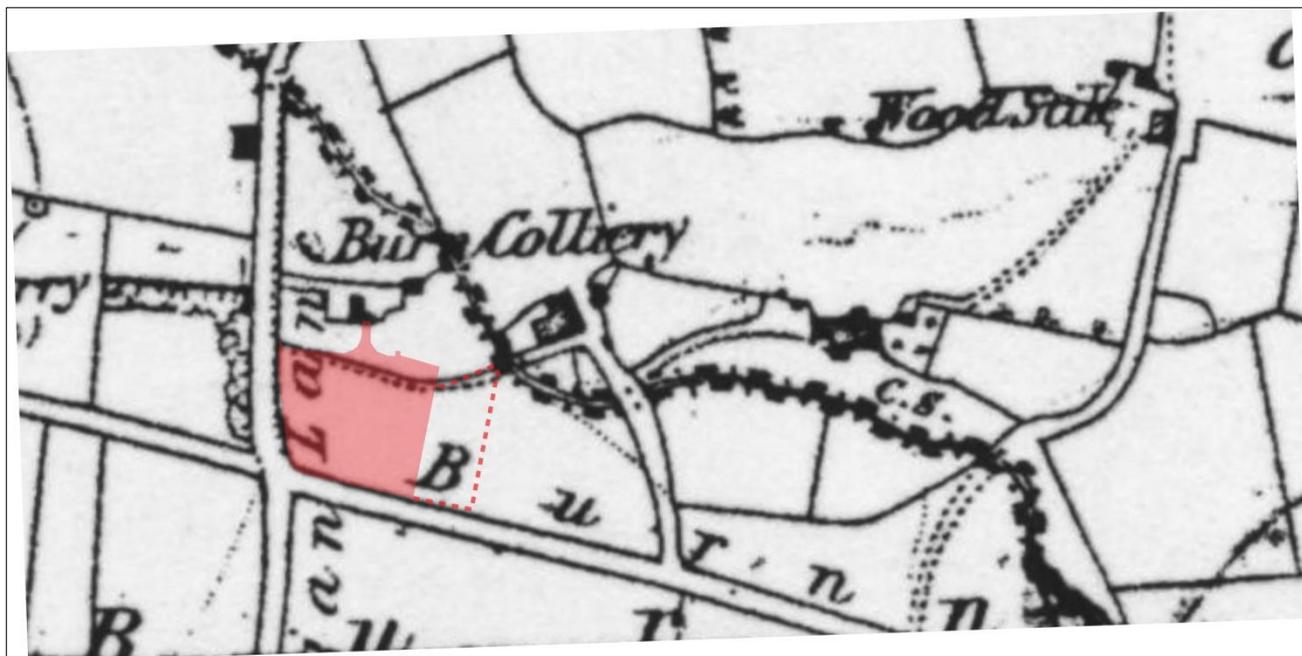




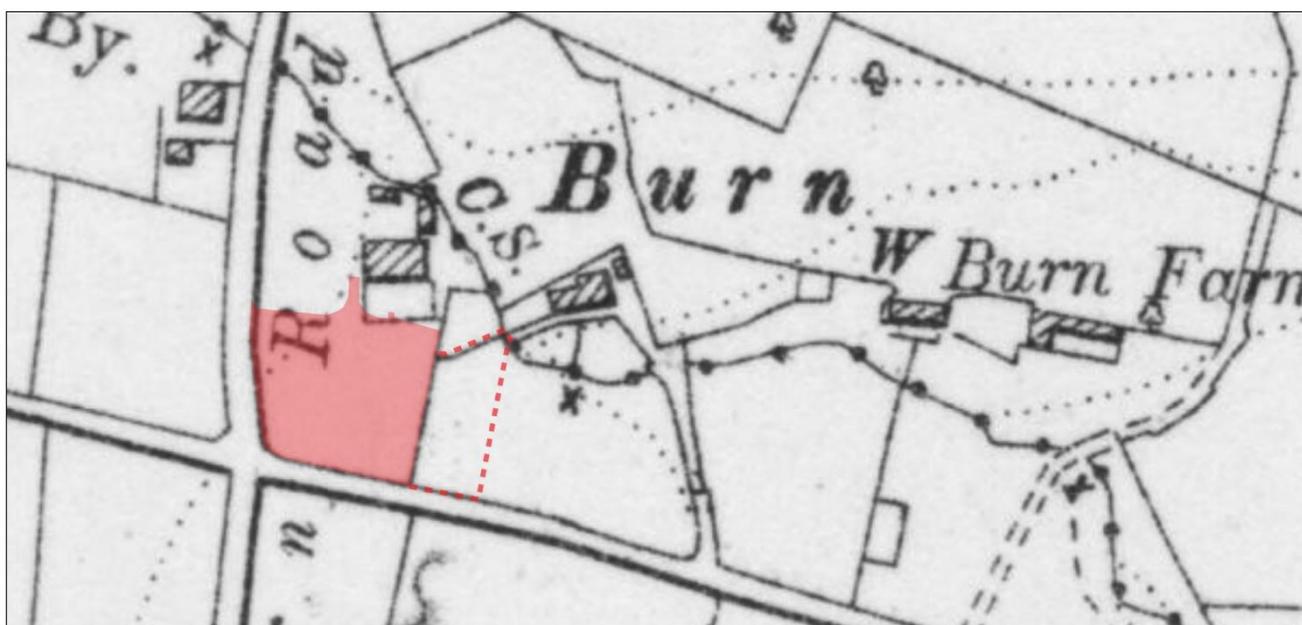
### ***Modern changes to the setting of the listed buildings***

- 3.10 The setting of Middle Burn Farmhouse and Lower Burn Farmhouse has altered significantly in the twentieth and twenty-first century. An access track was created in the late twentieth century or later running directly south from Middle Burn Farmhouse. This access track is entirely modern with no historical precedent. (Historic access ran to the southeast of the farmhouse, shared with Lower Burn Farmhouse.) However the most relevant change has been the construction of modern housing estates to the south of Yew Tree Lane/Burn Road and the west of Burn Road and the construction of two houses immediately south of Middle Burn Farmhouse.
- 3.11 In 2020, two dwellings were granted planning permission (2020/62/91976/W) to the immediate south of Middle Burn Farm. Like the application site, the two dwellings are within the zone of '*high significance*' identified by the planning authority's Heritage Impact Assessment but are situated in a far more prominent location, being directly to the south of Middle Burn Farmhouse and blocking views to it from Yew Tree Lane.
- 3.12 In 2023 an appeal for the construction of two dwellings to the east of the application site (and to the immediate west of the two dwellings permitted in 2020) was dismissed (Appeal Ref: APP/Z4718/W/22/3295401). The inspector concluded that '*less than substantial harm*' would be caused to the significance of Middle Burn Farmhouse.
- 3.13 The proposed scheme at the application site is fundamentally the same as that which was granted outline planning permission in 2016, except that it now consists of three dwellings rather than four dwellings (2016/60/90073/W). When the outline permission was granted in 2016 there was no consideration of heritage in the accompanying Officer Report nor was any consultee comment recorded from Conservation and Design. A Heritage Statement does not seem to have been required. There has been no change in national planning guidance or law or in Historic England advice that has changed the way that the setting of listed buildings is treated in planning applications.

### Historic maps

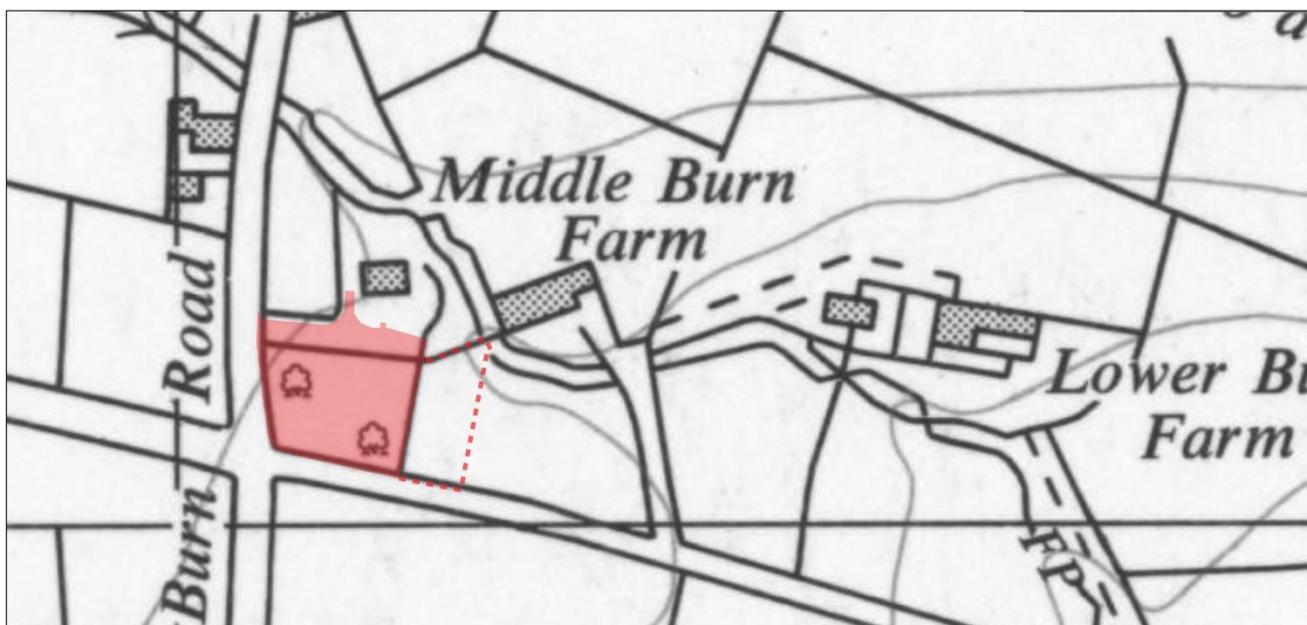


1854 1:10560 Ordnance Survey map (surveyed in 1848-50). Red shading=application site, red dashed line=former Plot 4, now omitted

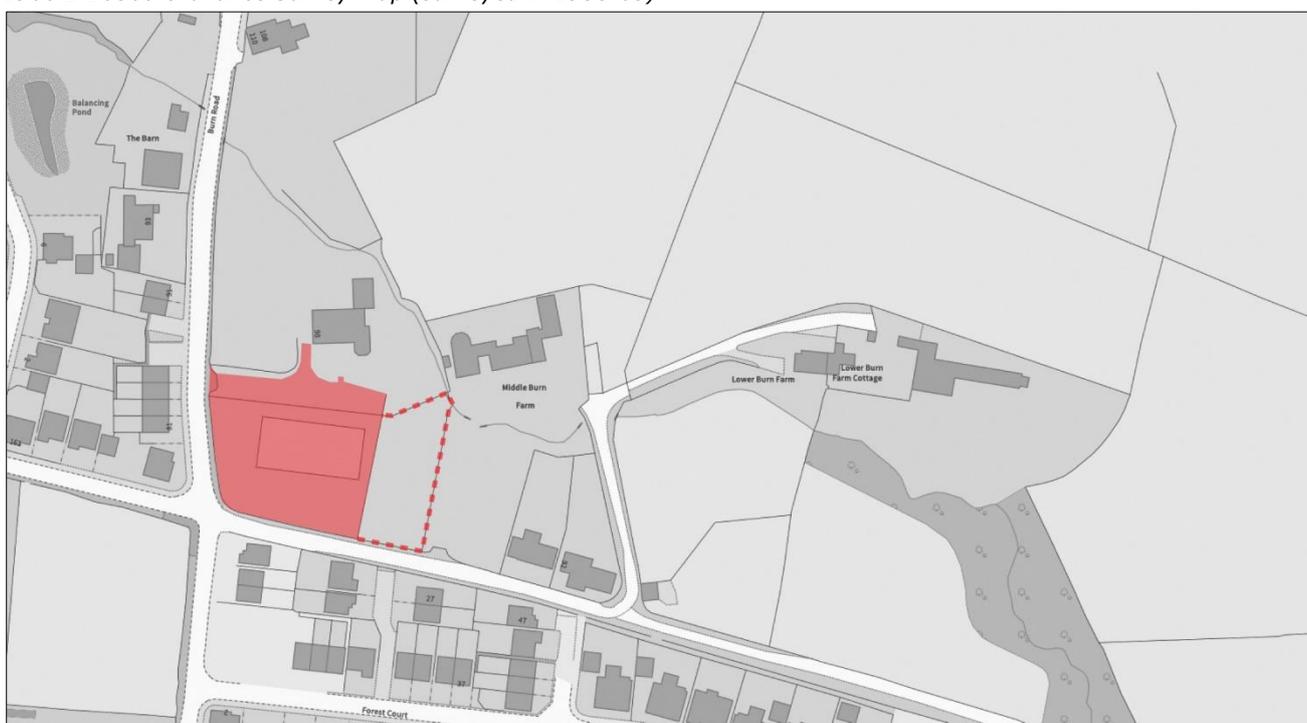


1893 1:2500 Ordnance Survey map (surveyed in 1888)





1966 1:10560 Ordnance Survey map (surveyed in 1958-63)



Modern 1:1250 Ordnance Survey map

## ASSESSMENT OF SIGNIFICANCE

- 4.01 Significance is the concept that underpins current conservation philosophy. The significance of heritage assets is defined in the National Planning Policy Framework 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'*.

- 4.02 The aim of this section is to assess in what ways the application site contributes to the setting of the grade II listed Middle Burn Farmhouse. This will establish a baseline against which the changes associated with the proposed development can be assessed.
- 4.03 The application site has no inherent heritage significance. It was ordinary agricultural land since at least the mid-nineteenth century. In more recent history it has been incorporated into the domestic garden of 98 Burn Road ('*Burn Croft*') and consists today of a tennis court and lawns, surrounded by evergreen hedges of domestic rather than agricultural appearance.
- 4.04 The application site is within the setting of Middle Burn Farmhouse, but it is part of the setting of the farmhouse that is relatively unimportant, making no contribution to the special architectural or historic interest of the listed building. The reasons for this conclusion are discussed below:

#### **Lack of views**

- 4.05 The NPPF defines setting as '*the surroundings in which a heritage asset is experienced*', It is therefore inevitable that views and visibility are major considerations in the analysis of setting. Historic England's advice on setting notes that (Historic England 2017 *Historic Environment Good Practice Advice in Planning Note 3: The setting of Heritage Assets*):

*'The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset'* (Historic England 2017, 6).

- 4.06 In this case, the visual connection between the application site and Middle Burn Farmhouse is minimal. From the application site it is not possible to see Middle Burn Farmhouse, except the very tips of the chimneys from certain vantage points. This is because there are two hedges that intervene and because of the topography of the landscape. The application site does not enable views of Middle Burn Farmhouse from Burn Road or Yew Tree Lane because these views are also blocked in a similar manner. While it is true that the intervening hedges are potentially temporary features, there is no reason to suppose that they will be removed. In any case, the application site is situated at an oblique angle to the south elevation of Middle Burn Farmhouse and would not have formed the principle view from south-facing windows.
- 4.07 In all these aspects the application site contrast strongly with the two houses to the immediate south of Middle Burn Farmhouse that were granted planning permission in 2020 (2020/62/91976/W). The site of those two dwellings has a strong visual connection with Middle Burn Farmhouse, lacking the visual screening of the present application site, and the dwellings are situated directly south of the south elevation of the listed building, right in the centre of the view.

#### **Lack of special historic connection**

- 4.08 Historic England's advice on setting notes that although setting is often understood in terms of views, the special connection between places can be part of the setting of a heritage asset even when there is no visual connection. Setting can be influenced '*...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*' (Historic England 2017, 6).
- 4.09 In this case, there is no special historic connection between the application site and Middle Burn Farmhouse. Historic maps suggest that the application site was not part of the farmland around Middle Burn farmhouse after the mid-nineteenth century, but was instead farmland associated with the three dwellings that today form 98 Burn Road ('*Burn Croft*'). The piece of land to the east of the application site (former site of the proposed Plot 4, now omitted) lay on the Middle Burn Farmhouse side of a boundary in the later nineteenth century, and that land is understood to have

been purchased from Middle Burn Farmhouse by the owners of 98 Burn Road some years ago. There is thus no special historical connection between the application site and the farmland of Middle Burn Farmhouse.

- 4.10 In this aspect ,again, the application site contrasts strongly with the two houses to the immediate south of Middle Burn Farmhouse that were granted planning permission in 2020 (2020/62/91976/W). The two dwellings are situated on land that historic maps indicate is likely to have formed the historic farmland attached to Middle Burn Farmhouse both due to the immediate proximity of the farmhouse and the inclusion with the surrounding boundaries.

### **Changed form**

- 4.11 Historic England’s advice on setting states that *‘Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance...’* (Historic England 2017, 4). In this case the application site is much-altered from the farmland that would have been present when Middle Burn Farmhouse was built and for most of the listed building’s history.
- 4.12 The land is now incorporated into the domestic garden of 98 Burn Road. It has a domestic character, dominated by the tennis courts that take up most of the application site, manicured lawns and evergreen hedges. The latter are domestic rather than rural in appearance (see front cover and photos elsewhere in this report).
- 4.13 In this aspect too the application site contrasts strongly with the two houses to the immediate south of Middle Burn Farmhouse that were granted planning permission in 2020 (2020/62/91976/W). Before the construction of the two dwellings the land was much closer in character to the historic farmland attached to Middle Burn Farmhouse.

### **Assessment**

- 4.14 Historic England advice states that setting is not itself a heritage asset. Its importance lies in what it contributes to the significance of a heritage asset or to the ability to appreciate that significance. The above factors limit the contribution made by the application site to the significance/special interest of the grade II listed Middle Burn Farmhouse. The conclusion of this report is that, while the application site is within the setting of Middle Burn Farmhouse, it is a part of the listed building’s setting that makes no contribution to its significance or special architectural or historic interest.
- 4.15 It is directly analogous with the nearby areas of the HS35 allocation that have been recently developed to the south of Yew Tree Road and west of Burn Road. These housing estates are within the setting of Middle Burn Farmhouse but have been judged to not contribute to its special interest.

## **HERITAGE IMPACT OF POTENTIAL DEVELOPMENT**

- 5.01 The proposed development of the application site will be residential use comprising three detached dwellings. The scheme is fundamentally the same as that which was granted outline planning permission in 2016 (2016/60/90073/W) except that the present scheme consists of only three dwellings, reduced from four following pre-application discussions.
- 5.02 When the outline permission was granted in 2016 for four dwellings there was no objection or comment on the application related to impact on the setting of the listed building. There has been

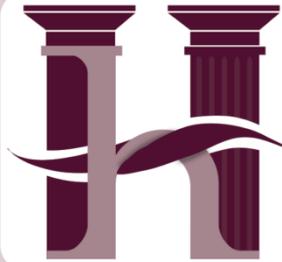
no change in national planning guidance or law or in Historic England advice that has changed the way that the setting of listed buildings is treated in planning applications.

- 5.03 The application site is a relatively unimportant part of the setting of the grade II listed Middle Burn Farmhouse, which makes no contribution to the significance or special architectural or historic importance of the listed building. The application site lacks visual connection with the listed building, is within land that has no special historical relationship with it, and is much altered in character from the rural farmland that would have historically surrounded the farmhouse.
- 5.04 Therefore, while the proposed development will be within the setting of Middle Burn Farmhouse it will not affect any element of its setting that contributes to the significance/special architectural or historic interest of the listed building. Its special architectural or historic interest will be preserved, as required by the 1990 Planning (Listed Buildings and Conservation Areas) Act. Its significance will be unharmed, as required by the NPPF.
- 5.05 It will be noted that, in contrast to the application site, the two houses to the immediate south of Middle Burn Farmhouse that were granted planning permission in 2020 (2020/62/91976/W) are in a part of the setting of Middle Burn Farmhouse that does contribute to its significance.
- 5.06 The pre-application advice issued by the local planning authority comes to the same conclusion, stating:

***'...it is recommended that the small parcel of land (bounded by mature hedging to the east) is retained as is and omitted from the scheme. This will require the dwelling on plot 3 to be moved towards the north and plot 4 to be omitted altogether. By removing this section of land, we are still allowing development on site but we are ensuring that open land to the south of the Listed Building Middle Burn Farm is retained in the interests of preserving the wider setting and views of the asset from Burn Road. Subject to the details submitted in a reserved matters application, including the design, scale and materials of the dwellings, this could be an acceptable solution moving forward...'***

## CONCLUSION

- 6.01 The proposed development will cause no harm to the historic environment. The special architectural or historic interest of the grade II listed building Middle Burn Farmhouse will be preserved and their significance will not be harmed.
- 6.02 Because no harm will be caused, the proposed development will therefore be in accord with the historic environment provisions of the 1990 Planning (Listed Buildings and Conservation Areas) Act, the National Planning Policy Framework as well as local planning policy.



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