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Our Ref: JM MW 300118

Date: 31st January 2018

BALDERSTONE HALL, MIRFIELD

Planning Application Reference 2017/62/93935/E – Heritage Issues

Proposed Erection of 61 dwellings with associated access, drainage, open space and landscaping on land off Woodward Court, Mirfield

Dear Mr Woodward

We write, on behalf of Bellway Homes Ltd, to provide additional consideration of the potential impacts of the proposed development in the light of comments submitted by the Save Mirfield group following consultation on the application. The intention is not to restate the assessment of impacts upon the historic environment undertaken within the Heritage Assessment (BWB, 2017) but, rather, to clarify current guidance in respect to the assessment of harm and consideration of setting issues. This will allow for the application to be properly considered having regard to National Planning Policy Framework (hereafter the Framework) and the statutory duty incumbent within the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter the Act).

The Heritage Assessment submitted with the planning application sets out the archaeological and historical background relevant to the site and identifies designated and non-designated heritage assets falling within the vicinity of the site. It further considers the archaeological potential of the site having regard to current records, map regression and previous archaeological investigations in the area. An assessment, informed by site walkover, is then undertaken of potential impacts upon recorded assets and the potential archaeological resource. This Assessment is in accordance with the requirements of paragraph 128 of the Framework.

In short summary the Heritage Assessment notes that the site falls with the setting of Balderstone Hall, a grade II listed building (list entry number 1314674) and an associative building group, individually listed at grade II, comprising a barn range to the rear of the Hall (1313671), a barn to the south west (1134674) and garden wall, gates and gate piers (1134673). It notes that the historic setting of the building group was agricultural and that the proposed development will partially urbanise this setting to the west and diminish openness. Given this harm is identified to

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the significance of the listed buildings. This harm can be reduced, although not removed, by the provision of landscaping and open space to the east of the proposed development site. On this basis the Assessment concludes that the development will give rise to a degree of harm which is less than substantial to the significance of the listed buildings at Balderstone Hall. As such the development should be considered having regard to the balance test within paragraph 134 of the Framework with due weight accorded the statutory duty under the 1990 Act.

In reaching this conclusion regard has been had to Framework guidance and current best practice guidance produced by Historic England. In considering impact upon the setting of a heritage asset Historic England makes clear, (In the document *Historic Environment Good Practice Advice in Planning, Note 3, The Setting of Heritage Assets (Second Edition), 2017*), that setting is not itself a heritage asset nor a heritage designation and that its importance lies in what it contributes to the significance of the heritage asset. Therefore, in considering the extent and nature of harm to a heritage asset, setting should be considered in the context of the overall significance, in heritage terms, of the asset concerned. Setting should not be considered in isolation. In considering the impact of the development upon the significance of the Balderstone Hall listed buildings and, the extent of potential harm, the Assessment has had regard to the following points:

- The principal elements of significance, in terms of architectural and historic interest, of the listed buildings lies within their retained fabric. This will not be altered by the proposed development.
- The associative group value and immediate inter-related setting of the listed building group, including the visual relationship of the barns and house will be retained.
- Whilst forming part of the wider historic agrarian landscape setting and contributing to the openness of Balderstone Hall the site has historically not formed part of a planned formal landscape or designed setting associated with the house nor does it include any associative buildings or structures. The site does not facilitate significant planned or accidental views towards or from the building group and the principal façade of the main house does not orientate towards it.
- The context and setting of the listed buildings is now one of a mixed urban and rural landscape.
- The historic agricultural context and openness to the building group will not be wholly removed and areas of agricultural fields will remain to the north and south.

In considering the degree of harm in the light of these points regard should be had to National Planning Practice Guidance which states that:

"Whether a proposal causes substantial harm will be a judgement for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases …… it is the degree of harm to the asset's significance rather than the scale of development that is to be assessed, the harm may arise from works to the asset or from development within its setting."

The definition of what constitutes substantial has been considered by the High Court in 2013 (Bedford Borough Council v Secretary of State and Nuon UK Ltd [2013] EWHC 2847 (Admin)). In this case the Judge agreed with a planning inspector's interpretation to the effect that;

"….. for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, or the significance was drained away."

And;

"….. one was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."

Having regard to this guidance and case law it is clear that the impact of the current proposals falls well short of substantial harm to the significance of the listed buildings. As such the conclusion of less than substantial harm set out within the Heritage Assessment is considered to be correct.

Where harm is identified Historic England guidance (Planning Note 3) advises that consideration should be given to options for minimising harm through consideration of such things as development design and screening. The current proposals indicate open space and landscape planting to the east of the development in order to provide an area of stand-off and openness between the new built form and the listed building group. This approach is in line with guidance and will reduce the degree of potential harm although, as acknowledged within the submitted Heritage Statement not wholly remove it. Further consideration of design and layout can be given a detailed design stage.

In summary we consider that the conclusions of the submitted Heritage Assessment are supported by reference to current Framework and best practice guidance. The development will give rise to a degree of harm to the Balderstone Hall listed buildings which is less than substantial. As such it should be considered having regard to the provisions of the balance test within paragraph 134 of the Framework and the public benefits to be derived from the development.

Yours sincerely

Jim MacQueen
Associate Director