Heritage Note.

Project name:	**Woodward Court, Mirfield**
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1. Introduction

1.1. Pegasus Group have been instructed to prepare this Heritage Note by Bellway Homes Ltd in support of the planning application for residential development at land of Woodward Court, Mirfield (Ref: 2025/93355). The purpose of this Note is to provide a narrative commentary on the consultation responses received on this application from heritage officers and how the masterplan has evolved to address these comments. The Note is also provided to conclude what these changes to the layout mean in terms of the previously identified harm to the significance of the relevant listed building of the Grade II Balderston Hall identified in the BWB Heritage Assessment carried out in support of the application. This report identified less than substantial harm arising from the Scheme to the significance of the Grade II listed building arising from the Scheme but does not articulate where on the scale this harm is considered to lie. In order to assist the decision-maker, where any harm is found, this will be articulated in terms of where it lies on the scale of less than substantial.

1.2. It is noted that there are a number of other Grade II listed assets in the immediate vicinity of Balderston Hall (barn range to the rear, barn to the southwest, garden wall and gate piers) however it is considered that these can be considered as a collective grouping – though it is noted that the setting and significance of each building will vary slightly and all are subservient to the main listed Hall.

1.3. An initial consultation response was received from the Conservation & Design Officer (CDO) from Kirklees Council on 25th March 2026.

1.4. This Note has been informed by a Site visit and review of submitted material.

2. Conservation & Design Officer response

2.1. As stated, this response was received on 25th March 2026. The CDO identifies the key heritage assets as the Balderstone Hall grouping and identifies that they consider that the Scheme would cause an impact arising: *'as a result of the urbanising element of the proposed housing which would affect the setting of the building and associated listings, especially given that the site is agricultural and is a component part of the setting of Balderstone Hall which indicates more extensive agricultural use."*

2.2. The CDO goes on to correctly identify that the assets derive the majority of their significance from their physical fabric but that the surrounding land, including the Site forms part of the setting which contributes to significance. The CDO goes on to make a fair assessment of the Scheme proposal noting that the Scheme would not wholly remove the historic agricultural context of the assets, with the fields directly north an east of the asset being retained without change. Pegasus would also note here that the field to the south of the assets would also remain entirely unchanged and it is across this field from Balderstone Hall Lane to the southeast that particularly illustrative views of Balderstone Hall can be obtained. It is also the case that this southern field is the one over which the asset directly overlooks and is in the direction from which the asset is primarily approached. Essentially, the primary approach to this asset will not be affected by the Scheme.



Plate 1 Example of view from southeast Balderstone Hall Lane looking towards GII Balderstone Hall over field to south – this view will not change at all with Scheme in place

2.3. The CDO concludes that the impact to significance would be less than substantial harm but caveats this by recommending changes to the Scheme which comprised providing an 'adequate' buffer zone to the listed structures and ensuring the materials, design and landscaping were appropriate to the setting.

2.4. Comments were made in the response with regard to the buffer zone – *"A buffer zone of larger native trees and hedges should be proposed between any new housing (of appropriate scale) and the listed structures to reduce the amount of harm to the setting."*

2.5. With regards to materials, the CDO suggested that red brick and grey or red clay roof tiles would not be appropriate for the Scheme and suggested the use of natural stone and slate in proximity to Balderstone Hall with consideration of buff coloured material and grey slate for the remainder of the Site.

2.6. The response concludes: "*In conclusion, Paragraph 215 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Public benefits could include achieving or exceeding minimum levels of affordable housing. The development would need to respect local distinctiveness in design, materials and appropriate landscape treatment at the setting of the listed buildings. Amendments should be sought and conditions applied regarding the materials for the proposed development.*"

2.7. Since the original response was received, there have been comments from the CDO fed back through emails from the Case Officer in May 2026. The comments on these have generally been requesting a greater buffer of landscaping along the eastern Site boundary. These responses were sent before the layout changes discussed in this Note were made.

2.8. In the email response of 21st May 2026, the Case Officer stated with regards to materials: "*I would be open to a mix of art stone and red brick elsewhere in the site, but I would expect a transition between natural stone to art stone, rather than natural stone straight to into red brick. Artificial roofing may also be acceptable in these areas, as long as they are similar visually to the natural slate used on properties to the east to ensure a seamless transition.*"

3. Design Response & Commentary

3.1. During the Site visit carried out for this Note, the author walked the PRoW around the eastern and southern boundaries of the Site and identified key views of the Grade II listed Balderston Hall. This, along with careful consideration of the CDO and Case Officer's response have helped to shape the final layout for the Scheme.

3.2. The contribution of the agricultural surroundings to the significance of the asset are acknowledged and the author agrees that the Site does make a minor contribution to the significance of the assets. The Site visit carried out by the author identified that part of the contribution the Site makes is it facilitates views towards Balderston Hall when moving east along the PRoW along the southern boundary of the Site – see the plate below. This is identified on historic mapping as being one approach to the location of the Hall and therefore it was considered that keeping this view of the Hall open to allow this to be retained when moving through the pathway was important in helping to preserve the understanding of the agricultural context of the asset. As such, the landscaping along the southern edge of the Scheme and in the southeastern corner was amended to remove the larger linear-type block of woodland and instead this area was left open. As such, the views of the Hall that are currently available along this route will continue to be seen.



Plate 2 View northeast from western end of PRoW along southern edge of Site looking at Balderstone Hall. This southern portion of the Site contains no built form and this view will be preserved with Scheme in place



Plate 3 View of the Hall from the eastern end of the PRoW – the area immediately on the left of this image will be entirely free of built form



Plate 4 View looking at southeastern corner of Site on Balderstone Hall Lane with the Hall to right of image – this is included to illustrate the sense of open space experienced in person on Site in the surrounds of Balderston Hall at this corner of the road which is now retained with the buffer of open space and the removal of the tree clump which was previously positioned here to block off views – the view towards built form will be softened by layers of vegetation which will diffuse the view rather than be a complete block, thus retaining this sense of open space in this important junction of road and two PRoWs north and west.

3.3. The CDO requested more of a landscape buffer on the eastern edge and this has duly been bolstered with a greater level of planting with a mix of tree planting and hedgerow, with the hedgerow being wider than previously proposed. The hedgerow will be a species-rich native hedgerow. In addition the previous areas of scrub have been repositioned to make these more naturalistic in their form and in the area closest to the listed building in the southeastern edge of the Site, the shrub planting has been amended to make it appear as though it is emerging as a natural extension of hedgerow, and so appear as a natural feature rather than a contrived piece of landscaping to block or screen a view. The scrub planting is also native, species-rich.

3.4. The bolstering of the landscaping along the eastern edge means that the experience when moving south along this, the eye will still be drawn to the rear of the grouping of buildings at Balderstone Hall and the Scheme will be well set-back and not impose upon this experience. The buildings at Balderstone Hall will be experienced in their agricultural context in these views.

3.5. In terms of materials, the recommendations of the CDO were considered along with the position of the Case Officer in the 21st May 2026 email. Reconstituted buff-coloured stone is the material for all of the dwellings in the Scheme with grey roof tiles. Rainwater goods are to be black with soffits and window surrounds in anthracite. The suggested limited palette of materials has been taken on board, and this allows the Scheme to sit well within

its surrounding context. The materials are much more sensitive response to their surroundings than the other built form which is visible within the surroundings of Balderstone Hall – see Plate 4 above where the built form along Hepworth Close is visible in the background, constructed of dark brick with bright white rainwater goods, window surrounds and soffits – not a palette in keeping with Balderstone Hall which is visible from the back gardens of these dwellings with both elements visible when traveling on the PRoW along the eastern edge of the Site.

3.6. It is the case that modern reconstituted stone is a high-quality product which easily mimics natural stone and provides the same visual and sensory experience as natural stone. The Site does not lie within a Conservation Area and given the generous separation between the grade II assets and the beginning of any built form within the Scheme, it is considered that the materials proposed are a proportionate and sensitive option which would not, in themselves, cause harm to the significance of the buildings.

4. Conclusion

4.1. It is considered that the amended layout responds well to the recommendations made by the CDO and Case Officer in their responses.

4.2. In conclusion, it is considered that the layout and scheme amendments combine to produce a sensitive layout which has clearly taken the significance of the Grade II Balderstone Hall into consideration. As a result of this, it is the conclusion of Pegasus that the Scheme would result in less than substantial harm at the lower end of the scale to this asset. The harm arises from the change of character of land to the west of the asset from agricultural to residential but the lower level of the harm arises from the generous buffers of open space which allow the asset room to be appreciated still within an open context and the retention of key views of the asset and its imposing façade though design changes also reduce and mitigate the harm to the lowest levels.

4.3. With this conclusion there is agreement with the CDO. Such a level of harm is to be weighed against the public benefits of the proposal as required by paragraph 215 of NPPF.

4.4. On the subject of harm to a designated heritage asset, it is important for the decision-maker to understand how much weight to give this in the planning balance, understanding that where harm is identified to a designated heritage asset, considerable weight must be given to that harm. Case law on this matter is helpful to consider. The Court of Appeal judgement of *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061 considered this matter. At paragraphs 5 of the judgment it states: "***The degree of harm (if any) is a matter of judgment for the decision maker, but if the decision maker decides that there is harm, he is not entitled to give it such weight as he thinks fit. To the contrary he must give it considerable weight: East Northamptonshire DC v Secretary of State for Communities and Local Government [2014] EWCA Civ 137, [2015] 1 WLR 45 at [22]. However, this does not mean that the weight that the decision maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question***." (my emphasis)

4.5. At paragraph 34 it goes on: "***It is also clear as a matter both of law and planning policy that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset. Although the statutory duty requires special regard to be paid to the desirability of not harming the setting of a listed building, that cannot***

***mean that any harm, however minor, would necessarily require planning permission to be refused.*"** (my emphasis).

4.6. Whilst therefore great weight must be given to the preservation of heritage assets, that does not mean great weight must be given to any harm to a particular heritage asset in the planning balance. Rather, the weight the decision maker gives to any harm in the planning balance is matter for them, taking into account the extent of the harm and the value of the asset and bearing in mind the need to give great weight to its preservation.