

**LANGTREE PROPERTY PARTNERS LLP**

**PROOF OF EVIDENCE OF JIM MACQUEEN ON HERITAGE**

In respect of the called in Planning Application for:

The Land to The West of Junction 20 of The M6 Motorway, and Junction 9 of The  
M56 Motorway and to The South of, Grappenhall Lane/ Cliff Lane (known As  
Six:56 Warrington) Grappenhall, Warrington

*LOCAL PLANNING AUTHORITY APPLICATION REFERENCE: Planning App ref  
2019/34799*

*PLANNING INSPECTORATE'S REFERENCE: ref APP/M0655/V/22/3311877*

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## **1. INTRODUCTION**

- 1.1 This Proof of Evidence is submitted to the inquiry on behalf of Langtree Property and addresses matters in relation to Heritage. It considers the effect of the called in planning application for Land to the West of Junction 20 of The M6 Motorway, and Junction 9 of The M56 Motorway and to the South of, Grappenhall Lane/ Cliff Lane (known As Six:56 Warrington) Grappenhall, Warrington. It primarily deals with the Bradley Hall moated site which is designated as a Scheduled Monument (List Entry Number 1011924).
- 1.2 In support of the submitted planning application a number of technical documents were prepared including the Cultural Heritage and Archaeology Technical Paper of the Environmental Statement (2019), and an addendum Cultural Heritage and Archaeology Technical Paper (2021).
- 1.3 For the purposes of my evidence in this Public Inquiry, I adopt all that was said in the documents referred to in paragraph 1.2.
- 1.4 I have visited the site during different stages of the project, most recently in March 2023 and are familiar with all aspects of heritage both within the site and the surrounding landscape.
- 1.5 *A summary Proof of Evidence is included in Appendix 1.*

### **Overview**

- 1.6 The Proof of Evidence considers potential development impacts upon a number of designated and non-designated heritage assets. These assets are listed within Table 1.1 and shown on Figure 1.

**Table 1.1** Heritage Assets

Asset Type	Name and Reference
Scheduled Monument	Bradley Hall Moated Site (1011924)
Grade II* Listed Building	Tanyard Farm Farmbuilding (1139363)
Grade II Listed Buildings	Barleycastle Farmhouse (1329741) Booths Farmhouse (1329740) Booths Farm, Shippon (north-west Side of Farmyard (1139362) Beehive Farmhouse (1139361) Yew Tree Farmhouse (1139340)
Non-designated heritage assets	Bradley Hall and Barn Tanyard Farm Buildings (including, Tan House Cottage, Tan House Barn and Hunters Moon) Barn at Manor House Farm Old Chapel, Old Cherry Lane, Lymm
	Barn Buildings to the north-east of Bradley Hall North Cheshire Ridge Roman Road (CHER 547/1/7) Bradley Medieval Cross (CHER 551)

1.7 In the assessment of potential impacts set out below, I conclude that a degree of harm will arise to the significance of a number of designated heritage assets. This harm is assessed as less than substantial in National Planning Policy Framework terms, therefore engaging paragraph 202 of the document (CD 1.1) and minor-moderate in extent within that bracket. Harm to non-designated heritage assets will also arise, therefor engaging paragraph 203 of the NPPF (CD 1.1).

1.8 I set out the reasons for this conclusion on the extent of harm below including a summary of those assets where harm is identified in Table 1.2.

**Table 1.2** *Designated and Non-Designated Heritage Assets where Harm is Identified.*

Asset	Name and Reference
Scheduled Monument	Bradley Hall Moated Site (1011924)
Grade II* Listed Building	Tanyard Farm Farmbuilding (1139363)
Grade II Listed Buildings	Barleycastle Farmhouse (1329741)
Non-designated heritage assets	Bradley Hall and Barn Tanyard Farm Buildings (including Tan House Cottage, Tan House Barn and Hunters Moon) Barn Buildings to the north-east of Bradley Hall

- 1.9 The March 2022 Committee Report (CD 4.151) which considered the application concurred with this assessment and the level of harm identified.

## **2. PERSONAL STATEMENT**

- 2.1 I am aware of my responsibilities to this inquiry as a professional expert witness, and I confirm that I have provided my independent professional opinion without fear or favour. The evidence presented in this statement is true and has been prepared in line with the guidance of the Chartered Institute for Archaeologists (CIfA).

## **3. QUALIFICATIONS & EXPERIENCE**

- 3.1 I am a Technical Director within the Environmental Planning Team in BWB Consulting. I lead the Heritage Team, with Heritage being my specialist area. I have over 25 years of experience in this field having worked both as a Field Archaeologist and a Heritage

Consultant. I was awarded a Higher National Diploma in Practical Archaeology in 1998 and a BA (Hons) Degree in Archaeology in 2000.

- 3.2 I have worked as a Field Archaeologist between 1996 and 2002 for various archaeological units including the Greater Manchester Archaeology Unit (GMAU), Albion Archaeology and West Yorkshire Archaeology Service (WYAS). I held a number of roles during this time including Field Archaeologist, Geophysical Surveyor, Historic Buildings Surveyor and Researcher. In 2001 I was also a part time Lecturer in Archaeology for the Cambridge Continuing Education Board.
- 3.3 I have worked in consultancy for over 20 years, 12 of which were spent within the Heritage and Environment Team at Scott Wilson which later became URS. Following this, I set-up and established the Environmental Planning Team in BWB Consulting, with Heritage as a key focus.
- 3.4 I have a significant amount of experience in all heritage matters including archaeology, historic landscape, the palaeo-environment, and built heritage through my involvement with a large spectrum of projects for both the public and private sector. This has involved the assessment, co-ordination and management of a wide range of heritage projects to support a broad spectrum of schemes including distribution sites, employment sites, new industrial facilities, waste plants, non-renewable and renewable energy schemes, road schemes, large housing developments, and the regeneration of historic halls and their curtilage.

3.5 I am currently responsible for heritage on a number of employment, distribution and light industrial sites across the country for various clients. These cover a wide range of heritage and archaeological issues including the impact on the setting of scheduled monuments, listed assets and those affecting aspects of Registered Historic Parks and Gardens.

3.6 The following details some of the designated heritage assets that I have considered through various Schemes:

- Battlefield of Winwick Pass (Registered Battlefield 1412878);
- Aldborough Roman Town (Scheduled Monument 1003133);
- Parlington Estate (Grade II Registered Historic Park and Garden 1447854);
- Cusworth Hall, Doncaster (Grade II Registered Historic Park and Garden);
- Acklam Hall, Middlesbrough (Grade I listed building);
- Wynyard Hall, Stockton-on-Tees (Grade II\* Registered Park and Garden);
- Roman camp and signal station, Telford (Scheduled Monument 1006269);
- Roman Town near Telford (Scheduled Monument 10003811);
- Grinkle Park Flatts, Riding School, Easington (Grade II listed 1312788);
- Ruined Cathedral Church of St Michael, Coventry (Grade I listed 1076651);
- Church of All Saints, Rotherham (Grade I listed 1132733);
- Giotto Tower, Tower Works, Leeds (Grade II\* 1256247);

- St Mary's Church and West Winch War Memorial, West Winch (Grade II\* 1342420);
- High Royds, Hospital, Menston (Grade II Registered Historic Park and Garden 1001469);
- Newton Park Farmhouse and Newton Park Barn, Newton (Grade II listed 1198973 and 1075931 respectively);
- Hill Top Farm South, Whittle-Le-Woods (1073092);
- Howden Minster, Howden (Grade I listed 1160491); and
- Woolsington Hall, Woolsington (Grade II\* listed 1123737).

3.7 I have appeared as the Heritage expert witness for the former Parkside Colliery Public Inquiry and the appeal lodged by Manx National Heritage against the decision to de-register a listed asset in the Isle of Man. I have also provided evidence in support of Local Plan Examinations including appeal statements.

#### **4. LEGISLATION, POLICY AND GUIDANCE**

4.1 As a matter of agreement between the parties, the principal heritage impacts will be upon the significance, within setting, of the Scheduled Monument known as the Bradley Hall Moated site (list entry number 1011924). A number of other non-designated heritage assets, including the locally listed Bradley Hall Farmhouse and barn, also lie within the site. In addition to this the proposed Scheme falls within the setting of other designated assets.

4.2 I set out an overview of the key statutory, policy and assessment guidance relevant to the Appeal, having regard to the nature of the heritage assets within and in proximity to the site. A detailed

summary, including citation of relevant case law, is provided at Appendix 2.

### **Ancient Monument and Archaeological Areas Act 1979**

- 4.3 The Ancient Monuments and Archaeological Areas Act 1979 is the primary legislation protecting the archaeological resource, requiring the Secretary of State for National Heritage to maintain a schedule of nationally important sites. A set of criteria is used to determine whether a site should be deemed of national importance and managed by scheduling. For archaeological sites not covered by the Act, protection is provided through development control and the Town and Country Planning Act 1990.

### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 4.4 Section 66(1) sets out a general duty for local planning authorities in respect of works affecting a listed building, to “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.”

### **The National Planning Policy Framework 2021**

- 4.5 Chapter 16. Conserving and Enhancing the Historic Environment (CD 1.1) sets out the key policies in the consideration of the potential impacts including:
- Paragraph 199 states that great weight should be given to a designated heritage assets' conservation, irrespective to the level of harm to its significance.



- 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.”
- Paragraph 202 states that where a development proposal will lead to less than substantial harm of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- Paragraph 203 states that, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**The Development Plan comprising the Local Plan Core Strategy (the Local Plan) for Warrington (2014) and the Appleton Parish Thorn Ward Neighbourhood Development Plan to 2027 (2017)**

- 4.6 Policy QE8 of the Warrington Local Plan Core Strategy (CD 2.1) indicates that designated and locally listed heritage assets should be appropriately protected and enhanced in accordance with the principles set out in National Planning Policy.
- 4.7 Policy AT-D2 of the Neighbourhood Plan (CD 2.3) seeks, amongst other things, to conserve and protect the integrity and fabric of historic buildings and their settings (criterion a), to preserve the settings of buildings of architectural or historic character (criterion d) and to conserve traditional farm buildings (criterion e).

## **Historic England best practice guidance**

4.8 Historic England Advice Note 12 (Statements of Heritage Significance 2019 [CD 4.60]) advocates a staged approach to decision-taking in applications affecting heritage assets as follows:

- 1) Understand the form, materials and history of the affected heritage asset(s).*
- 2) Understand the significance of the asset(s).*
- 3) Understand the impact of the proposal on that significance.*
- 4) Avoid, minimise and mitigate negative impacts in a way that meets the objectives of the National Planning Policy Framework.*
- 5) Look for opportunities to better reveal or enhance significance.*

4.9 Historic England Historic Environmental Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets; 2017 [CD 4.59]) sets out a staged approach to the assessment of potential impacts upon the setting of heritage assets.

### **Overview**

4.10 NPPF and Historic England guidance makes clear that, in assessing potential impacts upon both designated and non-designated heritage assets, regard must be had to the particular significance, in heritage terms, of the asset or assets which may be affected by a proposed development (NPPF paragraphs 194, 195 [CD 1.1]). In considering the impact of a proposed development upon the identified significance 'great weight' reflecting the statutory duty implicit within the 1990 Act, should be given to the asset's conservation (NPPF paragraph 199 [CD 1.1]).

- 4.11 Assessment of impacts, in heritage terms, should therefore be based upon the effect of a development upon the identified significance of the heritage asset concerned. Where harm is identified this should require clear and convincing justification and must be balanced and weighed against the public benefit or, in the case of non-designated assets planning benefits of the proposal (NPPF paragraph 200, 201, 202, 203 [CD 1.1]).
- 4.12 Subject to the proper consideration of the steps set out within the NPPF and the undertaking of the balance test, development may be brought forward in accordance with the statutory duty under the 1990 Act.

## **5. REVIEW OF CULTURAL HERITAGE BASELINE**

- 5.1 Baseline Historic Environment Record (HER) data relevant to the Site and the wider study area was set out within the Cultural Heritage and Archaeology Technical Paper 9 (CD 4.10) as part of the Environmental Statement (ES) accompanying the planning application. A summary of the baseline, derived from the Technical Paper is detailed below.
- 5.2 The Technical Paper compiles baseline data based on a 1km study area from the site centre and recorded heritage assets held on the National Heritage List for England (NHLE), the Cheshire HER and those identified by the council for example through local listing or conservation area designation.
- 5.3 Those heritage assets which are the subject of this Proof of Evidence are set out in Table 1.1 above, shown on Figure 1 and detailed below.

### **Bradley Hall Moated Site**

*Scheduled Monument    List Entry Number 1011924*

- 5.4 The Bradley Hall moat is a class of monument which is well represented in the region, with a further 11 recorded within 10km of it (Figure 2). All of these are scheduled and share similar characteristics.
- 5.5 The scheduled monument lies within the rough centre of the development area and comprises the buried and earthwork remains of a medieval moated site for a medieval manor house. Excluded from the scheduling are the farmhouse, access drive, fences, hedged field boundaries and a telegraph pole.
- 5.6 The moated island is roughly rectangular in shape and is approximately 70m by 55m. It is approached via a causeway on

its east side, with the precursor to this being a reputed draw-bridge as detailed in a survey undertaken in 1984. South of this is an additional crossing which leads to the landscaped gardens and an allotment.

- 5.7 The moat remains water filled and is c. 10m wide and 2.5m deep. Part of the moat has been disturbed through the creation of an ornamental pond on its east side.
- 5.8 The moat and the hall were built in the early 14th century as attested to by various documentary sources. The earliest known layout of the moat is depicted on the 1735 Egerton Estate Map, surveyed by W. Williams (Figure 3a). The map shows an east-west 'u-shaped' moat with the eastern side remaining un-excavated. Within its north-eastern corner is a building (the presumed hall), with further structures shown to the east and northeast. An Estate map dating to c. 1820 (Figure 3b) suggests that the moat expanded to its current size through the excavation of a new eastern ditch. It appears that the northern arm of the moat has been extended south, while the southern portion protruded further north to create its current form as shown on later maps. This is highlighted on Figures 3c - 3g. The hall is now shown to occupy a more central position with an outbuilding beyond to the west.
- 5.9 In November 2009 National Museums Liverpool Field Archaeology Unit undertook a watching brief (ECH4566) during works associated with the current property that lies within in the moat. Revealed was a poorly constructed cobbled surface which was deemed to be associated with the construction of the present house. Underlying the cobbles was a layer of clay which was interpreted as the arising from the excavation of the moat. During the watching brief a number of finds were encountered including the base of a 14th to

15th century jar and later 17th to 18th century pottery sherds.

### **Tanyard Farm**

*Grade II\* Listed Building    List Entry Number 1139363*

- 5.10 The farm lies to the north side of Barleycastle Lane around 200m to the south-west of the Site at its closest point. It comprises a late 16th century threshing barn, altered and extended to provide a cartshed and stable in the late 18th or early 19th century.
- 5.11 The building is constructed in a red brick with oak framing and grey slate roof covering. More recently the barn has been converted to residential use with garden and paddock land extending to the north-east. To the south, a later farmhouse, now part of cattery operation, provides historical context with yard areas extending to the south and east.

### **Barleycastle Farmhouse**

*Grade II Listed Building    List Entry Number 1329741*

- 5.12 Barleycastle Farmhouse is located to the north-west of the Tanyard Farm building group to the north side of Barleycastle Lane. It lies around 300m to the south of the Site at its closest point. It comprises a 1.5 storey house constructed in the 17th century, although it may have earlier origins. The farmhouse was altered during the 19th century which included the introduction of a pebble dashed coating.

### **Booths Farmhouse**

*Grade II Listed Building    List Entry Number 1329740*

- 5.13 The farmhouse is located to the north side of Barleycastle Lane around 300m to the south-west of the Site. It dates to the late 17th century and was constructed in brick with a later 20th century

render under a grey slate roof.

- 5.14 Associated with the farm are outbuildings and retained barns to the north and north-west, albeit in poor condition.

### **Booths Farm, Shippon**

*Grade II Listed Building    List Entry Number 1139362*

- 5.15 Associated with Booths Farmhouse is a shippon or cow shed which is located to the north-west enclosing the farmyard. It dates to the 17th century with expansive alterations.

### **Beehive Farmhouse**

*Grade II Listed Building    List Entry Number 1139361*

- 5.16 Beehive Farmhouse is located to the north side of Barleycastle Lane, around 370m to the south-west of the Site. It was built in the 17th century with later alterations and a wing added during the 18th century. The building is distinctive in its use of timber framing and later render coating. Evident are later buildings to the west and north-west.

### **Yew Tree Farmhouse**

*Grade II Listed Building    List Entry Number 1139340*

- 5.17 Yew Tree Farmhouse is located to the east side of Yew Tree Lane and is around 600m to the south-west of the Site. It is two storey and dates to the 17th century, possibly earlier. It was originally oak framed which was encased in brickwork around 1800.
- 5.18 Beyond the study area, around 1.6km to the south-east of the Site is the Scheduled Swineyard Hall moated site (1009585) and the late 16th century Swineyard Hall, a Grade II\* Listed Building. Other designated assets recorded on the NHLE fall within the built areas of Appleton Thorn to the west and Grappenhall to the north. Given

distancing, topography and intervening built form no development impacts upon the setting of these assets will arise.

5.19 Appendix 4 of the adopted Local Plan Core Strategy (CD 2.2) identifies four locally listed buildings falling within the study area including:

- Bradley Hall and Barn, Cliff Lane, Appleton;
- Tanyard Farm Buildings including Tan House Cottage, Tan House Barn and Hunters Moon, Barleycastle Lane, Appleton;
- Barn at Manor House Farm, Cartridge Lane, Appleton; and
- Old Chapel, Old Cherry Lane, Lymm.

#### **Bradley Hall and Barn**

5.20 The existing house and barn set within the island of the moat date to the 19th century, possibly incorporating earlier structures. The house is in two storeys with the principal elevation orientated to the east and constructed in brick and colour washed render with grey slate roof covering. The barn range to the west is single stone with a render coverings and grey slate roof. Garden land extends across the moat island with the northern section used as an allotment. A modern glasshouse to the north holds no heritage value. Hard surfaced areas for car parking are arranged to the north-east of the house.

#### **Tanyard Farm Buildings** (*including Tan House Cottage, Tan House Barn and Hunters Moon*)

5.21 The buildings, now in residential use, are in one and two storeys and extend to the west and east of the Grade II\* former oak framed threshing barn at Tanyard Farm.



### **Barn at Manor House Farm, Cartridge Lane, Appleton**

5.22 Manor House Farm is located to the north side of Cartridge Lane, north of Grappenhall Lane. Associated with this are a range of barn buildings located to the north of the main house. The barns have been converted and adapted to residential uses with garden and paddock land extending to the west and north. The locally listed barn within this range is likely to date to the 18th century.

### **Old Chapel, Old Cherry Lane, Lymm**

5.23 The Old Chapel, dating to the 19th century, is some distance to the east of the site, to the south side of Old Cherry Lane and east of the M6 road corridor. The building is constructed in red brick with grey slate roof, with later extensions to the east.

5.24 The HER holds 20 records falling within the study area which are summarised in Table 9.7 of the ES Technical Paper (CD 4.10). Impacts upon the putative line of the North Cheshire Ridge Roman Road (HER 547/1/7; Figure 1) and the site of a Medieval Cross (HER 551) are identified. These assets lie to the north of the Bradley Hall moat. No evidence for these were identified during the site walkovers or geophysical survey.

5.25 To the north-east of the moat is the operational area of the existing dairy farm which includes an arrangement of farm buildings. These were constructed during the mid to late 18th century, with later extensions and alterations made during the 19th and 20th centuries. The principal eastern arm of buildings is retained with a central cart opening with segmental arch with keystone rising to a pediment. The earlier structures are in a handmade brick with a later grey slate roof. Over extensions to the north and south of the east range are evident which likely date to the 19th century. Apparent are later alterations, including localised areas of

reconstruction and new window and door openings. There are also later 20th century farm buildings, including lean-to structures which were added to the earlier range.

## **6. LPA CONSIDERATION OF THE APPLICATION, CONSULTATION RESPONSES AND STATEMENT OF CASE**

- 6.1 A summary and review of the LPA's assessment of the planning application, and the responses received, is detailed below. Where consultation responses are undated, the date they were uploaded to the Council's public access system is cited.

### ***Historic England (18<sup>th</sup> June 2019 and 7<sup>th</sup> April 2021)***

- 6.2 The response notes the position of the Bradley Hall moated site within the application area. It also refers to several listed buildings, including the Grade II\* Listed Tanyard Farm Barn being close to the proposed development site.
- 6.3 The response cites the range of mitigation measures being proposed to deal with the visual impact of the proposals. These include the provision of a 30m stand-off and buffer between any built development and the moat, the retention of a green corridor to maintain views to and from it and enhancement of trees and hedges within the site and to its boundaries. Reference is also made to the demolition of the modern farm buildings to the north and east of the scheduled monument and how this would be beneficial to its setting.
- 6.4 Historic England concludes that the development, with mitigation, will give rise to a harmful impact upon the setting to the Scheduled moated site, this harm considered to be less than substantial.
- 6.5 Historic England note that the development would not have a

significant impact upon the settings of listed buildings outside of the development boundary. Similarly, Historic England state that subject to a programme of future archaeological evaluation and recording this should be sufficient to mitigate the direct impact on the potential archaeological assets.

- 6.6 Historic England raise no objection to the planning application on heritage grounds.

### **Warrington Borough Council**

*Development Management Committee Officer Report 10<sup>th</sup>  
March 2022*

- 6.7 The Officer Report (CD 4.149) provides a summary of the consultation responses to the planning application:

*'WBC Conservation Officer – no significant impact on either designated or non-designated heritage assets. A conditional relating to the recording of one of the agricultural buildings on the site (Bradley Hall farm building) is recommended.'*

*Cheshire Archaeology Planning Advisory Service – no objections subject to a condition relating to the implementation of a programme of archaeological work in accordance with a written scheme of investigation.*

*Cheshire East Council – no objections on heritage grounds*

- 6.8 The Officer Report (CD 4.152) summarises comments from the Council's Conservation Officer which advised that there would be no significant impacts upon the setting to listed buildings on Barleycastle Lane given distancing and intervening buildings. Also, there would be no significant impact on the setting of locally listed buildings. Bradley Hall Farmhouse and associated buildings would benefit from the proposed buffer zone around the moated site. In

relation to the Bradley Hall moated site the proposals would result in less than substantial harm. This is considered to be at the lower end of that scale.

6.9 In respect to the agricultural buildings to the north-east of the Bradley Hall moated site, the Conservation Officer notes that the value of the building is low although the harm to significance arising from demolition would be high. The officers also states that the loss of the building should be weighed in the overall heritage balance.

6.10 The Officer's Report in undertaking the heritage balance correctly applies the weight to be given where harm is identified to designated heritage assets as set out in the NPPF (CD 1.1) as reflected in the statutory duty under s66 of the LBCA (1990). The harm identified is considered to be less than substantial and should be balanced against the public benefits of the proposal which are summarised as:

- Meeting an identified need for employment land;
- Significant socio-economic benefits;
- Ecology benefits; and
- Traffic and transportation benefits.

6.11 The Report states that:

*'...the weight of the benefits is considered to outweigh the less than substantial harm to the designated heritage assets in accordance with the NPPF and applying the statutory presumption in s66 of the LBCA' (para. 10.360)'.*

6.12 It further states that:

*'...the effect of the application on the non-designated assets of Bradley Hall farmhouse and barn would be minor adverse and*

*negligible upon the Roman road and medieval cross. In relation to the farm building to the north-west of the moated site the asset is considered to be of low condition and in view of a condition which can be attached requiring records of the building prior to demolition any harm caused by its loss would be outweighed by the benefits of the scheme (para. 10.361)'.*

6.13 In conclusion in respect to the heritage balance, the Officer Report states (para. 10.362) that:

*'.....the application is considered to accord with Local Plan policies CS1, QE8 and Neighbourhood Plan Policy AT-D1. It complies with criterion (a) of Neighbourhood Plan Policy AT-D2 but, due to the proposed demolition of the agricultural building which is considered to be a non-designated heritage asset, it does not accord with criterion (e) of that policy. It does however accord with NPPF with regard to heritage assets and it is considered that refusal of the proposed development would not be justified on the basis of harm to heritage assets'.*

6.14 In recommending the approval of the application the Report recommends conditions requiring the submission and approval of a written scheme investigation in respect of archaeological work (C46), the approval of a scheme to aid the public's understanding of and engagement with the Bradley Hall moated site (C47) and the recording of the farm building to the north-east of the moated site prior to demolition (C48).

6.15 Overall, it is considered that the assessment of heritage impacts undertaken by the local planning authority is broadly consistent with that set out above and within the Addendum ES Technical Paper 9 (CD 4.10). The harm identified to designated heritage assets is considered to be less than substantial and at the lower end

of the scale, rising to medium in the case of the scheduled monument. Impacts upon identified non-designated heritage assets, having regard to their relative low heritage value, is considered to be minor.

6.16 The Officer Report complies with the statutory duty set out in the LBCA and gives great weight to the harm identified to designated assets in accordance with NPPF guidance. The balance test set out in the Report is therefore considered to be robust and the Appellant concurs with the conclusion on the heritage balance that the harm identified is outweighed by the public benefits of the proposal.

6.17 The Appellant agrees with the heritage related conditions set out within the Officer Report.

**WBC Statement of Case February 2023**

6.18 The Council's Statement of Case (CD 4.150) does not seek to vary the assessment of the application set out within the Officer Report.

## **7. DEVELOPMENT IMPACT ASSESSMENT**

### **Designated and Non-Designated Heritage Assets**

- 7.1 The Addendum ES Cultural Heritage and Archaeology Technical Paper 9 (CD 4.10) provides an assessment of potential development impacts upon the historic environment. This informs the assessment set out below.
- 7.2 As part of the ES a landscape and visual assessment (CD 4.5) was undertaken and a series of viewpoints in and around the site were identified with photomontages produced to show the proposed buildings (ES Appendix 4.5). These views are cross-referenced within the assessment set out below, where relevant.
- 7.3 In carrying out the assessment regard is had to the findings of the Addendum ES Technical Report Paper 9 (CD 4.10) and to best practice guidance provided by Historic England (CD 4.58 , 4.59 and 4.60).
- 7.4 Potential impacts upon designated heritage assets are set out below.

### **Bradley Hall Moated Site**

- 7.5 The significance of the monument relates to the surviving earthwork, the potential for archaeology and its importance, in the national context, as a good surviving example of a medieval moated manorial site. It does not display any rare or unusual characteristics which sets it apart from those recorded in the region. Similarly, the moats original medieval form has been blurred by expansion in the early 19<sup>th</sup> century.
- 7.6 The structure of the moat is well represented within the island areas although is visually enclosed by wooded/ treed enclosure to all sides. These trees, whilst preventing longer distance views into the

moat itself, do contribute positively to setting in providing visual enclosure and in visually isolating the site in longer distance views.

- 7.7 The existing farmhouse within the island, whilst non-designated, does provide a contextual reference to the historical function of the moat and contributes to the significance of the monument. The farm buildings to the north-east evidence the historical evolution of the setting to the moated site and its use as a farmstead during the post-medieval and modern periods.
- 7.8 The location of the moated site, separated from surrounding villages, including Appleton, was clearly designed to isolate the manorial site and it was likely to have originally been prominent within the wider landscape. The surrounding fields provide a sense of this isolation although the experience of the monument is now influenced by a later enclosed landscape with little trace of its medieval or early post-medieval context which has reduced legibility. The surrounding motorway network and later 20th century developments to the west, east and south negatively influence the experience of the asset in terms of visual and noise intrusion.
- 7.9 Given the visual enclosure of the monument it is not prominent in medium or longer distance views although the woodland/ treed boundaries, along with existing buildings to the northeast, do evidence the position of the structure and suggest the historical occupation.
- 7.10 The proposed development will retain the current farmhouse and outbuilding. This will maintain a contextual reference of the historical function of the monument. No works associated with the development will directly impact upon the earthwork remains of the asset. The existing woodland/ treed enclosure to the moat will also be maintained and supplemented which will to some extent,



screen and filter the wider development in views from within the island.

- 7.11 The development will largely remove the later historic landscape and agricultural setting to the monument and the experience of the asset will be altered through the increased activity within the site. The extent of this impact will be mitigated through the provision of open space including a 30m buffer around the asset and a landscaped corridor to the south. The realignment of the public footpath to traverse to the south and east of the moated site will also open out its significance to some extent and allow it to be more visible from public vantage points. This will also allow for the better appreciation of the asset than at present as it is largely closed off from public view.
- 7.12 The proposed development secures the demolition of modern and poor quality farm buildings to the north-east of the monument which currently make a negative contribution to setting. This will provide enhancement and, in combination with the effective management of landscape boundaries and the realignment of the public footpath, will better reveal the significance of the moated site.
- 7.13 Whilst the proposed development will not directly impact upon the extent of the monument, or its retained archaeological interest, it will alter its setting and remove an element which contributes positively to significance. As such the development will give rise to harm which is considered to be less than substantial in NPPF terms. Having regard to the indirect nature of this impact, absence of impact upon archaeological interest, some enhancement to setting and improved accessibility which will be secured by the development, I assess this harm as minor to moderate in extent.

### **Tanyard Farm Farmbuilding**

- 7.14 Tanyard Farm barn has been converted to a residential use with garden and paddock land extending to the north-east. To the south, a later farmhouse, now part of cattery operation, provides historical context with yard areas extending to the south and east.
- 7.15 Open fields to the west, north and east provide historic context and evidence the agrarian foundation of the stead. To the south this historic setting has been compromised by the construction of the M56 and 20th century industrial development around Swineyard Lane which negatively influences the way the asset is experienced both from a visual and noise sense. The listed barn range is well represented in views from Barleycastle Lane which take in the principal elevations and from the public footpath to the north-west which links the lane with Cliff Lane to the north.
- 7.16 The proposed development will be set around 300m from the listed building, to the north side of Bradley Brook and will not wholly remove the openness to the building in aspects to the north. The provision of a landscape boundary buffer and an area of ecological mitigation to the north-east will retain additional openness and filter/ screen the new buildings in views which take in the barn range.
- 7.17 The proposed development will not directly impact upon the retained significance held within the fabric of the building or upon its immediate setting. The development will be some distance to the north of the building and will be screened and filtered by proposed landscape treatment. Given distancing, views of the buildings will have a limited visual impact and this is illustrated in the view point assessment set out within the ES (VP1, VP2; CD 4.5).
- 7.18 The development will diminish the wider agricultural setting of the

listed building and as such harm is identified and this is considered to be less than substantial. The immediate setting of the building will not be affected and giving distancing the harm will be minor in extent.

### **Barleycastle Farmhouse**

- 7.19 Barleycastle Farmhouse is well represented in views from Barleycastle Lane. The retained barn range to the north-west provides enclosure to the yard area and contributes positively to setting. Later farm buildings/ the shed to north further emphasises the functional role of the farmstead and provide visual enclosure in views from the north, although the later building does impact on original setting.
- 7.20 The immediate historic setting to the house, including small garden areas to the north and south, is retained and the wider fields surrounding the building provide historic context. The proposed development lies around 300m to the north of the house and will diminish the wider agricultural landscape setting to the building. The development will not wholly remove this setting and the visual impact of the development will be mitigated by landscape planted to the site boundaries. No impacts will arise upon the significance retained within the fabric of the building.
- 7.21 Given the partial loss of the historic landscape setting to the farmhouse and the alteration to the nature and character of views which take in the building, harm is identified to significance. This is considered to be less than substantial. The immediate setting of the building will not be affected and giving distancing the harm will be minor in extent.

### **Booths Farmhouse and Booths Farm Shippon**

- 7.22 The building group comprising the farmhouse and shippon is screened in views from Barleycastle Lane and in views from the north and east by woodland and treed enclosure. Whilst retained fields to the north and east contribute positively to the historic setting of the buildings industrial and warehouse development to the north side of Bradley Brook and to south of Barleycastle Lane around Lyncastle Road, has tended to urbanise the setting of the building.
- 7.23 Given the landscape enclosure of the Booth Farm buildings, the site makes limited contribution to setting and does not facilitate significant views onto the assets. The proposed development will remove part of the wider agricultural landscape setting to the buildings but visual impact will be mitigated by landscape planting to the site boundaries. Open land to the north and east of the building group falls outside of the site and, given distancing, the development will not impact significantly upon setting. As such, no harm is assessed to the significance of Booths Farmhouse or the associated Shippon to the north-west.

### **Beehive Farmhouse**

- 7.24 Beehive Farmhouse is well represented in views from Barleycastle Road with garden land to the south, north and east contributing positively to setting. Later buildings to the west and north-west hold no significant heritage value.
- 7.25 Later industrial and warehouse development to the north and part-south of the farmhouse visually divorce the building from its historic agricultural landscape setting although views are more open to the south-west. The site does not fall within the visual setting to the listed building given distance and the extent of intervening built and

landscape form. No significant views take in the site or are facilitated by it.

- 7.26 The proposed development will not impact significantly upon the visual setting of the listed building and as such no development impacts will arise.

### **Yew Tree Farmhouse**

- 7.27 The historic landscape setting to Yew Tree Farmhouse has been substantially altered by later 20th century industrial and housing development to the west, south and east, although open fields to the north do provide some contextual value which contributes positively to setting.

- 7.28 Given distancing and intervening built form, the site makes no contribution to the visual setting of the listed building and the development will have no visual impact. The ES viewpoint assessment (VP24; CD 4.5)) confirms that the new buildings will be screened by intervening built and landscape form. As such no development impacts upon the significance of the listed building will arise.

- 7.29 Consideration of potential development impacts upon non-designated heritage assets, including those on the Warrington Local List, are set out below.

### **Bradley Hall and Barn**

- 7.30 The existing house and barn set within the island of the moat whilst not part of the scheduling, do hold significance in providing context to the historical use of the moated site.

- 7.31 The immediate setting of the house and barn is defined by the surrounding garden land which covers the moat island and the moat itself. Woodland and treed boundaries to the moat provide

visual enclosure and contributes positively to setting. The agricultural buildings to the north-east provides evidential historic value in illustrating the functional use of the house although more modern sheds and storage buildings tend to detract from setting.

7.32 The site forms part of the wider agricultural landscape setting to the house and barn and illustrates the historic context of the buildings and farmstead. The development will remove the majority of this historic and contemporary setting and this will give rise to a degree of harm to the significance, within setting, of the assets. Mitigation is provided through the retention and reinforcement of boundary woodland and trees and through the set back of development from the overall moated site.

7.33 The development will retain Bradley Hall and its associated outbuilding, although their current residential use will cease and will be the subject of a change in use application. This will provide benefits in terms of the future management of the buildings and moated site. Visual enclosure will be retained and the contextual relationship of the buildings to the Scheduled Monument will not be affected.

7.34 Overall, it is considered that the development will give rise to a minor degree of harm to the significance of the house and barn through development change to their wider landscape setting.

**Tanyard Farm Buildings** (*including Tan House Cottage, Tan House Barn and Hunters Moon*)

7.35 The proposed development will give rise to a degree of harm to the setting of these buildings. Having regard to their non-designated status, this harm will be relatively minor in extent and the immediate setting of the buildings and relationship with the listed building will not be altered.

### **Barn at Manor House Farm**

7.36 The barns associated with Manor House Farm have been converted and adapted to residential uses with garden and paddock land extending to the west and north. Open agricultural land to the north provides historic context and evidences the agrarian foundation of the locally listed building. To the south the visual connection of the building group within its former agricultural landscape setting has been truncated by the construction of Grappenhall Lane during the 1980s.

7.37 The barn is orientated on a north-south axis and is relatively enclosed by the surrounding group of buildings. Given the extensive landscape, treed and hedgerow boundary to the north side of Grappenhall Hall Lane, the site does not form part of the visual setting to the barn or the surrounding building group. The proposed development will have limited visual impact upon this setting and landscape treatment to the north of the site will further screen new buildings. Whilst the upper sections of the new buildings will be visible (VP7; CD 4.5) this impact will be minimal. As such no harm will arise.

### **Old Chapel, Old Cherry Lane, Lymm**

7.38 Much of the historic setting to the Old Chapel has been removed by the later 20th century road infrastructure around the Lymm Interchange to the west.

7.39 Given the extent of intervening road infrastructure and the embanking to the M6 corridor, the site does not form part of the visual setting to the Old Chapel and the proposed development will have no impact upon the significance of the building.

7.40 A number of other non-designated heritage assets were assessed

within the Addendum ES Technical Paper 9 (CD 4.10) as being potentially affected and these are considered below.

- 7.41 To the north-east of the Bradley Hall moated site is the existing dairy farm which includes an arrangement of farm buildings. Whilst the earlier barn ranges can reasonably be held to have a degree of historic and architectural interest, meriting consideration as a non-designated heritage asset, the heritage values of the buildings have been substantially diminished by later unsympathetic alterations, demolition and extension. The original extent of the courtyard buildings has been compromised and former yard areas are now built over. As such the heritage values of the retained buildings are considered to be low in the local context.
- 7.42 The proposed development will demolish and clear the existing farm buildings to the north-east of the moated site. This will give rise to harm to a non-designated asset which is considered to be minor having regard to the diminished heritage values of the building.
- 7.43 The HER documents the route of the Roman Road North Cheshire Ridge Roman Road (HER 547/1/7) and the site of a Medieval Cross (HER 551) to the north of the scheduled monument. No evidence for these were identified during site evaluation, however, further investigation will be undertaken. Any remaining effect is thus considered to be Negligible.



## 8. CONCLUSIONS

8.1 The evidence detailed in this Proof of Evidence has determined that development proposals will result in harm to the setting of a number of designated and non-designated heritage assets. The harm identified is less than substantial, although the scale of this varies. The level of harm is summarised in Table 8.1 below:

**Table 8.1** *Assessment Summary*

Asset Type	Name and Reference	Extent of Harm	NPPF Paragraph Engaged with
Scheduled Monument	Bradley Hall Moated Site (1011924)	Less than Substantial (Minor to Moderate)	Paragraph 202
Grade II* Listed Building	Tanyard Farm Farmbuilding (1139363)	Less than Substantial (Minor)	Paragraph 202
Grade II Listed Buildings	Barleycastle Farmhouse (1329741)	Less than Substantial (Minor)	Paragraph 202
	Booths Farmhouse (1329740) Booths Farm, Shippon on Left (north-west) Side of Farmyard (1139362) Beehive Farmhouse (1139361) Yew Tree Farmhouse (1139340)	No Harm	

Locally Listed Buildings (Non-designated heritage assets)	Bradley Hall and Barn, Tanyard Farm Buildings, Tan House Cottage, Tan House Barn and Hunters Moon	Minor Harm	Paragraph 203
	Barn at Manor House Farm, Old Chapel	No Harm	
Non-Designated Heritage Assets	Barn Buildings to the north-east of Bradley Hall	Major Harm to asset minor harm to historic environment.	Paragraph 203

8.2 On the findings of less than substantial harm, the development proposals engage with paragraph 202 of the NPPF (CD 1.1), which requires that the harm is balanced with the public benefits. Regard should also be had, in the planning balance, to the impact upon non-designated heritage assets. The NPPF advises (paragraph 203 [CD 1.1]) that a balanced (unweighted) judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset.

8.3 The assessment of the application undertaken by the local planning authority is consistent with that undertaken within the Environmental Statement with regards to heritage matters (CD 4.10). No objections to the proposals, subject to proposed mitigation measures and further archaeological evaluation to be secured by condition, have been raised by Historic England or by Cheshire Archaeology Planning Advisory Service. In undertaking the heritage balance the Officer's Report in assessing the application considered that the public and planning benefits of

the proposal would outweigh the harm identified.

- 8.4 The Appellant agrees that the demonstrable public benefits of the proposed development outweigh the heritage harm identified.
- 8.5 In respect of Development Plan policy, the proposed development is consistent with the aims of Policy QE8 of the adopted Local Plan (CD 2.1) in assessing and acknowledging the significance of designated and non-designated heritage assets within and adjoining the site. The proposals incorporate mitigation measures, including landscaping, the provision of a development buffer and landscape corridors, archaeological evaluation and recording designed to mitigate potential development impacts. As such no conflict with Policy QE8 will arise and this is acknowledged in the Officer's Report to Committee.
- 8.6 The proposals, through embedded design, layout and landscape mitigation, are consistent with the aims of Policy AT-D2 of the Appleton Thorn Neighbourhood Plan (CD2.3) in adopting principles which seek to preserve and enhance the setting to designated heritage assets. Development set back, the provision of a buffer and landscaping will limit impact upon the settings to these assets and, through the opening out of the significance of the Bradley Hall Moated site will secure a degree of enhancement through greater public accessibility and understanding.
- 8.7 With respect to criterion (e) of Policy AT-D2 (CD 2.3), this indicates that the consideration of the conservation of traditional farm buildings should accord with the provisions of Core Strategy policy QE8 (CD 2.1). Policy QE8 indicates that assets, to be included on the local list, should be substantially unaltered and retain the majority of their original features. In considering the demolition of the barn buildings to the north-east of Bradley Hall, as noted in my

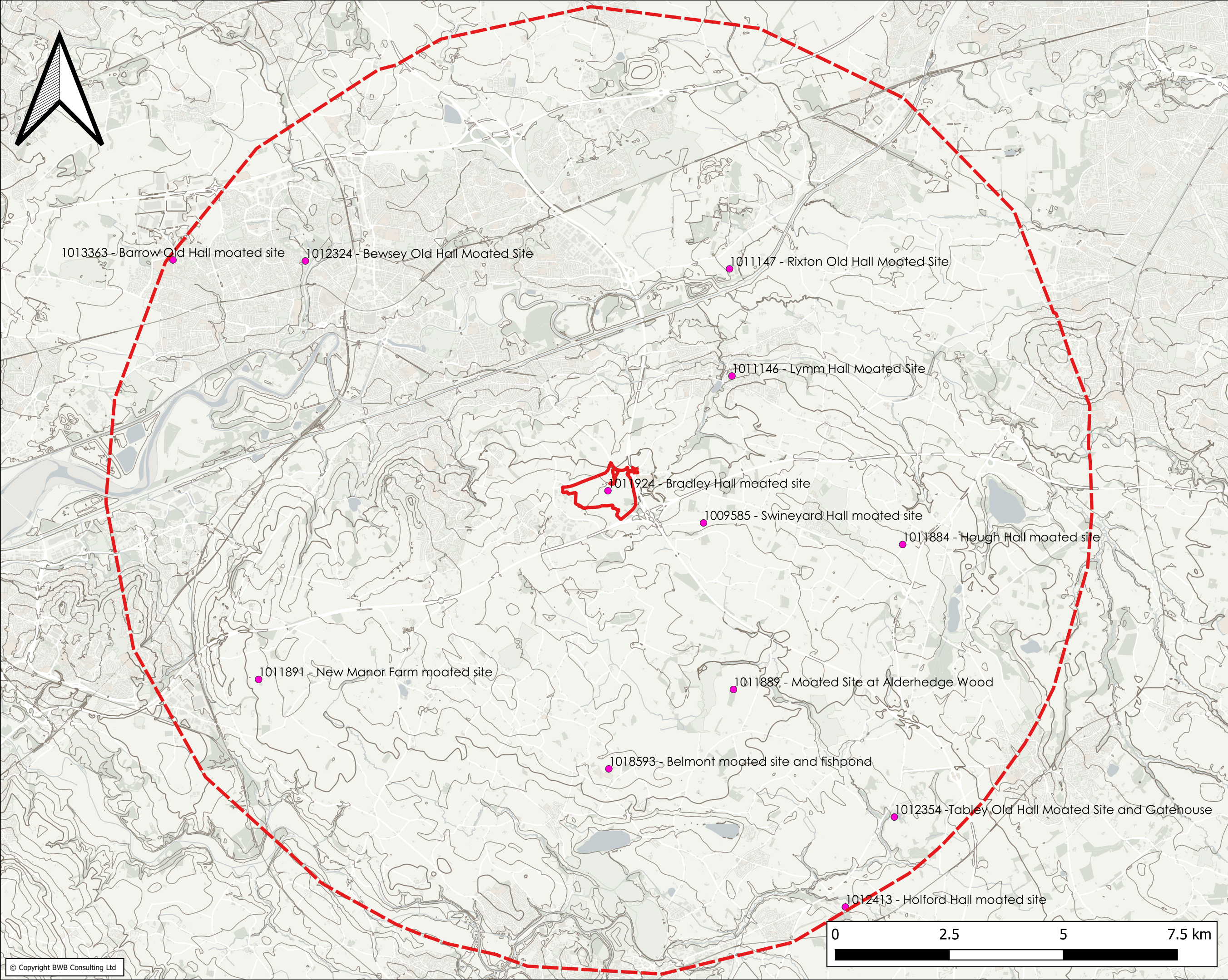
Proof, these buildings have been substantially altered and extended and this has significantly diminished retained heritage values. As such no conflict with criterion (e) will arise.

- 8.8 The balance test set out within the NPPF is now a matter for the Inspector as decision taker and is considered in the proof of evidence in respect of planning matters. Subject to this consideration the development can be brought forward in line with the statutory duty of the 1990 Act and current Development Plan policy.

## **FIGURES**







Notes

1. Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.

2. This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.

3. All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.

4. Any discrepancies noted on site are to be reported to the engineer immediately.

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Key

Site Boundary

10km area

Scheduled Moats

P01	21.03.2023	FINAL ISSUE		GW	PM
Rev	Date	Details of issues/revision		Draw	Rev

Issues & Revisions

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Client

Langtree Property Partners LLP

Project Title

Six:56 Warrington

Drawing Title

FIGURE 2: LOCATION OF SCHEDULED MOATS WITHIN 10KM OF THE BRADLEY HALL MOAT

Drawn:	GEORGIE WARDALL	Reviewed:	PHIL MOORE
BWB Ref:	LDA2226	Date:	21.03.23
		Scale@A3:	NTS

Drawing Status

FINAL

Project - Originator - Zone - Level - Type - Role - Number

WAR16-BWB-ZZ-XX-RP-LH-0001

Status

S2

Rev

P01

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**Figure 3a** Part of the Egerton Estate Map of Bradley Hall, surveyed September 1735 by W. Williams (CCLAS DEO 1/6)



**Figure 3b** Extract from the Plan of Chester c. 1820



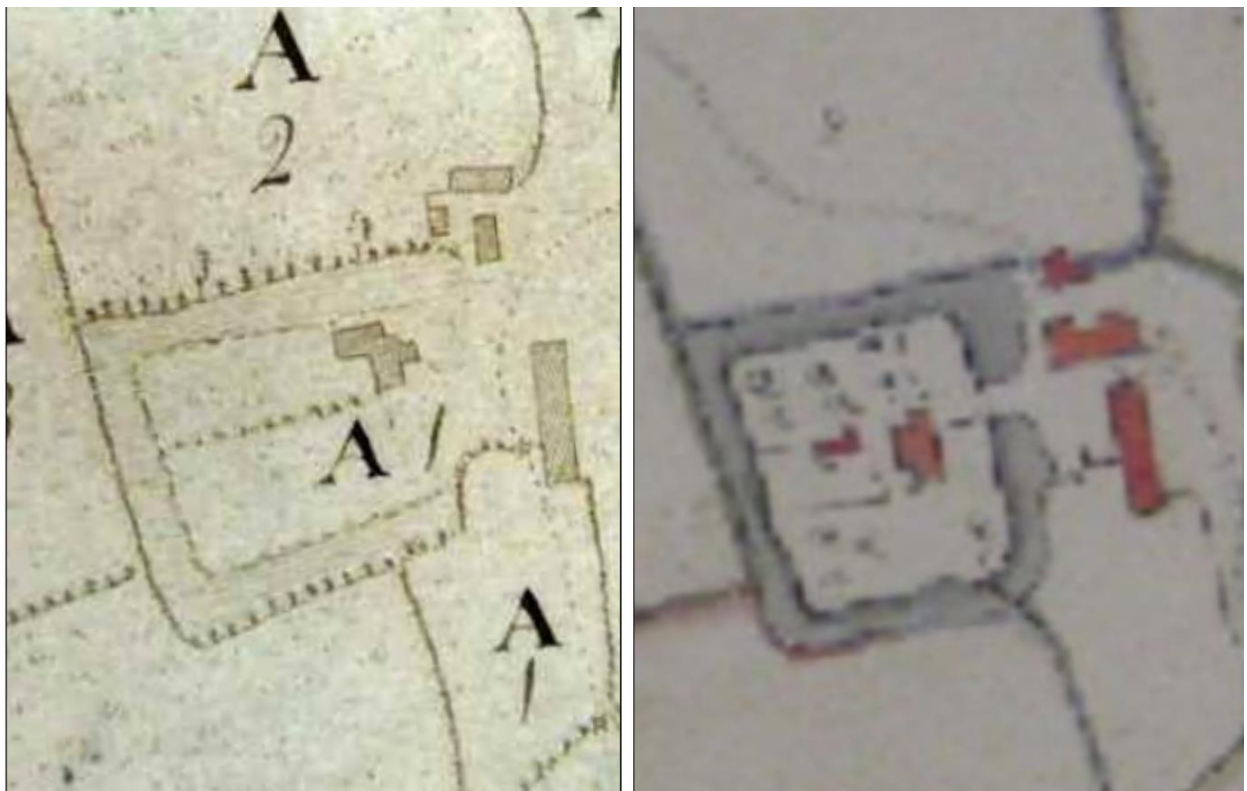


Moat shown on 1820 Map



Moat shown on 1735 Map

**Figure 3c** 1735 Bradley Hall Map transparency over the 1820 Plan of Chester Map

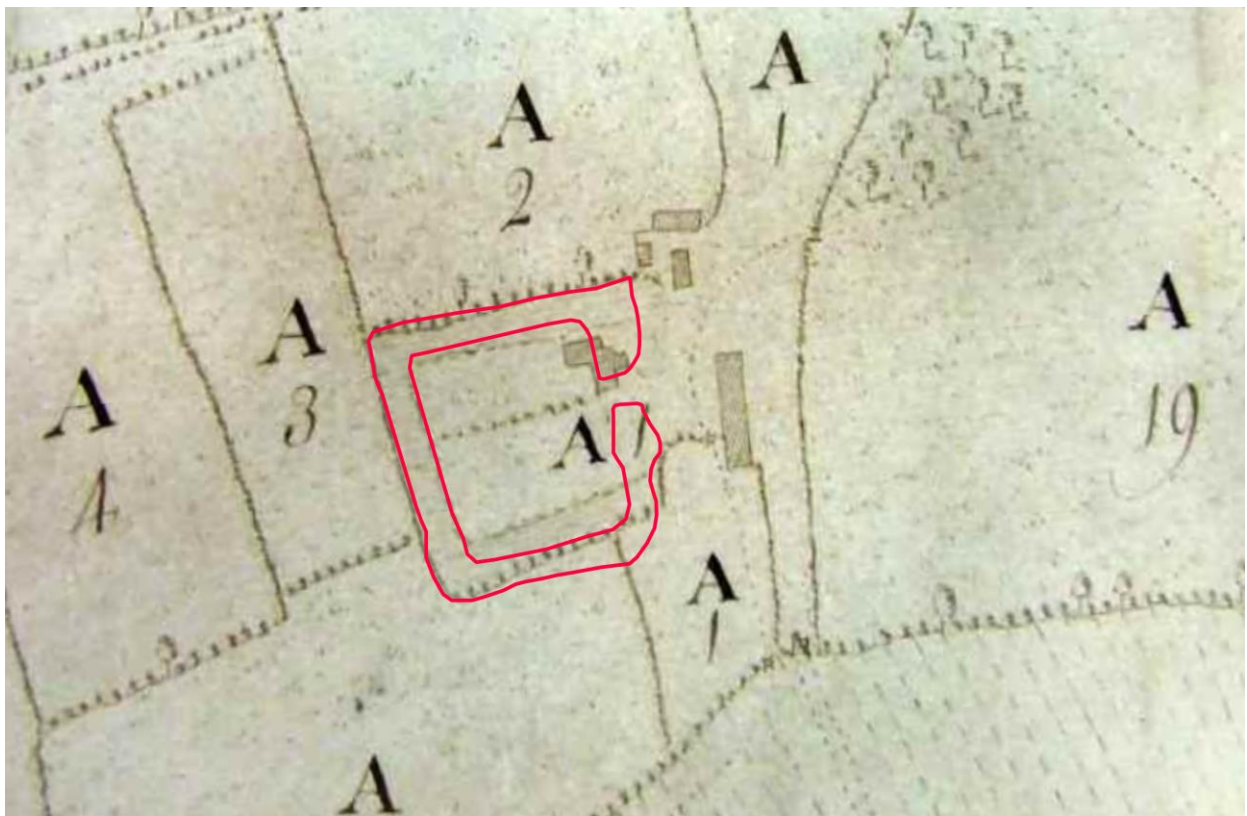


**Figure 3d** 1735 Bradley Hall Map and 1820 Plan of Chester Map side by side



**Figure 3e** 1735 moat layout over the 1820 Chester Map





**Figure 3f** 1820s moat layout over the 1735 Bradley Hall Map



**Figure 3g** Moat Layouts over Aerial Photograph

## **APPENDICIES**

## **APPENDIX 1**

### Summary Proof of Evidence

**LANGTREE PROPERTY PARTNERS LLP**

**SUMMARY PROOF OF EVIDENCE OF JIM MACQUEEN ON HERITAGE**

In respect of the called in Planning Application for:

The Land to The West of Junction 20 of The M6 Motorway, and Junction 9 of The  
M56 Motorway and to The South of, Grappenhall Lane/ Cliff Lane (known As  
Six:56 Warrington) Grappenhall, Warrington

*LOCAL PLANNING AUTHORITY APPLICATION REFERENCE: Planning App ref  
2019/34799*

*PLANNING INSPECTORATE'S REFERENCE: ref APP/M0655/V/22/3311877*

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4. LEGISLATION, POLICY AND GUIDANCE..... 2

5. CONCLUSIONS AND PLANNING BALANCE ..... 3

## **1. INTRODUCTION**

- 1.1 The Proof of Evidence is submitted to the inquiry on behalf of Langtree Property and addresses matters in relation to Heritage. It considers the effect of the called in planning application for Land to the West of Junction 20 of The M6 Motorway, and Junction 9 of The M56 Motorway and to the South of, Grappenhall Lane/ Cliff Lane (known As Six:56 Warrington) Grappenhall, Warrington.
- 1.2 This summary and my main Proof of Evidence primarily deals with the Bradley Hall moated site which is designated as a Scheduled Monument (List Entry Number 1011924).

## **2. PERSONAL STATEMENT**

- 2.1 I am aware of my responsibilities to this inquiry as a professional expert witness, and I confirm that I have provided my independent professional opinion without fear or favour. The evidence presented is true and has been prepared in line with the guidance of the Chartered Institute for Archaeologists (CIfA).

## **3. QUALIFICATIONS & EXPERIENCE**

- 3.1 I am a Technical Director within the Environmental Planning Team in BWB Consulting. I lead the Heritage Team, with Heritage being my specialist area. I have over 25 years of experience in this field having worked both as a Field Archaeologist and a Heritage Consultant. I was awarded a Higher National Diploma in Practical Archaeology in 1998 and a BA (Hons) Degree in Archaeology in 2000.



## **4. LEGISLATION, POLICY AND GUIDANCE**

4.1 The key statutory, policy and assessment guidance relevant to the Appeal, having regard to the nature of the heritage assets within and in proximity to the site is listed below. A detailed summary, including citation of relevant case law, is provided at Appendix 2 of the Proof of Evidence.

- Ancient Monument and Archaeological Areas Act 1979;
- The Planning (Listed Buildings and Conservation Areas) Act 1990;
- The National Planning Policy Framework 2021 (CD1.1);
- The Development Plan comprising the Local Plan Core Strategy (the Local Plan) for Warrington (2014; CD2.1) and the Appleton Parish Thorn Ward Neighbourhood Development Plan to 2027 (2017; CD 2.3); and
- Historic England best practice guidance (CD 4.58-4.60).

## 5. CONCLUSIONS AND PLANNING BALANCE

5.1 The Proof of Evidence has determined that development proposals will result in harm to the setting of a number of designated and non-designated heritage assets. This harm is assessed as less than substantial in National Planning Policy Framework terms, therefore engaging paragraph 202 (CD 1.1) of the document and minor-moderate in extent within that bracket. Harm to non-designated heritage assets will also arise, therefore engaging paragraph 203 of the NPPF (CD 1.1).

5.2 The level of harm is summarised in Table 6.1 below:

**Table 6.1** Assessment Summary

Asset Type	Name and Reference	Extent of Harm	NPPF Paragraph Engaged with
Scheduled Monument	Bradley Hall Moated Site (1011924)	Less than Substantial (Minor to Moderate)	Paragraph 202
Grade II* Listed Building	Tanyard Farm Farmbuilding (1139363)	Less than Substantial (Minor)	Paragraph 202
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Locally Listed Buildings (Non-designated heritage assets)	Bradley Hall and Barn Tanyard Farm Buildings, Tan House Cottage, Tan House Barn and Hunters Moon	Minor Harm	Paragraph 203
Non-Designated Heritage Assets	Barn Buildings to the north-east of Bradley Hall	Major Harm to asset minor harm to historic environment.	Paragraph 203

- 5.3 Other non-designated and designated heritage assets are recorded within the site and study area, however, no impacts are identified given distancing, intervening landscape, built form and proposed archaeological mitigation.
- 5.4 On the findings of less than substantial harm, the development proposals engage with paragraph 202 of the NPPF, which requires that the harm is balanced with the public benefits. Regard should also be had, in the planning balance, to the impact upon non-designated heritage assets. The NPPF advises (paragraph 203) that a balanced (unweighted) judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.5 The assessment of the application undertaken by the local planning authority is consistent with that undertaken within the Environmental Statement with regards to heritage matters. No objections to the proposals, subject to proposed mitigation measures and further archaeological evaluation to be secured by condition, have been raised by Historic England or by Cheshire Archaeology Planning Advisory Service. In undertaking the heritage balance the Officer's Report in assessing the application considered that the public, including heritage, and planning benefits of the proposal would outweigh the harm identified.
- 5.6 The Appellant agrees that the demonstrable public benefits of the proposed development outweigh the heritage harm identified.
- 5.7 In respect of Development Plan policy, the proposed development is consistent with the aims of Policy QE8 of the adopted Local Plan (2014; CD 2.1) in assessing and acknowledging the significance of designated and non-designated heritage assets within and adjoining the site. The proposals incorporate mitigation measures, including landscaping, the provision of development buffers and landscape corridors,

archaeological evaluation and recording designed to mitigate potential development impacts. As such no conflict with Policy QE8 will arise and this is acknowledged in the Officer's Report to Committee.

- 5.8 The proposals, through embedded design, layout and landscape mitigation, are consistent with the aims of Policy AT-D2 of the Neighbourhood Plan (CD 2.3) in adopting principles which seek to preserve and enhance the setting to designated heritage assets. Development set back, the provision of a buffer zone and landscaping will limit impact upon the settings to these assets and, through the opening out of the significance of the Bradley Hall Moated site will secure a degree of enhancement through greater public accessibility and understanding.
- 5.9 With respect to criterion (e) of Neighbourhood Plan Policy AT-D2, this indicates that the consideration of the conservation of traditional farm buildings should accord with the provisions of Core Strategy policy QE8. Policy QE8 indicates that assets, to be included on the local list, should be substantially unaltered and retain the majority of their original features. In considering the demolition of the barn buildings to the north-east of Bradley Hall, as noted in my Proof, these buildings have been substantially altered and extended and this has significantly diminished retained heritage values. As such no conflict with criterion (e) will arise.
- 5.10 The balance test set out within the NPPF is now a matter for the Inspector as decision taker and is considered in the proof of evidence in respect of planning matters. Subject to this consideration the development can be brought forward in line with the statutory duty of the 1990 Act and current Development Plan policy.

## **APPENDIX 2**

### SUMMARY OF RELEVANT PLANNING POLICY AND GUIDANCE

## **SUMMARY OF RELEVANT PLANNING POLICY AND GUIDANCE**

### ***Ancient Monument and Archaeological Areas Act 1979***

- 1.1 The Ancient Monuments and Archaeological Areas Act 1979 (Her Majesty's Stationary Office 1979) is the central piece of legislation which protects the archaeological resource. The first section of the Act requires the Secretary of State for National Heritage to maintain a schedule of nationally important sites. For the purposes of the Act, a monument is defined as:

*'a) any building, structure or work, whether above or below the surface of the land, and any cave or excavation; b) any site comprising the remains of any such building, structure or work or of any cave or excavation; and c) any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph a) above; d) and any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.'* (Section 61 (7)).'

- 1.2 A set of criteria, defined as survival/ condition, period, rarity, fragility/ vulnerability, diversity, documentation, group value and potential, assist in the decision making process as to whether a site is deemed of national importance and best managed by scheduling.
- 1.3 Historic England is enabled by Section 8C of the Historic Buildings and Ancient Monuments Act 1953 (introduced by paragraph 10 of Schedule 4, of the National Heritage Act 1983 (Her Majesty's Stationary Office 1983) to compile a Register of Parks and Gardens

of Special Historic Interest in England. Though designated of national interest, a park or garden on the register is not otherwise statutorily protected.

- 1.4 For archaeological sites that are not covered by the above Act, protection is afforded through development control, the Town and Country Planning Act 1990 and the National Planning Policy Framework (The Framework – see below).
- 1.5 The development proposals will not impact upon any conservation areas as it is my judgement that they are too far away for their setting or significance to be affected in any material way by the development proposals. As such, the provisions of section 72 (1) of the Act are not relevant to the consideration of the Appeal.

### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 1.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for local planning authorities in respect of works affecting a listed building, to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 1.7 Case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137) reaffirms that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm (substantial or less than substantial) to a designated asset (listed building or conservation area) and its setting, this a matter to which considerable importance and weight should be given. The presumption embodied within this statutory duty can be

outweighed by material considerations powerful enough to do so. See also *James Hall v City of Bradford* [2019] EWHC 2899 (Admin) and *Pagham Parish Council v Arun District Council and Other* [2019] EWHC 1721 (Admin).

- 1.8 This approach is reflected in National Planning Policy Framework guidance.

### ***National Planning Policy***

- 1.9 The updated National Planning Policy Framework (The Framework), published in July 2021 (CD 1.1), sets out a series of policies that are a material consideration in development management decisions. The document identifies the Government's planning policies for England and how these are expected to be applied, particularly in relation to the presumption in favour of 'sustainable development'.
- 1.10 Section 16 of the NPPF Conserving and Enhancing the Historic Environment sets out the Governments planning policies for England and how these are expected to be applied to planning policy and the historic environment.
- 1.11 The NPPF recognises that heritage assets are:

*'.... an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*

- 1.12 Section 16, paragraph 194, of the NPPF requires that the relevant historic environment record be consulted and any heritage assets, including any contribution made by their setting, likely to be affected by a development proposal have their significance



assessed using appropriate expertise. Where an application site includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment, and where necessary, a field evaluation, should be provided to inform the planning authority's decision making.

1.13 Section 16, paragraph 196, states that where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

1.14 Section 16, paragraph 199 of the NPPF is a fundamental consideration in determining planning applications. It states that great weight should be given to a designated heritage assets' conservation, irrespective to the level of harm to its significance.

1.15 Section 16, paragraph 200, of the NPPF adds 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.'*

1.16 Section 16, paragraph 201, states that a local planning authority should refuse consent to a proposed development which would lead to substantial harm (or total loss of significance of) a designated heritage asset, unless it can be demonstrated that substantial public benefits outweigh the loss.

1.17 The NPPF does not provide a definition of 'substantial harm' but National Planning Practice Guidance considers the process of assessing harm, stating 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 ..... It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from the works to the asset or from development within its setting.’*

1.18 Section 16, paragraph 202 states that where a development proposal will lead to less than substantial harm of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the asset(s).

1.19 Paragraph 203 states that, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

1.20 As regards the inter-relationship of NPPF policy guidance with the statutory duties set out under the 1990 Act, Footnote 62 of the NPPF states that:

*‘The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Area Act 1990, as well as to plan-making and decision-making.’*

- 1.21 The Court of Appeal Judgement in the case of *Mordue v Secretary of State for Communities and Local Government and others* [2015] EWCA Civ 1243 also provides guidance. In commenting on the application of paragraph 134 of the NPPF (now Paragraph 202), the judgement states that:

*'Paragraph 134 of the NPPF appears as part of a fasciculus of paragraphs ... which lay down an approach which corresponds with the duty in Section 66 (1). Generally, a decision-maker who works through those paragraphs in accordance with their terms will have complied with the section 66(1) duty.'*

- 1.22 The High Court judgement in *R. (oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited* [2019] EWHC 2899 (Admin) provides further commentary on the application of heritage policies within the NPPF. The ruling held that there are only three gradations of harm in heritage terms:

*'34. In my judgement the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ....'*

- 1.23 Case law has set out the requirement for decision makers to undertake a clear planning balancing exercise which weighs any alleged heritage harm against the public benefits of the proposals. This is an express requirement and a fundamental part of decision

making involving designated heritage assets in accordance with Framework guidance.

- 1.24 High Court decisions in *R (oao CPRE Kent) v Dover District Council* [2016] EWCA Civ 936 and *R (oao Shasha) v Westminster City Council* [2016] EWHC 3282 (Admin) dealt with the duty to give adequate reasons. Together, they make it clear that there is an expectation for decision makers to 'grapple with' the complexities by properly considering and particularly provide adequate reasons where a decision is taken not to accept professionally qualified evidence. This was further reinforced in August 2019 in the case of *Gare, R (On the Application Of) v Babergh District Council* [2019] EWHC 2041.
- 1.25 A recent 2020 case, *The Queen (on the application of) Kenneth Kay v Secretary of State for Housing Communities and Local Government and Ribble Valley* [2020] EWHC 2292 (Admin) reinforces the requirement for local planning authorities to undertake a clear planning balance exercise which weighs any alleged heritage harm against the public benefits of the proposals. This is an express requirement and a fundamental part of decision-making involving designated heritage assets in accordance with NPPF paragraph 196. Commentary at paragraph 40 of the judgement also confirms that individual elements which are perceived as 'harmful' cannot be distinctly considered from other elements which are 'beneficial'.
- 1.26 Appeal 2022 *Danescroft (Swindon PCDF IV) LLP v Swindon Borough Council – Land at Foxbridge North (Scheduled Monument)* is an *example of the public benefit outweighing harm*.

1.27 In any assessment, it is also important to have regard to the contribution made to the significance of a heritage asset by its setting and the contribution it may make to the significance of other assets. With regards to setting this is defined by the Framework 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.'*

### **Local Planning Policy**

Warrington Council's Local Plan Core Strategy (adopted 2014 [CD 2.1])

1.28 Policy QE8 sets out the principles and outlines the policy on the Historic Environment.

*Policy QE 8 states that:*

*'The Council will ensure that the fabric and setting of heritage assets, as set out below, are appropriately protected and enhanced in accordance with the principles set out in National Planning Policy.*

- *Scheduled Monuments;*
- *Listed Buildings;*
- *Conservation Areas;*
- *Areas of known or potential Archaeological Interest;*
- *Locally Listed Heritage Assets.*

*The Council and its partners will aim to recognise the significance and value of historic assets by identifying their positive influence on the character of the environment and an area's sense of place; their ability to contribute to economic activity and act as a catalyst for regeneration; and their ability to inspire the design of new development.*

*Heritage Assets such as buildings, structures and sites which are valued as good examples of local architectural styles or for their historic associations, are included on a local list produced by the Council. The buildings, structures and sites included on this list are detailed in Appendix 4.*

*To be included on the local list, an asset should be substantially unaltered and retain the majority of its original features and either:*

- 1. be a good example of a particular local asset type, craftsmanship, architectural quality, style or detailing, or*
- 2. display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events.*

*Development proposals which affect the character and setting of all heritage assets will be required to provide supporting information proportionate to the designation of the asset which:*

- adopts a strong vision of what could be achieved which is rooted in an understanding of the asset's significance and value, including its setting;*
- avoids the unnecessary loss of and any decay to the historic fabric which once lost cannot be restored;*

- *recognises and enhances the asset's contribution to the special qualities, local distinctiveness and unique physical aspects of the area;*
- *fully accords with the design principles outlined elsewhere within the Local Planning Framework;*
- *includes suitable mitigation measures, including an appropriate desk-based assessment and where necessary field evaluation and publication, for areas with known or potential archaeological interest;*
- *ensures the knowledge and understanding of the historic environment is available for this and future generations. The evidence arising from any investigations should be publicly accessible through the Historic Environment Record and the local museum.*

*Applications for new development will also be required to take all reasonable steps to retain and incorporate non-statutorily protected heritage assets contributing to the quality of the borough's broader historic environment.'*

### **Guidance Documents**

1.29 My Proof of Evidence has been written in accordance with the published 'Standards and Guidance' and 'Code of Conduct' of the Chartered Institute for Archaeologists (CIfA) and guidance as defined by Historic England, with specific reference to:

- Conservation Principles Policy and Guidance (Historic England 2008 [CD 4.58]);
- Historic Environment Good Practice Advice in Planning: 3 (2<sup>nd</sup> edition 2017 [CD 4.59]).

### *Historic England Guidance*

- 1.30 Historic England has published a number of relevant guidance documents that should be taken into account when assessing the historic environment. Of particular relevance are the Conservation Principles (2008 [CD 4.58]) produced to ensure consistency of approach when managing the Historic Environment. These principles are intended to be used as a tool to aid analysis rather than be taken as policy. Principle 3 'understanding the significance of place' is inherently linked to the Framework, and articulates an approach to assessing significance of heritage assets based on their evidential, historical, aesthetic and communal values, and balancing these with the contribution made by setting and a wider cultural context.
- 1.31 Principle 5 of the document is relevant to this application as it notes that 'Decisions about change must be reasonable, transparent and consistent' (Historic England 2008, 23). Specifically, 5.4 suggests that where conflict between sustaining heritage values and other important public interests cannot be avoided, 'the weight given to heritage values in making the decision should be proportionate to the significance of the place and the impact of the proposed change on that significance' (Ibid).
- 1.32 Historic England Advice Note 12, Statements of Historic Significance, Analysing Significance in Heritage Assets, 2019 (HEAN12 [CD 4.60]), indicates that heritage assessments of significance should provide an impartial analysis of significance and the contribution of setting:



*'A Statement of Heritage Significance is not an advocacy document, seeking to justify a scheme which has already been designed; it is more an objective analysis of significance, an opportunity to describe what matters and why, in terms of heritage significance.'*

1.33 Historic England Advice Note 12 (Statements of Heritage Significance) advocates a staged approach to decision-taking in applications affecting heritage assets:

- 6) Understand the form, materials and history of the affected heritage asset(s).*
- 7) Understand the significance of the asset(s).*
- 8) Understand the impact of the proposal on that significance.*
- 9) Avoid, minimise and mitigate negative impacts in a way that meets the objectives of the National Planning Policy Framework.*
- 10) Look for opportunities to better reveal or enhance significance.*

1.34 Further guidance on the assessment process is provided in Historic England Good Practice Advice in Planning 2, Managing Significance in Decision-Taking in the Historic Environment, 2015 (GPAP2). This notes that if there is apparent conflict between the proposed development and the conservation of a heritage asset, consideration may need to be given alternative means of delivering the development which leads to a more sustainable result which reduces potential harm to significance. This process, reflected in HEAN12 advice, should be undertaken before weighing the public benefits of a proposal against any harm.

Historic England has also published guidance on the setting of heritage assets (Historic England 2017 [CD 4.59]). The setting of an asset is an important element in its significance and should not be considered as a separate element. The document notes that an assessment of the impact of a proposed development should identify whether the development would be acceptable in terms of the degree of harm to an asset's setting. This can be identified by using a broad five-step approach that identifies (1) which assets and settings are affected; (2) how and what degree these settings make a contribution to the significance of the heritage asset; (3) assess the effects of the proposed development; (4) explore ways to minimise harm and maximise enhancement; and (5) how to document the decision and monitor outcomes.