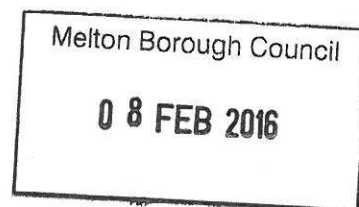




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Mr Pat Reid  
Melton Borough Council  
Parkside, Station Approach  
Burton Street  
Melton Mowbray  
Leicestershire  
LE13 1GH



5 February 2016

Dear Mr Reid

**LAND SOUTH OF KEYSTONES, SANDPIT LANE, LONG CLAWSON,  
LEICESTERSHIRE**

Thank you for consulting Historic England on the above planning application. We have considered the supporting information and would offer the following advice.

Historic England was consulted on the Melton Local Plan - *preferred site options for the local plan*. Our response dated 15 December 2015 considered proposals for Long Clawson, stating *all sites proposed may impact upon Long Clawson Conservation Area MBC/026/15, MBC/ 144/15, MBC/168/15 and 028/13 in particular*.

This site is then highlighted specifically, with the response letter going on to state:- *MBC/168/15 (the site for this planning application) forms an important visual corridor to the conservation area to the north, with the Grade II\* listed manor house. As such, concern is also raised with regards the inclusion of this site.*

The Sustainability Appraisal, currently out to consultation, on page 227, classifies the site (reference MBC/168/15) as 'Amber' in relation to the Heritage Assets objective. It states that:

*"The site has been rated 'amber' in terms of its potential for impact on the historic environment following the Council's site assessment work. This classification means that limited impact on historic assets may occur as a result of development but mitigation is possible at this location. As such a minor negative effect is expected on this SA objective. The effect is recorded as uncertain given that the design of the development is unknown."*

Within our soon to be submitted Local Plan consultation response, we will dispute this assertion as it is not considered to be strong enough in relation to both the limited impacts and the potential for mitigation.

**Significance and Impact of Proposals on significance**

The outline proposals relate to the erection of up to 53 dwellings on land within the



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setting of a number of designated heritage assets - the scheduled moated site thought to be the site of a manor house, north of the application site; the 14C Grade II\* St Remigius Church; the Grade II\* Manor Farmhouse on West End of the SW of the Church; the Grade II Vicarage; and Long Clawson Conservation Area. Manor Farmhouse was built between 1580 and 1620 for Richard, the Second Son of Sir Henry Hastings, Sheriff of Leicester. It's more than special historic and architectural interest in a national context is recognised through its Grade II\* listing and significance is clearly explained within the detailed list description. The site itself forms part of the open countryside surrounding and on approaching the historic medieval and post medieval core of the settlement. There are direct historic and functional associations of the site with Manor farmhouse, as it formed part of Mill Field which on the Enclosure Award Plan of 1780 was owned by John Garton of Manor farmhouse. Thus the contribution of this undeveloped site to the significance of the manor farmhouse lies in its evidential, historic and aesthetic value. The site also helps to emphasise the physical, social and economic dominance the house had over the surrounding area and Long Clawson itself.

Development on this site will undoubtedly change its rural character and appearance and with development now proposed on both sites, will exacerbate the urban sprawl into the countryside along the approach road of Sandy Lane. This will diminish the appreciation and understanding of the rural context of the highly graded assets - in particular the Grade II\* listed Church, manor farmhouse, and conservation area. The submitted Heritage Impact Statement states that the *site forms part of the surroundings in which this heritage asset (the manor farmhouse) can be experienced and it is therefore inevitable that the proposed housing development will affect these longer distance views both to and from the rear elevation of Manor Farmhouse*. We agree with this assessment though also advise that experience and appreciation will be affected as one approaches the historic settlement and manor farmhouse in a variety of different views and cumulatively. We do not accept that the impact of existing modern development in any way, justifies this proposal. Indeed it will serve to create a cumulative change resulting in greater erosion of the open character of the setting. (refer to *HE Good Practice Advice in Planning Note 3- The Setting of Heritage Assets*)

### **Legislation and Policy**

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 1-3.

As this application affects the setting of listed buildings and the conservation area, the decision-maker must take into account the statutory requirement to have **special regard** to the desirability of preserving the setting of a listed building (s.66 (1), 1990 Act) and to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, Listed Buildings and



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Conservation Areas Act, 1990) - the requirement applies irrespective of the level of harm.

At the heart of Government's National Planning Policy Framework is a presumption in favour of sustainable development. The determining authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously [paragraph 8]. Specifically, the environmental dimension of sustainable development gives rise to the need for the planning system to contribute to protecting and enhancing our historic environment as part of achieving this objective [paragraph 7].

The NPPF indicates that in decision making applications should not be granted where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies (including those relating to the conservation of cultural heritage) indicate that development should be restricted [paragraph 14].

One of the twelve core planning objectives set out in the NPPF is the conservation of heritage assets in a manner appropriate to their significance, recognising their value to the community and quality of life [paragraph 17]. The significance of a heritage asset derives not only from its physical presence, but also from its setting. Therefore significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires clear and convincing justification.

The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guide and in guidance produced by English Heritage.

In determining any planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF. Where the harm is judged to be less than substantial, harm should be weighed against the public benefit of the proposal [paragraph 134].

In our view the proposed housing development, would harm the significance that the designated heritage assets derive from their setting. The development will also harm the significance of the conservation area through fundamental change to its setting owing to the transformation of character from agricultural land to housing. This harm is assessed as less than substantial. In identifying less than substantial harm the NPPF



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remains clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits associated with the proposal against the level of harm. It does not follow that if the harm is less than substantial that little weight should be given to the heritage asset. Accordingly, we remain unconvinced that the proposals can be considered to constitute sustainable development in the manner set out in paragraphs 7, 14, 17 and 132 of the NPPF.

Paragraph 14 of the NPPF does provide clear caveats to prevent unsustainable development being allowed where the development plan is absent, silent or out-of-date. Specifically, for the historic environment, the NPPF sets out tests against which such applications should be set [paragraph 131-132 & 134].

Your authority will need to consider whether the public benefits associated with the proposals outweigh the harm caused.

**Recommendation**

As set out in this letter, we believe this proposal will be harmful to the significance of designated heritage assets commensurate with less than substantial harm as identified in the NPPF.

We are not convinced the available supporting information demonstrates that the degree of harm is justified in terms of potential benefits and we do not agree that the extent of previous development along Sandy lane provides a precedent or justification for additional housing development in closer proximity to the designated heritage assets. Therefore we believe this proposal represents unjustified harm to heritage assets of great significance. Your authority will be aware of the raft of recent appeal decisions which have made it clear that less than substantial harm does not equate to acceptable harm, reinforcing the weight which the Principal Act intended should be given to the preservation of the historic environment in balancing harm against public benefits.

Ultimately, the soundness of a decision by the determining authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against the merits of this and alternative locations for housing development. If suitable, alternative, less harmful locations have been identified to meet housing need, then there is no justification for development in this location.

With regards to archaeology, we defer to the County Council's Archaeological Advisor and recommend that you obtain necessary expert advice accordingly.





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Yours sincerely



**Eilis Scott**

Inspector of Historic Buildings and Areas



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