

Heritage Desk-Based Assessment.

Land at Campsfield, Southwater.

On behalf of Miller Homes.

Date: 19/12/2024 | Pegasus Ref: P23-0602

Author: Jon Kaines





Document Management.

Version	Date	Author	Checked / Approved by:	Reason for revision
3	December 2024	Jon Kaines Senior Consultant - Heritage	Gail Stoten Executive Director - Heritage	NPPF refs

Contents.

1. Introduction.....	3
2. Methodology.....	4
3. Site Description and Planning History.....	7
4. Policy Framework	9
5. The Historic Environment.....	11
6. Setting Assessment.....	15
7. Conclusions	17
Sources.....	19

Appendices contents.

Appendix 1: Gazetteer.....	26
Appendix 2: Figures	32
Appendix 3: Assessment Methodology	33
Appendix 4: Legislative Framework.....	37
Appendix 5: National Policy Guidance.....	39
Appendix 6: Relevant Development Plan Policies	44

Plates:

Plate 1: Site Location Plan.....	3
Plate 2: View of site from south-west corner	7
Plate 3: Planning applications in the past 5 years (site is hatched area). © Horsham District Council.....	7

1. Introduction

- 1.1. Pegasus Group have been commissioned by Miller Homes to prepare a Heritage Desk-Based Assessment to consider the proposed residential development at land at Campsfield, Southwater, West Sussex, as shown on the Site Location Plan provided at Plate 1 (see also Figure 1).



Plate 1: Site Location Plan

- 1.2. This Assessment provides information with regards to the significance of the historic environment to fulfil the

requirement given in paragraph 207 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".¹

- 1.3. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment/archaeological resource, following paragraphs 212 to 215 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.
- 1.4. As required by paragraph 207 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance".²*

¹ Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, December 2024), para. 207.

² MHCLG, *NPPF*, para. 207.

2. Methodology

2.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

2.2. This assessment considers the archaeological resource, built heritage and the historic landscape.

Sources

2.3. The following key sources have been consulted as part of this assessment:

- The West Sussex Historic Environment Record (HER) for information on the recorded heritage resource within the vicinity of the site;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- The West Sussex Archives online catalogue; and
- Other online resources, including Ordnance Survey Open Source data; geological data available from the

British Geological Survey and Cranfield University's Soilscales Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

2.4. For digital datasets, information was sourced for a 1km study area measured from the boundaries of the site. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as **Appendix 1** and maps illustrating the resource and study area are included as **Appendix 2**.

2.5. Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

2.6. Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

Site Visit

2.7. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 5 September 2023, during which the site and its surrounds were assessed.

Photographs

2.8. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals nor do they conform to any standard or

guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

2.9. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 3**. However, for clarity, this methodology has been informed by the following:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;³
- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter *GPA:2*);⁴
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);⁵

- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter *HEAN:1*).⁶
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);⁷ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁸

Consideration of Harm

2.10. It is important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "substantial harm" or "less than substantial harm" to the identified designated heritage assets, in the context of paragraphs 214 and 215 of the *NPPF*.⁹ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.¹⁰

³ Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).

⁴ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (*GPA:2*) (2nd edition, Swindon, July 2015).

⁵ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets* (*GPA:3*) (2nd edition, Swindon, December 2017).

⁶ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management* (*HEAN:1*) (2nd edition, Swindon, February 2019).

⁷ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (*HEAN:12*) (Swindon, October 2019).

⁸ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

⁹ MHCLG, *NPPF*, paras. 214 and 215.

¹⁰ MHCLG, *NPPF*, para. 216.

- 2.11. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.¹¹
- 2.12. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the

scale of development which is to be assessed.¹² In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹³

¹¹ MHCLG, *Planning Practice Guidance (PPG)*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹² MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹³ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

3. Site Description and Planning History

Site Description

- 3.1. The site is a rectangular parcel of land of approximately 4 hectares, located on the western side of the A24 London to Worthing road, approximately 1km south of Southwater, West Sussex and immediately to the south of a recently constructed housing estate of 193 residential dwellings (Planning ref. DC/14/2582, see Figure 1).



Plate 2: View of site from south-west corner

- 3.2. It is bordered to the west by woodland and an un-named tributary of the River Adur, to the east by the A24, and to the south by an agricultural field.
- 3.3. The site is currently used as a plantation for trees to be used for the matchstick industry. As such it is widely planted with tall trees which have allowed an undergrowth of brambles. The remains of a hedgerow and the foundations of a building are visible in the middle of the site.

Planning History

- 3.4. There have been numerous planning applications in Southwater, to the north of the site. There have been no planning applications that include the site but two recent applications have covered the area immediately to the north (see Plate 3).

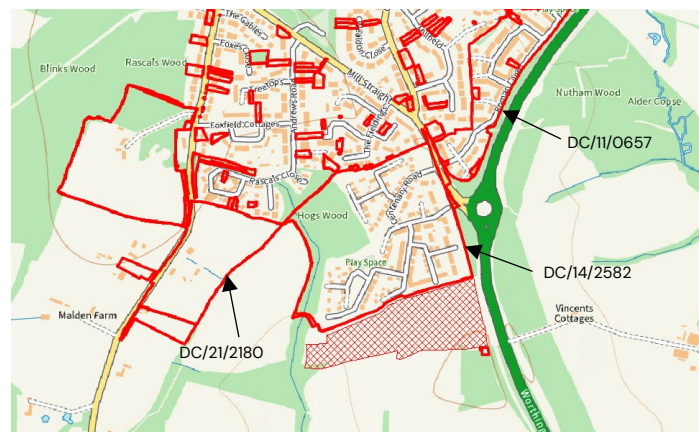


Plate 3: Planning applications in the past 5 years (site is hatched area). © Horsham District Council.

- 3.5. Three planning applications have particular relevance to the site:
- DC/14/2582 Land To The West of Mill Straight, Worthing Road, immediately north of the site. Outline planning permission was granted in 2015 for a residential development of up to 193 no. dwellings (including affordable housing) and associated works.

Construction is complete and a programme of archaeological work was carried out.

- DC/11/0657 Land East of Turners Close and East and South of Millfield, 300m to the north-east of the site. Planning permission was granted in 2012 for the erection of 131 residential dwellings (38 x 2-bed, 53 x 3-bed and 40 x 4-bed) with associated access, parking, landscaping infrastructure. Construction is complete and a programme of archaeological work was carried out.

- DC/21/2180 Woodfords Shipley Road, 225m west of the site. An outline application for the erection of up to 73 new dwellings (up to 100% affordable housing) and retention of existing farmhouse building, associated public open space, landscaping, drainage and highway infrastructure works, including vehicular access from Shipley Road, with all matters reserved except for access (reconsultation in relation to amended water neutrality solution) is awaiting a decision. A programme of archaeological work has been requested.

4. Policy Framework

Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.¹⁴
- 4.2. Scheduled Monuments are protected by the provisions of the *Ancient Monuments and Archaeological Areas Act 1979* which relates to nationally important archaeological sites.¹⁵ Whilst works to Scheduled Monuments are subject to a high level of protection, it is important to note that there is no duty within the 1979 Act to have regard to the desirability of preservation of the setting of a Scheduled Monument.
- 4.3. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.¹⁶
- 4.4. Full details of the relevant legislation are provided in **Appendix 4.**

National Planning Policy Guidance

- 4.5. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in December 2024. The NPPF is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the NPPF and which contains a section related to the Historic Environment.¹⁷ The *PPG* also contains the *National Design Guide*.¹⁸
- 4.6. Full details of the relevant national policy guidance are provided within **Appendix 4.**

The Development Plan

- 4.7. Applications for Planning Permission are currently considered against the policy and guidance set out within Horsham District Planning Framework (2015) and the Southwater Neighbourhood Development Plan (2019–2031).

¹⁴ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

¹⁵ UK Public General Acts, *Ancient Monuments and Archaeological Areas Act 1979*.

¹⁶ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁷ Ministry of Housing, Communities & Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 14th February 2024), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹⁸ Ministry of Housing, Communities & Local Government (MHCLG), *National Design Guide* (London, January 2021).

4.8. A review of the Local Plan has been carried out recently and the consultation period has closed on the Horsham District Local Plan 2023 – 2040 (Regulation 19).

4.9. Details of the policy specific relevant to the application proposals are provided within **Appendix 6**.

5. The Historic Environment

5.1. This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.

5.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix EWS and HER 'monument' numbers have the prefix MWS.

5.3. A gazetteer of relevant heritage data is included as Appendix 1. Designated heritage assets and HER records are illustrated on Figures 2 to 4 in Appendix 1.

Previous Archaeological Works

5.4. There have been no previous investigations that included the site but there have been three investigations within the study area.

5.5. A desk-based assessment, followed by evaluation and excavation took place at Land off Mill Straight, Southwater, immediately north of the site (EWS1669, EWS1750, MWS13849)

5.6. Geophysical survey followed by archaeological evaluation and excavation took place at Land at Millfield,

Southwater, 250m north-east of the site (EWS1171, EWS1380).

5.7. A watching brief took place at Land West of Rascal's Close, Southwater, 300m north-west of the site (EWS1922).

5.8. The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

Topography and Geology

5.9. The site rises from 40m above Ordnance Datum (aOD) in the west to 49m aOD in the east, and from 45m aOD in the north to 46m aOD in the south.

5.10. A slowly permeable, seasonally wet, slightly acid but base-rich loamy and clayey soil directly overlies Weald Clay Formation – Mudstone, a sedimentary bedrock formed during the Cretaceous period.^{19 20}

Archaeological Baseline

Prehistoric (pre-43 AD) to Romano-British (AD 43 – 410)

5.11. Archaeological investigations (MWS13849) at Mill Straight, directly to the north of the site, recorded residual lithic finds which suggest Mesolithic to Neolithic activity

¹⁹ Cranfield University, *Soilscapes*, <http://www.landis.org.uk/soilscapes/>.

²⁰ British Geological Survey, *Geology of Britain Viewer*, <https://www.bgs.ac.uk/map-viewers/geology-of-britain-viewer/>.

nearby.^{21 22} An unurned cremation burial of Late Bronze Age date and a possible pit containing Middle Iron Age pottery were excavated 50m to the north of the site.

- 5.12. Archaeological investigations (MWS10165, MWS11695, ASE 2012) at Millfield, 250m to the north-west of the site, recovered a retouched bladelet of probable Mesolithic/Early Neolithic date from a ditch fill and a sherd of probable Middle to Late Bronze Age pottery from the ploughsoil towards the centre of the south end of that site.²³ An assemblage of Late Iron Age or Romano-British pottery was also recovered across five contexts from the Millfield site²⁴.
- 5.13. A number of features and finds dating to the 1st to 2nd century AD were identified by trial trenching in the south-east corner of the development area at Mill Straight; a subsequent excavation resolved the activity on the site into three periods: Middle Iron Age, Late Iron Age/Early Romano-British and Later Romano-British. A curvilinear Late Iron Age/Early Romano-British enclosure ditch was succeeded by a rectilinear Later Romano-British enclosure ditch, both of which are likely to continue into the currently proposed development site. Pits dating to both periods were found on the south-east boundary of the Mill Straight excavation area.²⁵

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

- 5.14. Horsham and Southwater are not recorded as settlements in the Domesday Book. The closest is Shipley, 3.5km to the south. At the time of the survey, it had no recorded population which is sometimes the case for large settlements and, conversely, for abandoned settlements.
- 5.15. Knepp Castle was later constructed 1.2km east of Shipley, and 3km south of the site, with parts of it dating to the 11th or 12th centuries. The site is likely to have been woodland or agricultural land within the Knepp Castle Estate (see below).
- 5.16. Three medieval farms are recorded within the 1km study area. Big Pollardshill Farm (NHLE 1285427, MWS9402), 270m east of the site, is a medieval dispersed multi-yard farmstead; Brick Kiln Farm, (NHLE 1026961, MWS9483), 350m west of the site consists of a 3-sided L-Plan courtyard farmstead; and Copsale Farm, Nuthurst (NHLE 1194013, MWS9908), 900m to the east is also an L-Plan courtyard farmstead.
- 5.17. Much of the land surrounding the site is identified as medieval assart (deforestation) in the West Sussex Historic Landscape Characterisation.

²¹ ASE 2016. Land on Mill Straight Southwater: Archaeological Evaluation Report. Unpublished client report: 7969

²² Ellis, C. and Massey, R. 2019. An excavation on land at Mill Straight, Southwater, West Sussex. Sussex Archaeological Collections 157 (2019), 97–106 online at: [archiveDownload \(archaeologydataservice.ac.uk\)](https://archaeologydataservice.ac.uk/archiveDownload)

²³ 6.2.ASE 2012. Land on Millfield, Southwater, Horsham: Archaeological Evaluation Report. Unpublished client report: 2012079

²⁴ *ibid*

²⁵ ASR 2016, Ellis and Massey 2019

5.18. Investigations at Millfield recovered significant amounts of pottery from ditches and pits, dating from the 13th to 15th centuries. These are suggestive of a small settlement such as a farmstead. However, no medieval evidence was recovered from Mill Straight, immediately to the north of the site.²⁶

Post-medieval (– 1750) to Modern (1540 – present)

5.19. On Pollard's Hill, between the Millfield and Mill Hill sites and 400m from the site, a millstone is the only remains of Cripplegate Windmill (MWS471), a well-documented post-medieval mill that was destroyed by fire in 1914.

Site Development / Map Regression

5.20. The Tithe Map of 1838 (Figure 5) shows the site to comprise three fields, with a group of buildings at its centre. The Tithe Apportionment identifies these as barns with gardens. They appear to be recorded by the HER as “Historic Outfarm, Shipley” (MWS12819). During the site visit, this area was observed as a large depression with scattered stone and brick and modern detritus.

5.21. The Tithe Apportionment records that the site was owned by Sir Charles Merrick Burrell, Baronet of the Knepp Castle Estate, and leased to James Steadman – together with Pollard’s Hill Farm located to the south of the site, another farm located to the east of Pollard’s Hill (now the A24) (later called Kensett’s or Big Pollardshill Farm, see below).

5.22. The 1876 Ordnance Survey (OS) map (Figure 6) labels Pollard’s Hill Farm as Pollardshill Farm, and shows the complex within the site more clearly as buildings, ponds and an enclosure. The other farm to the east of is identified as Kensett’s Farm.

5.23. The 1897 OS map (Figure 7) labels Pollardshill Farm as Little Pollardshill Farm, and Kensett’s Farm as Big Pollardshill Farm.

5.24. Subsequent OS maps continued to depict (Little) Pollardshill Farm to the south, and the buildings within the site up until at least the 1973 OS (Figure 8). However, an aerial photograph from 1947 indicates that the farmhouse had been demolished by that time, although at least some of the buildings in the centre of the site were still extant. These buildings within the site had been removed by the earliest Google satellite images in 2001.

Statement of Archaeological Potential and Significance

5.25. Previous archaeological investigations at Mill Straight, directly to the north of the site, and Millfield, 250m to the north-east of the site, uncovered residual lithic finds suggestive of Mesolithic and Neolithic activity nearby so there is low to medium potential for such finds to be present within the site. Any such unstratified finds would be of limited archaeological interest in and of themselves, and would not be considered likely to be of schedulable quality, but would be considered to be non-designated heritage assets and warrant further investigation and recording.

²⁶ ASE 2012

- 5.26. A Late Bronze Age cremation and a Middle Iron Age pit recorded at Millfield indicate later prehistoric activity and possible settlement to the north of the site. One feature from each period is not conclusive evidence but indicates a moderate potential for associated archaeological remains being present within the site. Isolated prehistoric features would not be considered likely to be of schedulable quality, but would be considered to be non-designated heritage assets and warrant further investigation and recording.
- 5.27. Excavations at Mill Straight indicate a high potential for Late Iron Age and Romano-British archaeological remains continuing into the north-eastern part of the site. Again, whilst likely to be present, they are not anticipated to be considered to be of schedulable quality, but would be considered to be non-designated heritage assets and warrant further investigation and recording.
- 5.28. Investigations at Millfield identified significant amounts of medieval pottery, but none was recovered from Mill Straight, suggesting medieval activity was concentrated to the north of Mill Straight. Based on currently available information, only buried evidence of medieval agricultural land use is expected within the site. Typically, features such as plough furrows and former field boundaries would not retain sufficient archaeological or historic interest to be considered even as non-designated heritage assets.
- 5.29. Historic maps show that there were farm buildings in the centre of the site and immediately to the south-west of

the site from at least the mid-19th century until the mid-20th century. During the site walkover survey undertaken for this assessment, no extant buildings, only rubble, was observed at the ground surface. There is the potential for buried footings of the barns, but these would be of only limited historic interest and would not be considered likely to be heritage assets.

- 5.30. In conclusion, the previous archaeological investigations to the north of the site provide evidence of activity spanning the later prehistoric and historic periods; and it is likely that the evidence of prehistoric activity extends into the site.
- 5.31. Due to the presence of tree cover on the site, it will not be possible to evaluate the archaeological potential of the site further, through geophysical survey or trial trenching, prior to the determination of the application. As such, it is recommended that the investigation and recording of the archaeological remains within the site is secured through a condition attached to any permission granted.

Designated Heritage Assets

- 5.32. There are five designated heritage assets within the 1km study area which are considered in further detail in the Setting Assessment section below.

6. Setting Assessment

- 6.1. Step 1 of the methodology recommended by the Historic England guidance *GPA:3* (see 'Methodology') is to identify which heritage assets might be affected by a proposed development.²⁷
- 6.2. Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3. Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.

Step 1

- 6.4. There are five designated heritage assets in the 1km study area:
- Big Pollardshill Farmhouse (NHLE 1285427, MWS9402), 270m east of the site;
 - Brick Kiln Farmhouse, (NHLE 1026961, MWS9483), 500m to the south-west of the site;

- Copsale Farmhouse, Nuthurst (NHLE 1194013, MWS9908), 900m to the east of the site;
- Number 8 Knepp Castle Estate (NHLE 1354212), 920m to the south-east of the site;
- Little Tuckmans (NHLE 1026857), 950m to the south-east of the site.

6.5. All of these designated heritage assets are Grade II Listed Buildings. A Grade II Listed Building is a designated heritage asset of less than the highest significance as defined by the NPPF. The heritage significance of such assets is principally derived from the special architectural and historic interest of their built form and fabric. Elements of their setting contribute to their significance, but to a lesser degree.

6.6. All five assets were recorded by the 1838 Tithe Map and Apportionment as forming part of the estate owned by Sir Charles Merrick Burrell, Baronet. Big Pollardshill Farm and Copsale Farm were leased to James Steadman – as was the site. There is therefore a historical association of landholding between these two assets, although it seems most likely that the site was attached to Little Pollardshill Farm, formerly located directly south of the site. There is no known historical association between any of the three remaining assets and the site.

²⁷ Historic England, *GPA:3*, p. 4.

- 6.7. Big Pollardshill Farm and Copsale Farm (and Number 8 and Little Tuckmans) are separated physically and visually from the site by woodland to either side of the A24. There is also no intervisibility between Brick Kiln Farmhouse and the site on account of the intervening topography. The land rises steeply 100m southwards from the southern edge of the site, before falling towards the farmhouse, which sits in a small valley. The site is not a location from where any of the assets are experienced.
- 6.8. Despite an historical association of land ownership and occupancy between the site and Big Pollardshill Farm and

Copsale Farm, there does not appear to have been/be any visual connections between the site and the assets. It is considered that the site does not contribute through setting to the significance of these assets, or any other asset.

- 6.9. As such, it is concluded that the proposed development of the site will result in no harm to the significance of any designated heritage assets through changes in setting.

7. Conclusions

Archaeology

- 7.1. Previous archaeological investigations at Mill Straight, directly to the north of the site, and Millfield, 250m to the north-east of the site, uncovered residual lithic finds suggestive of Mesolithic and Neolithic activity nearby so there is low to medium potential for such finds to be present within the site. Any such unstratified finds would be of limited archaeological interest.
- 7.2. A Late Bronze Age cremation and a Middle Iron Age pit recorded at Millfield indicate later prehistoric activity and possible settlement to the north of the site. One feature from each period is not conclusive evidence but indicates a moderate potential for associated archaeological remains being present within the site. Such remains are anticipated to comprise non-designated heritage assets.
- 7.3. Excavations at Mill Straight indicate a high potential for Late Iron Age and Romano-British archaeological remains continuing into the north-eastern part of the site. Such remains would represent a non-designated heritage asset.
- 7.4. Investigations at Millfield identified significant amounts of medieval pottery, but none was recovered from Mill Straight, suggesting medieval activity was concentrated to the north of Mill Straight. Based on currently available information, only buried evidence of medieval agricultural land use is expected within the site. Typically, features such as plough furrows and former field boundaries would not retain sufficient archaeological or historic

interest to be considered even as non-designated heritage assets.

- 7.5. Historic maps show that there were farm buildings in the centre of the site and immediately to the south-west of the site from at least the mid-19th century until the mid-20th century. During the site walkover survey undertaken for this assessment, no extant buildings, only rubble, was observed at the ground surface. There is the potential for buried footings of the barns, but these would be considered to be heritage assets.
- 7.6. In conclusion, the previous archaeological investigations to the north of the site provide evidence of activity spanning the later prehistoric and historic periods; and it is likely that the evidence of prehistoric activity extends into the site.
- 7.7. Due to the presence of tree cover on the site, it will not be possible to evaluate the archaeological potential of the site further, through geophysical survey or trial trenching, prior to the determination of the application. As such, it is recommended that the investigation and recording of the archaeological remains within the site is secured through a condition attached to any permission granted.

Heritage Assets

- 7.8. There are five designated heritage assets, all Grade II listed buildings, within the study area. All lie at some distance from site and are screened or obscured by woodland, topography and the modern A24 highway. The



residential development of the site would cause no harm to the heritage significance of these assets through changes in setting.

Sources

Legislation
UK Public General Acts, Ancient Monuments and Archaeological Areas Act 1979.
UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
UK Public General Acts, Planning and Compulsory Purchase Act 2004.
UK Public General Acts, Town and Country Planning Act 1990.

Policy and Guidance
Chartered Institute for Archaeologists (CIfA), <i>Standard and Guidance for Historic Environment Desk-Based Assessment</i> (revised edition, October 2020).
Ministry of Housing, Communities & Local Government (MHCLG), <i>National Planning Policy Framework (NPPF)</i> (London, December 2024).
Ministry of Housing, Communities & Local Government (MHCLG), <i>Planning Practice Guidance (PPG)</i> (revised February 2024).
English Heritage, <i>Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment</i> (London, April 2008).
Historic England, <i>Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1</i> (2 nd edition, Swindon, February 2019).

Historic England, <i>Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning</i> : 2 (2 nd edition, Swindon, July 2015).
Historic England, <i>Statements of Heritage Significance: Analyzing Significance in Heritage Assets</i> , Historic England Advice Note 12 (Swindon, October 2019).
Historic England, <i>The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3</i> (2 nd edition, Swindon, December 2017).

Court and Appeal Decisions
Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137.
Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin).
Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697.
Jones v Mordue [2015] EWCA Civ 1243.
Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin).
Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Cartographic Sources	
1838	Tithe Map
1879	Ordnance Survey County of Sussex Sheet XXIV
1896	Ordnance Survey County of Sussex Sheet XXIV
1909	Ordnance Survey County of Sussex Sheet XXIV
1960	Ordnance Survey County of Sussex Sheet XXIV

Aerial Photography References	
10 APR 1947	RAF/CPE/UK/1966
10 APR 1947	RAF/CPE/UK/1966
10 APR 1947	RAF/CPE/UK/1966
10 APR 1947	RAF/CPE/UK/1966
10 APR 1947	RAF/CPE/UK/1966
10 APR 1947	RAF/CPE/UK/1966

11 APR 1947	RAF/CPE/UK/1978
11 APR 1947	RAF/CPE/UK/1978
11 APR 1947	RAF/CPE/UK/1978
11 APR 1947	RAF/CPE/UK/1978
14 MAY 1959	RAF/58/2860
14 MAY 1959	RAF/58/2860
14 MAY 1959	RAF/58/2862
14 MAY 1959	RAF/58/2862
14 MAY 1959	RAF/58/2862
15 JUN 1959	RAF/58/2939
15 JUN 1959	RAF/58/2939
17 JUN 1959	RAF/58/2948
17 JUN 1959	RAF/58/2948
17 JUN 1959	RAF/58/2948

17 JUN 1959	RAF/58/2948
17 JUN 1959	RAF/58/2948
17 JUN 1959	RAF/58/2948
10 MAY 1966	MAL/66022
10 MAY 1966	MAL/66022
10 MAY 1966	MAL/66022
09 AUG 1973	OS/73392
09 AUG 1973	OS/73392
09 AUG 1973	OS/73392
09 AUG 1973	OS/73392
09 AUG 1973	OS/73392
26 SEP 1992	OS/92526
26 SEP 1992	OS/92526
26 SEP 1992	OS/92526

26 SEP 1992	OS/92526
26 SEP 1992	OS/92526
26 SEP 1992	OS/92526
29 AUG 1961	MAL/61502
28 JUL 1997	OS/97703
28 JUL 1997	OS/97703
28 JUL 1997	OS/97703
28 JUL 1997	OS/97704
28 JUL 1997	OS/97704
28 JUL 1997	OS/97704
31 MAY 2003	OS/03047
31 MAY 2003	OS/03047
31 MAY 2003	OS/03047
31 MAY 2003	OS/03047

30 JUL 1984	ADA/220
30 JUL 1984	ADA/220
30 JUL 1984	ADA/220

Secondary Sources and Grey Literature	
ASE 2016. Land on Mill Straight Southwater: Archaeological Evaluation Report. Unpublished client report: 7969	
ASE 2012. Land on Millfield, Southwater, Horsham: Archaeological Evaluation Report. Unpublished client report: 2012079	
CgMs 2014. Archaeological Desk Based Assessment: Land off Mill Straight Southwater West Sussex. Unpublished client report: DH/KB/17170	
Ellis, C. and Massey, R. 2019. An excavation on land at Mill Straight, Southwater, West Sussex. Sussex Archaeological Collections 157 (2019), 97–106 online at: archiveDownload (archaeologydataservice.ac.uk)	

Appendix 1: Gazetteer

Heritage Data

HER Event Data

Ev UID	Name	Event Type
EWS1171	Land at Millfield, Southwater. Magnetometer Survey & Archaeological Evaluation	Event
EWS1380	Land adjacent to Millfield, Southwater – Archaeological Excavations	Event
EWS1380	Land adjacent to Millfield, Southwater – Archaeological Excavations	Event
EWS1669	Land off Mill Straight, Southwater – Desk Based Assessment	DBA
EWS1750	Land off Mill Straight, Southwater – Historic Landscape Survey and Evaluation	Event
EWS1922	Land West of Rascal's Close, Southwater – Watching Brief	Event
EWS2213	Land at Little Tuckmans Farm, Southwater – Geophysical Survey	Event

HER Monument Data

Mon UID	Pref Ref	Name	Mon Type
MWS12301	MWS12301	Site of Malden Farm Historic Outfarm, Shipley	OUTFARM
MWS12661	MWS12661	Site of Nutham Barn Historic Outfarm, Southwater	OUTFARM
MWS12811	MWS12811	Site of Outfarm Historic Outfarm, Shipley	OUTFARM
MWS12819	MWS12819	Site of Outfarm Historic Outfarm, Shipley	OUTFARM
MWS12905	MWS12905	Historic Outfarm North of Copsale, Nuthurst	OUTFARM
MWS13410	MWS13410	Site of Redfield Barn Historic Outfarm, Southwater	OUTFARM
MWS14058	MWS14058	Site of Yard adjacent to Vincent's Cottages, Shipley	FARMSTEAD
MWS14145	MWS14145	Site of Yard South West of Windfords, Shipley	OUTFARM
MWS471	MWS471	Cripplegate Windmill, Southwater	WINDMILL
MWS4828	MWS4828	Brick kiln E. of Shipley Rd.	BRICKWORKS
MWS483	MWS483	Soilmark – Malden Farm	ENCLOSURE
MWS484	MWS484	Copsale Mill	WATERMILL

MWS8538	MWS8538	Milestone – Southwater	MILESTONE; MILESTONE
MWS9402	MWS9402	Big Pollardshill Farm Historic Farmstead, Shipley	FARMSTEAD
MWS9483	MWS9483	Brickkiln Farm Historic Farmstead, Shipley	FARMSTEAD; L SHAPE PLAN
MWS9564	MWS9564	Browns Barn Historic Outfarm, Shipley	OUTFARM; U SHAPE PLAN
MWS9877	MWS9877	Site of Constables Barn Historic Outfarm, Shipley	OUTFARM
MWS9908	MWS9908	Copsale Farm Historic Farmstead, Nuthurst	FARMSTEAD; L SHAPE PLAN
MWS14947	MWS14947	Land west of Rascal's Close, Southwater – Watching Brief	Negative Evidence
MWS15242	MWS15242	Woodfords and Outbuildings, Shipley Road, Shipley	HOUSE; STAIRCASE; CHIMNEY STACK; T SHAPE PLAN; TIMBER FRAMED BUILDING; JOWL; OUTBUILDING; QUEEN POST; HOUSE; OUTBUILDING; OUTBUILDING; STABLE; HOUSE; Box Bay Window; HOUSE; STAIRCASE; Extension; PORCH; Extension; CHIMNEY STACK
MWS15356	MWS15356	Copsale Village Hall, Nuthurst	VILLAGE HALL; BARGE BOARD; VILLAGE HALL; CANTEEN; VILLAGE HALL; KITCHEN; TOILET; TOILET; VILLAGE HALL; KITCHEN
MWS5508	MWS5508	Shoreham – Horsham (Christ's Hospital) Railway	RAILWAY; RAILWAY

MWS10165	MWS10165	Land at Millfield, Southwater – Archaeological Investigations	DITCH; POND; GULLY; POND; GULLY; DITCH; DITCH; GULLY; GULLY; Negative Evidence; FIELD BOUNDARY; POST HOLE; POND
MWS11695	MWS11695	Archaeological Excavations at Millfield, Southwater, Horsham: A post-excavation Assessment and Updated Project Design Report	PIT; STREAM; DITCH; ENCLOSURE; PIT; TREE THROW; ROUND HOUSE (DOMESTIC); DITCH; POST HOLE; HEARTH; DITCH; DITCH; DITCH
MWS11695	MWS11695	Archaeological Excavations at Millfield, Southwater, Horsham: A post-excavation Assessment and Updated Project Design Report	PIT; STREAM; DITCH; ENCLOSURE; PIT; TREE THROW; ROUND HOUSE (DOMESTIC); DITCH; POST HOLE; HEARTH; DITCH; DITCH; DITCH
MWS13849	MWS13849	Land off Mill Straight, Southwater – Archaeological Investigations	PIT; DITCH; PIT; POST HOLE?; PIT?; WOOD BANK; DITCH; POND; SAW PIT; PIT; BANK (EARTHWORK); DITCH; GULLY; PIT; HEARTH; POST HOLE; STAKE HOLE; TREE THROW?
MWS9402	MWS9402	Big Pollardshill Farm Historic Farmstead, Shipley	FARMSTEAD
MWS9483	MWS9483	Brickkiln Farm Historic Farmstead, Shipley	FARMSTEAD; L SHAPE PLAN
MWS9564	MWS9564	Browns Barn Historic Outfarm, Shipley	OUTFARM; U SHAPE PLAN
MWS9877	MWS9877	Site of Constables Barn Historic Outfarm, Shipley	OUTFARM
MWS9908	MWS9908	Copsale Farm Historic Farmstead, Nuthurst	FARMSTEAD; L SHAPE PLAN

MWS15242	MWS15242	Woodfords and Outbuildings, Shipley Road, Shipley	HOUSE; STAIRCASE; CHIMNEY STACK; T SHAPE PLAN; TIMBER FRAMED BUILDING; JOWL; OUTBUILDING; QUEEN POST; HOUSE; OUTBUILDING; OUTBUILDING; STABLE; HOUSE; Box Bay Window; HOUSE; STAIRCASE; Extension; PORCH; Extension; CHIMNEY STACK
MWS15459	MWS15459	Land at Little Tuckmans Farm, Southwater – Geophysical Survey	LINEAR FEATURE; PIT?

Historic England Data

Historic England Listed Buildings

List Entry	Name	Grade
1285427	BIG POLLARSHILL FARMHOUSE	II
1026961	BRICKKILN FARMHOUSE	II
1354212	NUMBER 8 KNEPP CASTLE ESTATE	II
1026857	LITTLE TUCKMANS	II
1194013	COPSALE FARMHOUSE	II

Appendix 2: Figures

Figure 1: Site Location Plan

Figure 2: HER Events

Figure 3: HER Monuments

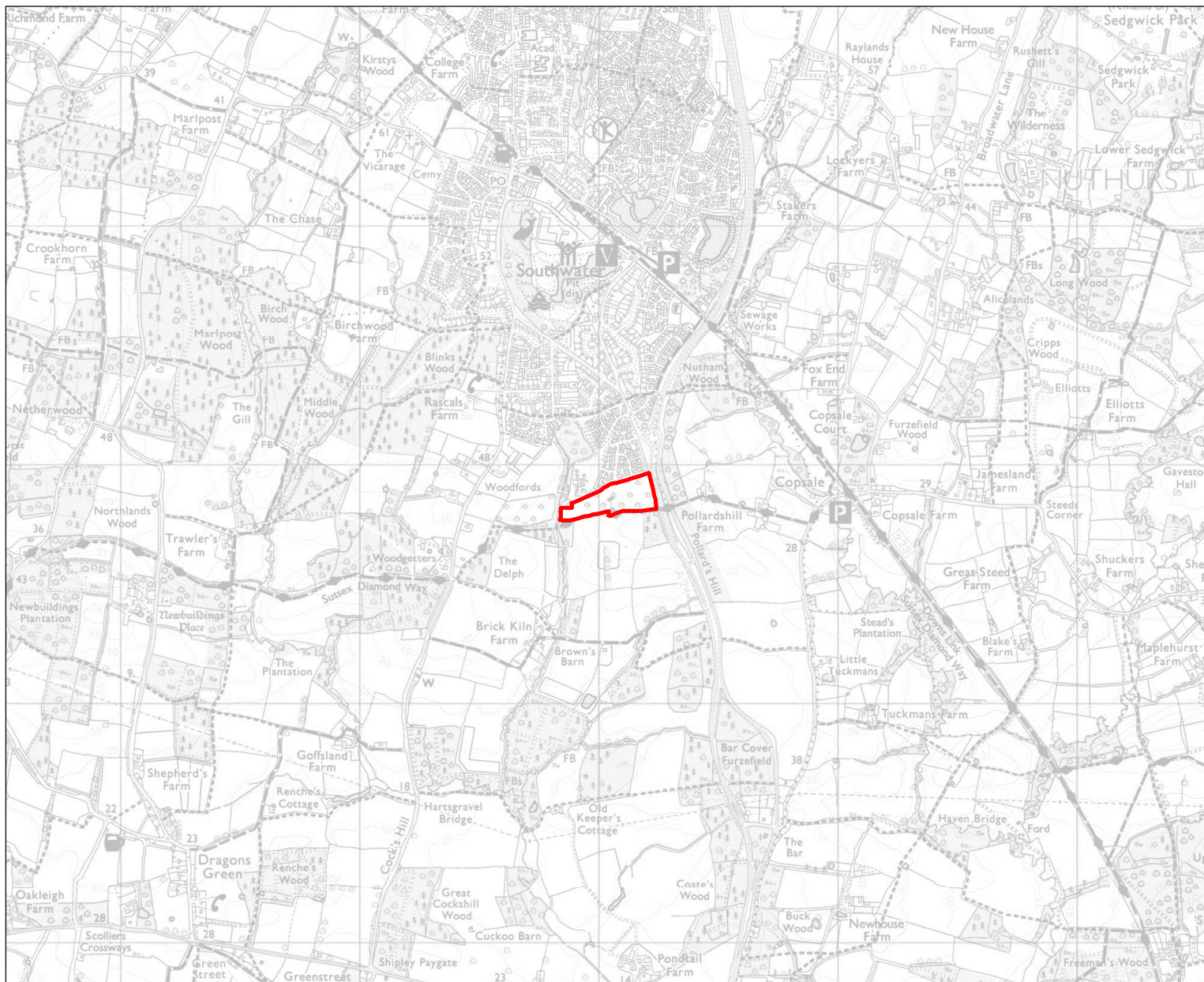
Figure 4: Designated Heritage Assets

Figure 5: 1838 Tithe Map

Figure 6: 1876 OS Map

Figure 7: 1897 OS Map

Figure 8: 1973 OS Map



KEY

Site Boundary

Courtesy of Emapsite

Figure 1: Site Location

Campsfield, Southwater

Client: Miller Homes

DRWG No: P23-0602

Drawn by: JK

Date: 20/11/2024

Scale: 1:25,000 @ A4

Approved by: GS

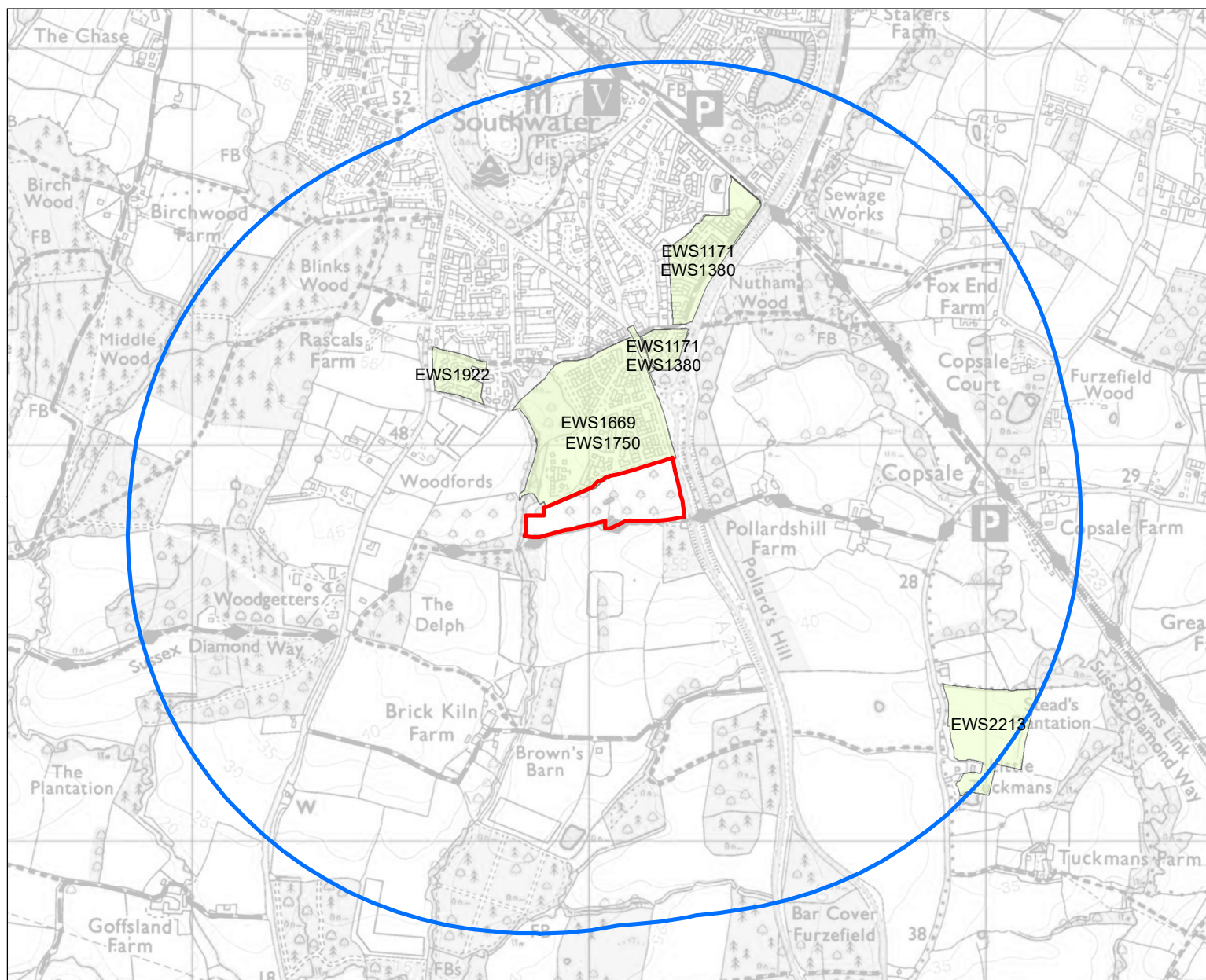
0 1 kilometre



PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | HERITAGE

Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2020 Ordnance Survey 0100031673. Emapsite Licence number 0100031673. Promap License number 100020449. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following Pegasus' express agreement to such use. T 01285641717 www.pegasusgroup.co.uk

PEGASUS
GROUP



KEY

- Site Boundary
- Study Area
- HER Events

Contains West Sussex HER data. Records labelled by their EvUID, please cross reference to Appendix 1 of the Heritage Desk-Based Assessment

Figure 2: HER Events

Campsfield, Southwater

Client: Miller Homes

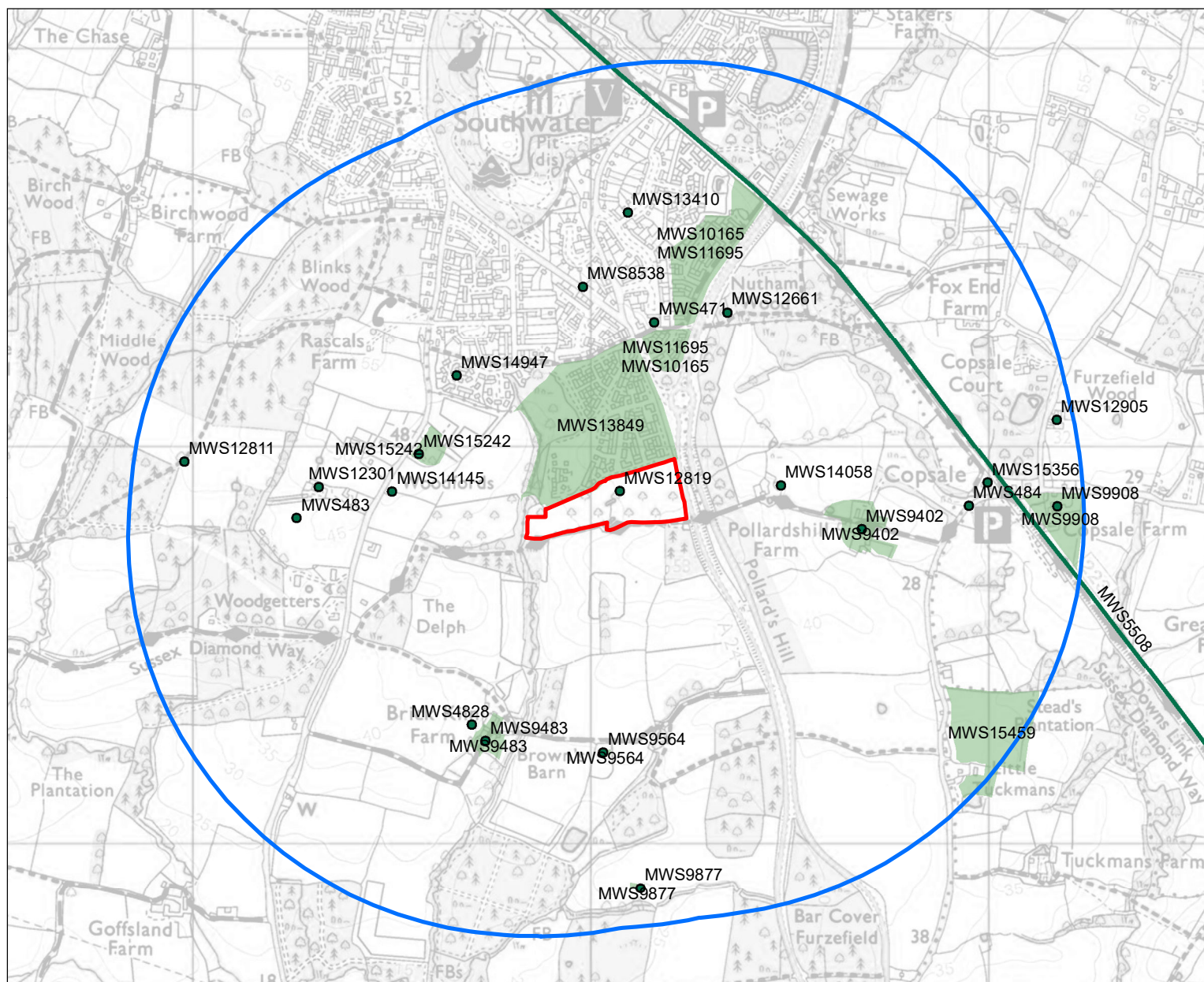
DRWG No: P23-0602

Drawn by: JK

Date: 20/11/2024

Scale: 1:15,000 @ A4

Approved by: GS



KEY

- Site Boundary
- Study Area
- HER Monuments

Contains West Sussex HER data. Records labelled by their MonUID, please cross reference to Appendix 1 of the Heritage Desk-Based Assessment

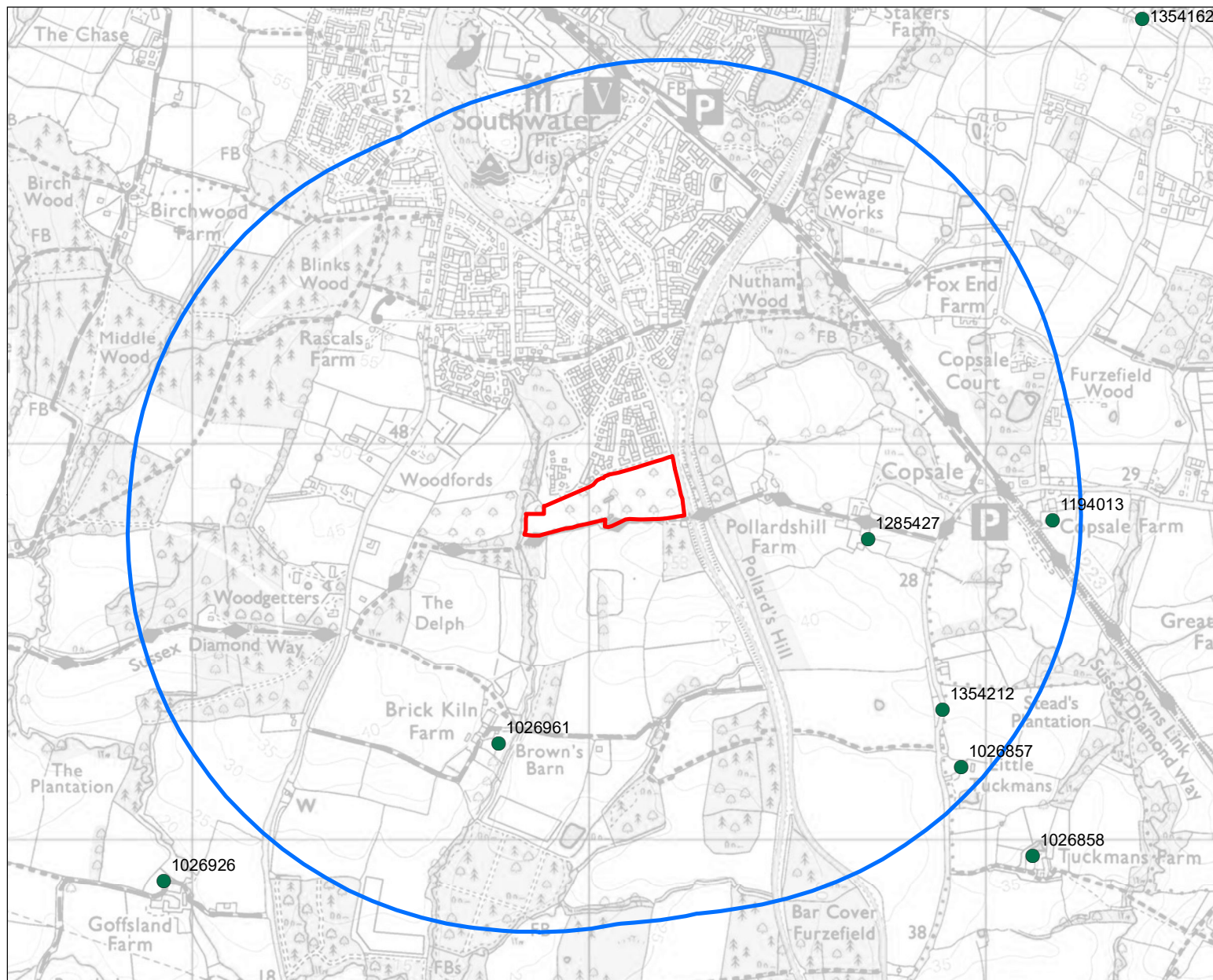
Figure 3: HER Monuments

Campsfield, Southwater

Client: Miller Homes
 DRWG No: P23-0602
 Drawn by: JK
 Date: 20/11/2024
 Scale: 1:15,000 @ A4
 Approved by: GS

0 500 metres





KEY

Site Boundary

Study Area

Listed Buildings

Grade

▲ I

● II

■ II*

Courtesy of Historic England

Figure 4: Designated Heritage Assets

Campsfield, Southwater

Client: Miller Homes

DRWG No: P23-0602

Drawn by: JK

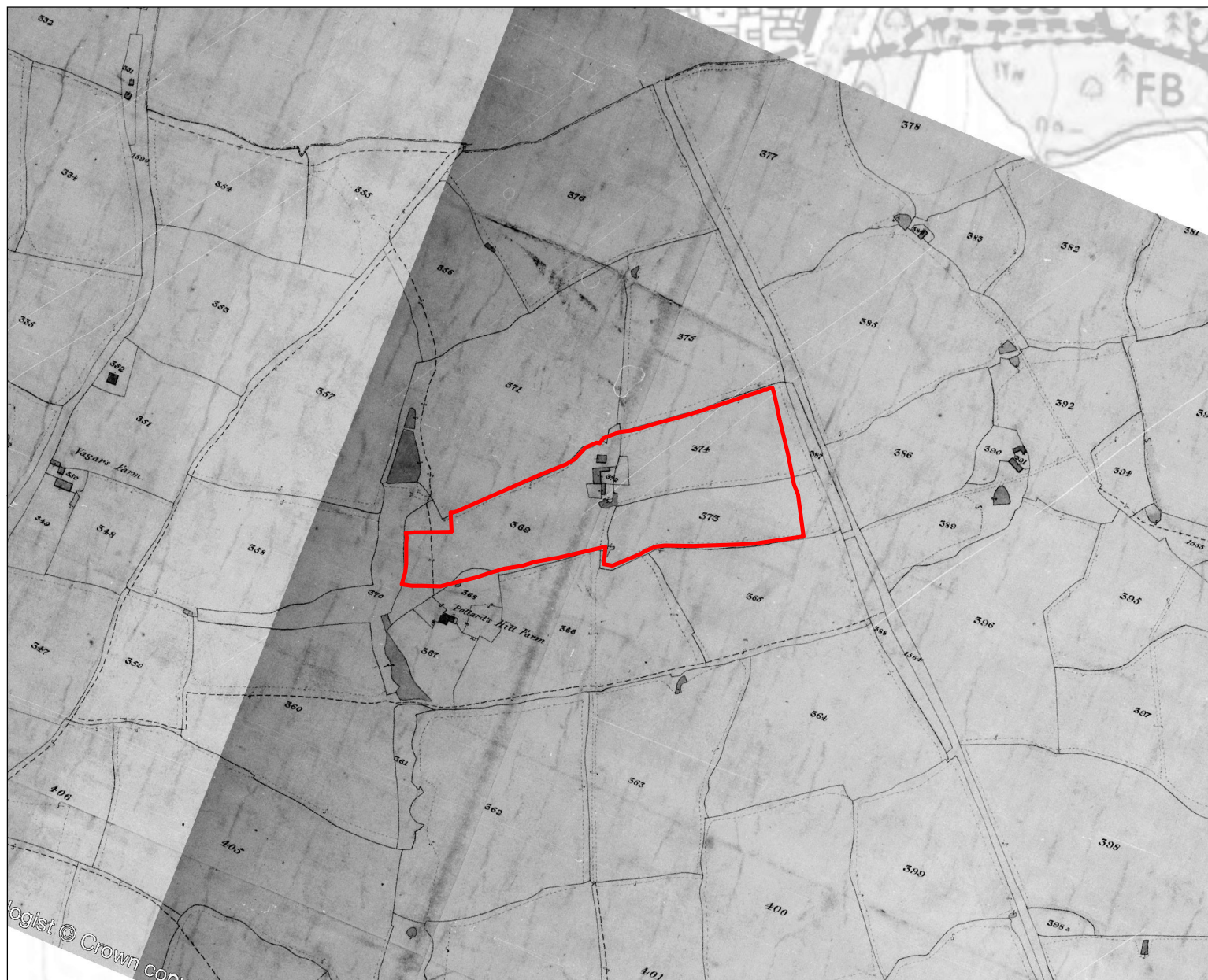
Date: 20/11/2024

Scale: 1:15,000 @ A4

Approved by: GS

0 500 metres





KEY

Site Boundary

Image courtesy of The Genealogist

Figure 5: 1838 Tithe Map

Campsfield, Southwater

Client: Miller Homes

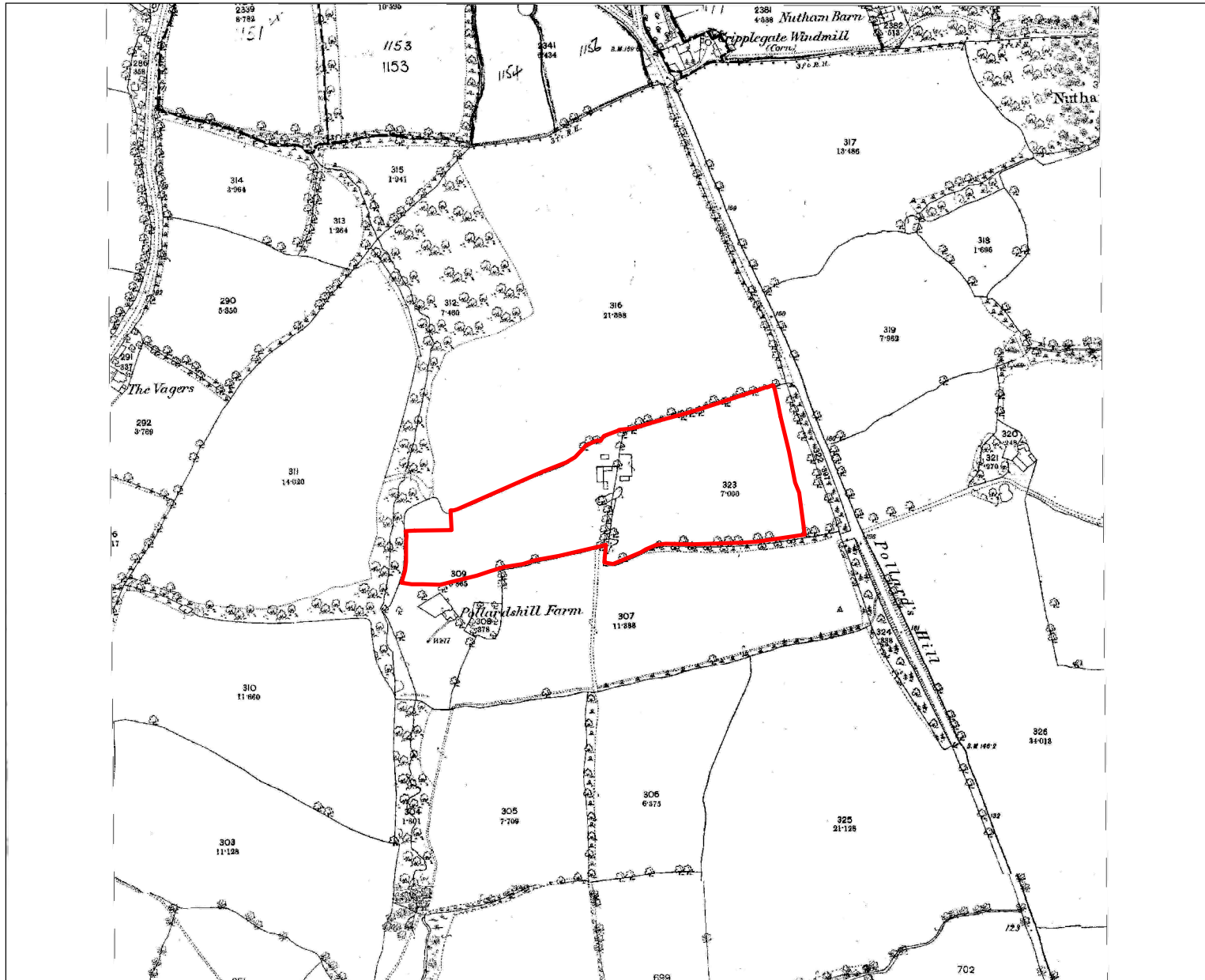
DRWG No: P23-0602

Drawn by: JK

Date: 20/11/2024

Scale: 1:6,000 @ A4

Approved by: GS



KEY

Site Boundary

Image courtesy of ProMap

Figure 6: 1876 Ordnance Survey Map

Campsfield, Southwater

Client: Miller Homes

DRWG No: P23-0602

Drawn by: JK

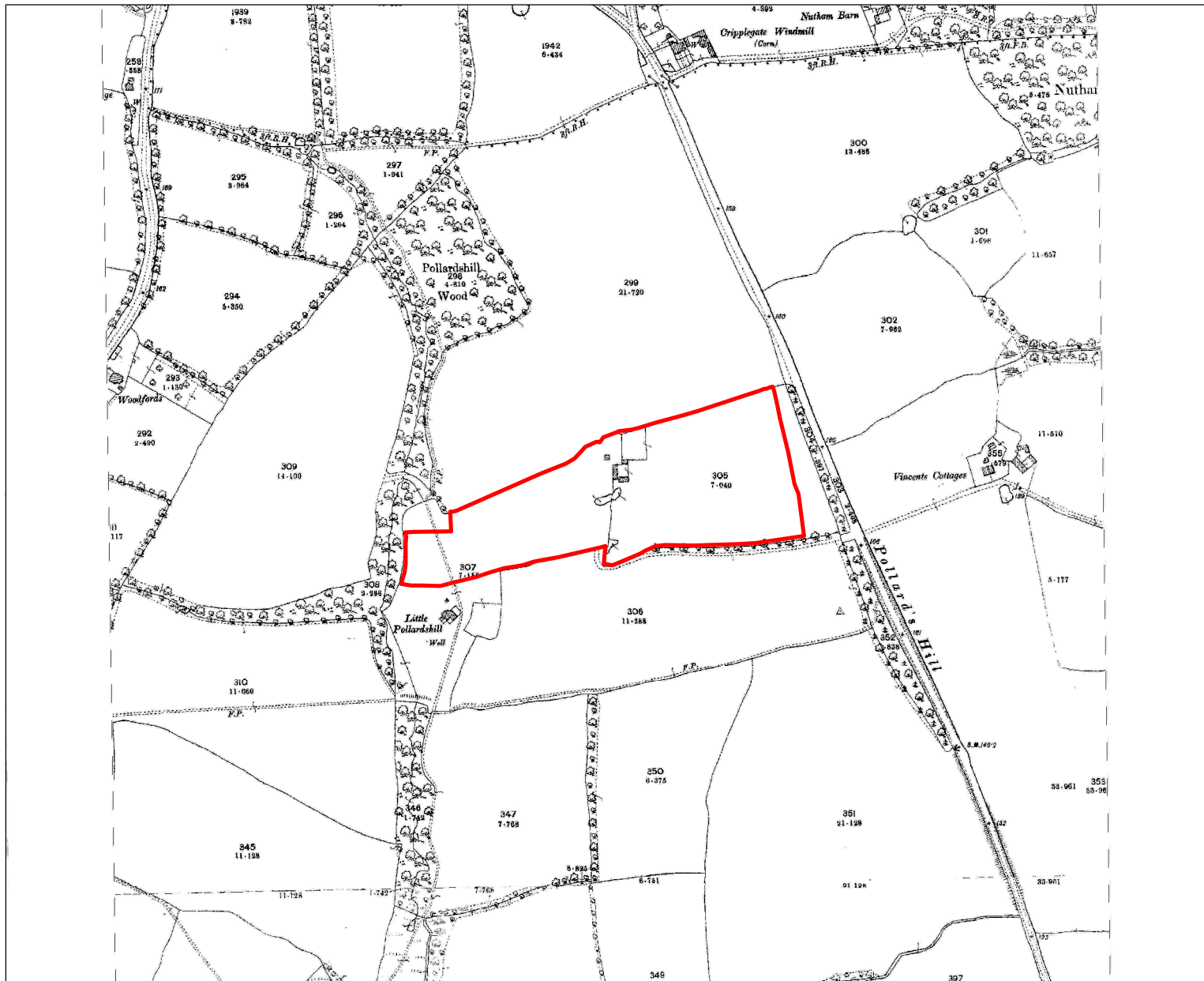
Date: 20/11/2024

Scale: 1:6,000 @ A4

Approved by: GS

0 160 metres





KEY

Site Boundary

Image courtesy of ProMap

Figure 7: 1897 Ordnance Survey Map

Campsfield, Southwater

Client: Miller Homes

DRWG No: P23-0602

Drawn by: JK

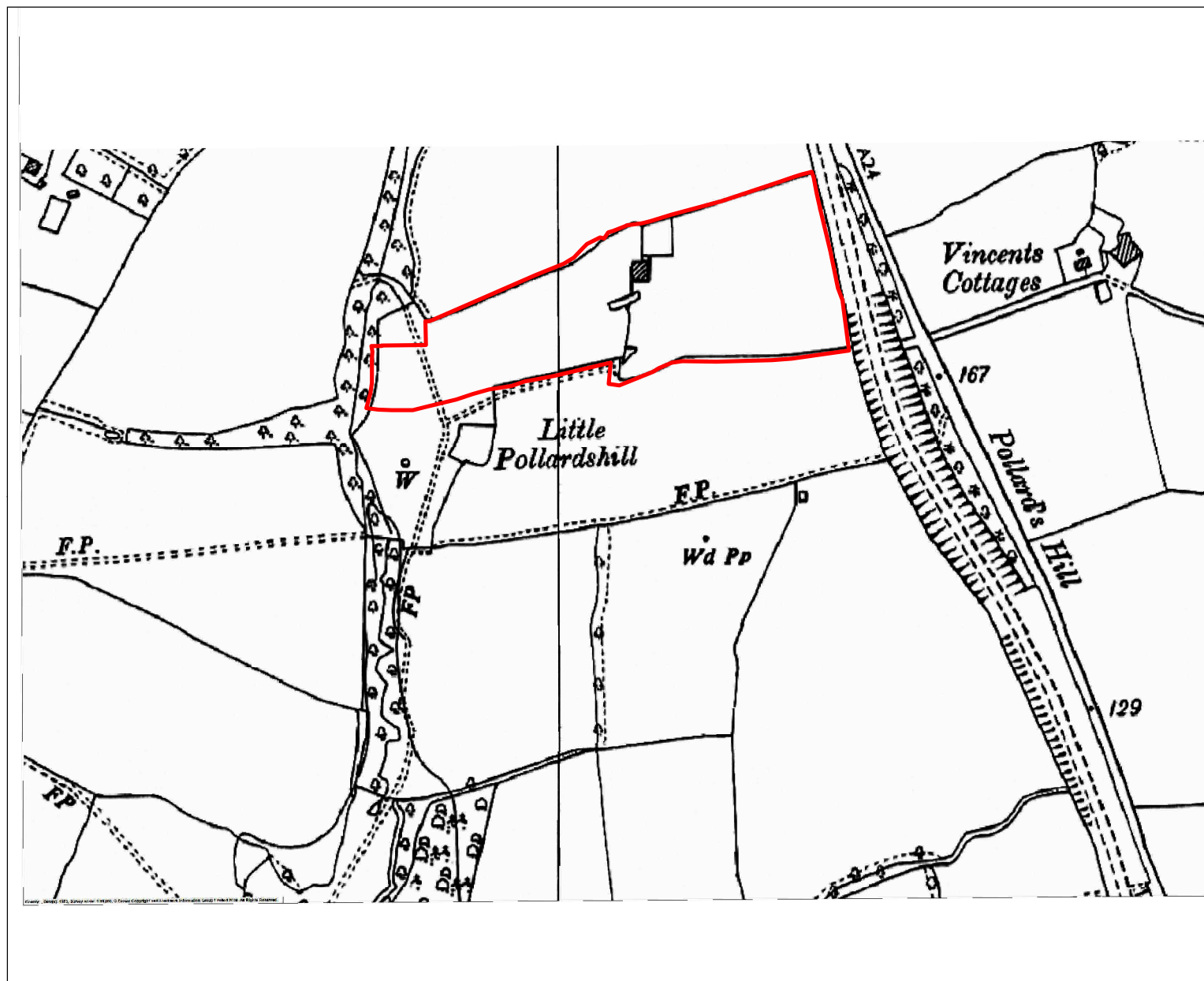
Date: 20/11/2024

Scale: 1:6,000 @ A4

Approved by: GS

0 160 metres





KEY

Site Boundary

Image courtesy of ProMap

Figure 8: 1973 Ordnance Survey Map

Campsfield, Southwater

Client: Miller Homes

DRWG No: P23-0602

Drawn by: JK

Date: 20/11/2024

Scale: 1:5,000 @ A4

Approved by: GS

0 160 metres



Appendix 3: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²⁸

Historic England’s *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²⁹

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage’s *Conservation Principles*.³⁰ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.³¹

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** As defined in the Glossary to the *National Planning Policy Framework*, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective

²⁸ MHCLG, *NPPF*, Annex 2.

²⁹ Historic England, *GPA:2*.

³⁰ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These

heritage values are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

³¹ MHCLG, *NPPF*, Annex 2; DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-2019072.

experience of a place and can symbolise wider values such as faith and cultural identity.³²

Significance results from a combination of any, some, or all of the interests described above.

Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.³³

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”³⁴

Setting is defined 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.”³⁵

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁶

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

³² DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

³³ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

³⁴ DLUHC, *NPPF*, Annex 2.

³⁵ DLUHC, *NPPF*, Annex 2.

³⁶ Historic England, *GPA:3*, pp. 8, 11.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social

and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³⁷

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

Designated heritage assets of the highest significance, as identified in paragraph 213 of the *NPPF*, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 75 of the *NPPF*;³⁸

³⁷ Catesby Estates Ltd. v. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³⁸ MHCLG, *NPPF*, para. 213 and fn. 75.

Designated heritage assets of less than the highest significance, as identified in paragraph 213 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³⁹ and

Non-designated heritage assets. Non-designated heritage assets are defined within the PPG as *"buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as*

*having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".*⁴⁰

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

³⁹ MHCLG, *NPPF*, para. 213.

⁴⁰ MHCLG, *PPG*, paragraph 039, reference ID: 18a-039-20190723.

Appendix 4: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴¹ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 66(1) of the Act states that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁴²

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight”

⁴¹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴² UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

when the decision-maker carries out the balancing exercise.”⁴³

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 215 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.⁴⁴

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”⁴⁵

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain

⁴³ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁴⁴ Jones v Mordue [2015] EWCA Civ 1243.

⁴⁵ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁴⁶

⁴⁶ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 5: National Policy Guidance

The National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in December 2024. This replaced and updated the previous *NPPF* (December 2023). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development."

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance***

provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- a. *approving development proposals that accord with an up-to-date development plan without delay; or*
- b. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*

taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”⁴⁷

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”⁴⁸ (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

⁴⁷ MHCLG, NPPF, para. 11.

⁴⁸ MHCLG, NPPF, para. 11, fn. 7.

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”⁴⁹

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁰

As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”⁵¹

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 208 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that

may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”⁵²

Paragraph 210 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁵³***

⁴⁹ MHCLG, NPPF, Annex 2.

⁵⁰ MHCLG, NPPF, Annex 2.

⁵¹ MHCLG, NPPF, Annex 2.

⁵² MHCLG, NPPF, para. 208.

⁵³ MHCLG, NPPF, para. 210.

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 212 and 213 are relevant and read as follows:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”⁵⁴

“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. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;***
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”⁵⁵***

Section b) of paragraph 213, which describes assets of the highest significance, also includes footnote 75 of the NPPF, which states

that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 214 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and***
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and***
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and***
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”⁵⁶***

⁵⁴ MHCLG, NPPF, para. 212.

⁵⁵ MHCLG, NPPF, para. 213.

⁵⁶ MHCLG, NPPF, para. 214.

Paragraph 215 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”⁵⁷

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 219 that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”⁵⁸

Paragraph 220 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph

214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁵⁹ (our emphasis)

With regards to non-designated heritage assets, paragraph 216 of NPPF 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 directly or indirectly affect 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.”⁶⁰

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government

⁵⁷ MHCLG, NPPF, para. 215.

⁵⁸ MHCLG, NPPF, para 219.

⁵⁹ MHCLG, NPPF, para. 220.

⁶⁰ MHCLG, NPPF, para. 216.

(MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶¹

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. 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 works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁶² (our emphasis)

National Design Guide:

Appendix 6: Relevant Development Plan Policies

⁶¹ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁶² MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

Applications for Planning Permission and Listed Building Consent within Southwater are currently considered against the policy and guidance set out within Horsham District Planning Framework (2015) and the Southwater Neighbourhood Development Plan (2019-2031).

A review of the Local Plan has been carried out recently and the consultation period has closed on the Horsham District Local Plan 2023 – 2040 (Regulation 19).

The following policy from the current Local Plan relate to the historic environment:

Policy 34 Cultural and Heritage Assets

1. The Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Applications for such development will be required to:
2. Make reference to the significance of the asset, including drawing from research and documentation such as the West Sussex Historic Environment Record;
3. Reflect the current best practice guidance produced by English Heritage and Conservation Area Character Statements;
4. Reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques;
5. Make a positive contribution to the character and distinctiveness of the area, and ensuring that development

in conservation areas is consistent with the special character of those areas;5.Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials;

6. Secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset;
7. Retain and improves the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features; and
8. Ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate.

The following policy from the Neighbourhood Plan relate to the historic environment:

SNP19 – PARISH HERITAGE ASSETS

SNP19.1. Development proposals will be supported where they protect and, where possible, enhance Parish Heritage Assets as identified on the Neighbourhood Plan Policies Map.

SNP19.2. All proposals that directly impact Parish Heritage Assets, or the setting thereof, must describe the impact of the development on the significance of the heritage asset, demonstrating that the significance of that asset will not be adversely impacted.

SNP19.3. The Parish Heritage Assets are:

- a) Bax Castle Pub, Two Mile Ash
- b) Christ's Hospital Station Goods Shed
- c) Cripplegate Mill Stone, Cripplegate Lane
- d) Disused Railway (Downs Link) & Old Railway Bridges
- e) Elm Cottage, Worthing Road
- f) Iggy the Dinosaur, Lintot Square
- g) Old Brick Yard Gates, Lintot Square
- h) Denne Parkland
- i) Old Post Office, Worthing Road
- j) Old School House, Worthing Road
- k) Pump Cottage, Worthing Road
- l) Roman Bridge, Pond Farm Ghyll
- m) Southwater Village Signs (various locations)
- n) Edwardian Railway Cottages, Station Road Southwater
- o) War Memorial, Lintot Square
- p) Ye Olde Barn, Worthing Road
- q) Hen and Chicken Pub

- r) The Ecclesiastical Footpath between The Boar's Head and Tower Cottage
- s) Station Cottages at Christs Hospital Station
- t) Southwater Village Hall
- u) Calcot, Worthing Road
- v) Easteds Barn, Easteds Lane

The following proposed policy from the emerging Local Plan relate to the historic environment:

Strategic Policy 21: Heritage Assets and Managing Change within the Historic Environment

1. The Council will preserve and enhance its historic environment through positive management of

development affecting designated and non-designated heritage assets, and their settings.

Applications for such development will only be supported if they:

- a) Make reference to, and show an understanding of, the significance of the asset, including drawing from research and documentation such as the West Sussex Historic Environment Record;
- b) Take account current best practice guidance produced by Historic England and Conservation Area Character Statements, Appraisals and Management Plans;

c) Make a positive contribution to the character and distinctiveness of the area, and ensure that development in conservation areas is consistent with the special character of those areas;

d) Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, including traditional architectural form, proportion, detailing, materials and, where appropriate, landscape features including trees;

e) Demonstrate that the use(s) proposed are consistent with the significance of the heritage asset whilst securing its viable and sustainable future and continued preservation, especially any assets on Historic England's At Risk Register. Changes of use must be compatible with, and respect, the special architectural or historic interest of the asset and setting; and

f) Demonstrate that any proposal in the vicinity of a heritage asset with, or has the potential to include, archaeological interest is accompanied by appropriate archaeological research, including the investigation, recording and reporting of both above and below-ground archaeology. This will, as a minimum, include a desk-based assessment, and where deemed necessary by the Council, a field evaluation will also be required. If necessary, the Council will require assets to be preserved in situ or excavated.

2. Proposals which affect a heritage asset, or the setting of a heritage asset, will only be supported where accompanied by a Heritage Statement.

3. Proposals which would cause substantial harm to, or loss of, a heritage asset will not be supported unless it can be demonstrated that the substantial public benefits gained would outweigh the

substantial harm or total loss of the asset and that any replacement scheme makes an equal contribution to local character and distinctiveness. Applicants must show an understanding of the significance of the heritage asset to be lost, either wholly or in part, and demonstrate how the heritage asset has been recorded.

4. Proposals which would lead to less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of the proposal and will only be supported where public benefit is considered to outweigh the harm.

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Cirencester
33 Sheep Street, Cirencester, GL7 1 RQ
T 01285 641717
Cirencester@pegasusgroup.co.uk
Offices throughout the UK.

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, GL7 1RQ

We are ISO certified 9001, 14001, 45001



Pegasus_Group



pegasusgroup



Pegasus_Group

PEGASUSGROUP.CO.UK