

Built Heritage Statement

Orange Tree Cottage, Rectory Lane, Pulborough RH20 2AD

On behalf of Domenic Carratu

Date: 24/03/2026 | Pegasus Ref: P26-0412





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1. Introduction

- 1.1. Pegasus Group have been commissioned by Domenic Carratu to prepare a Built Heritage Statement for roof works at Orange Tree Cottage, Pulborough, as shown on the Site Location Plan provided at Plate 1.



Plate 1: Site Location Plan.

- 1.2. Orange Tree Cottage is a Grade II Listed Building located within the Pulborough Conservation Area. There are several Listed Buildings within the immediate surrounds of the Site.

- 1.3. Listed Building Consent and Planning Permission is sought to regularise re-roofing works already undertaken to the single-storey, north-westerly extension to Orange Tree Cottage.

- 1.4. This Assessment provides information with regards to the significance of the built 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

- 1.5. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 212 to 216 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.

- 1.6. 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. Proposed Development

2.1. The application seeks Listed Building Consent and Planning Permission for works to the roof of the single-storey extension to Orange Tree Cottage.

2.2. The full schedule of works is as follows:

- Stripping existing clay and concrete tiles from roof;
- Replacement of rotten timber rafters and battens;
- Installation of insulation;
- Laying of natural slates.

2.3. The proposals are detailed on the following plans which form the application package and which this assessment considers:

- DWGPS00046-1 Cover Page
- DWGPS00046-2 Existing Elevations
- DWGPS00046-3 Proposed Elevations
- DWGPS00046-4 Roof Plans
- DWGPS00046-5 Roof Section

2.4. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 6**.

3. Methodology

- 3.1. The aims of this Report are to assess the significance of the built 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.

- 3.2. This assessment considers built heritage only.

Sources

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

- The West Sussex Historic Environment Record (HER) accessed via Heritage Gateway for information on the recorded heritage resource in 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;
- Old photographs accessible via the Historic England Architectural Red Box Collection; and
- Google Earth satellite imagery.

Site Visit

- 3.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 4th March 2026, during which the Site and its surrounds were assessed.

Photographs

- 3.5. 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

- 3.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 1**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-*

Taking in the Historic Environment (hereafter GPA:2);³

- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter HEAN:1).⁴
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁵ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁶

³ 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).

⁴ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management* (HEAN:1) (2nd edition, Swindon, February 2019).

⁵ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (HEAN:12) (Swindon, October 2019).

⁶ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

4. Site Description and Planning History

Site Description

- 4.1. The Site comprises Orange Tree Cottage, a two-storey dwelling with single-storey additions, and its associated residential curtilage within the village of Pulborough.
- 4.2. The Site backs directly onto Rectory Lane to the north. To its east is a residential property, to the south, a steep garden, and to the west a steep lane called Monkey Hill.

Site Development / Map Regression

- 4.3. A review of historic mapping from the mid-19th-century illustrates the development of the site over the years.
- 4.4. Orange Tree Cottage is recorded on the 1839 Tithe Map for the Parish of Pulborough at the convergence of two lanes onto Rectory Lane (Plate 2). The landholding is identified as '*house garden and playground*', in the ownership by John Andrew and Samuel Andrew, and occupied by Frederick Malison.
- 4.5. The 1st edition Ordnance Survey map shows more detail with trees and planting shown within the parcel of land associated with the cottage (Plate 3). A well was located at the bottom of the land. A smaller building had been constructed to the east of the cottage.
- 4.6. The 1897 edition of the Ordnance Survey map depicts the single-storey lean-to along most of the north-west side of the cottage, and a straight path from the south-west side of the cottage down to Lower Street (Plate 4). The

gap between Orange Tree Cottage and the adjacent dwelling had been infilled with another small road-side structure

- 4.7. The 1911 Ordnance Survey map depicts an enclosed yard to the rear (south) of this small structure (Plate 5).



Plate 2: Extract from 1839 Tithe Map for the Parish of Pulborough.



Plate 3: Extract from 1st edition Ordnance Survey map 1880.

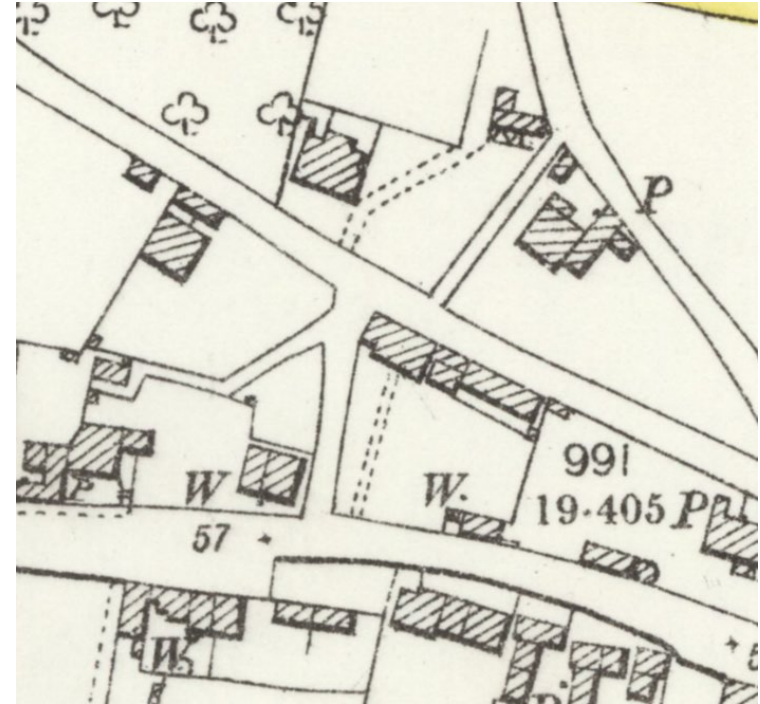


Plate 4: Extract from 1897 Ordnance Survey map.

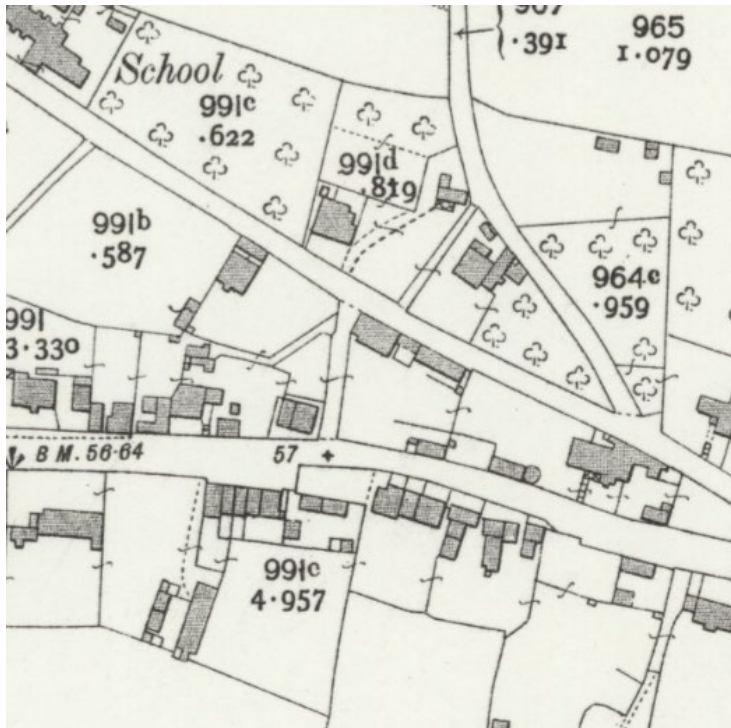


Plate 5: Extract from 1911 Ordnance Survey map



Plate 6: Extract from 1931 Ordnance Survey map



Plate 7: Extract from 1946 aerial photograph (Source: Historic England).



Plate 8: 2026 satellite image (Source: Google Earth).

Planning History

- 4.8. A review of the online planning records held by Horsham District Council has revealed no planning applications relating to Orange Tree Cottage.

5. Policy Framework

Legislation

- 5.1. 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.⁷
- 5.2. 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 are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁸
- 5.3. Full details of the relevant legislation are provided in **Appendix 2**.

National Planning Policy Guidance

- 5.4. 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 Practice 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.⁹ The *PPG* also contains the *National Design Guide*.¹⁰

- 5.5. Full details of the relevant national policy guidance is provided within **Appendix 3**.

The Development Plan

- 5.6. Applications for Planning Permission and Listed Building Consent in Pulborough are currently considered against the policy and guidance set out within the Horsham District Planning Framework (adopted November 2015).
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 4**.

⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁸ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

⁹ Ministry of Housing, Communities and 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>.

¹⁰ Ministry of Housing, Communities and Local Government (MHCLG), *National Design Guide* (London, January 2021).

6. The Historic Environment

- 6.1. The following Section provides an assessment of elements of the built historic environment that have the potential to be impacted upon by the proposed development.
- 6.2. As set out in **Section 1**, the Site comprises the Grade II Listed **Orange Tree Cottage** which is located within the **Pulborough Lower Street Conservation Area**.
- 6.3. With regards to other heritage assets within the surrounds of the Site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹¹
- 6.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.5. It is however widely accepted (paragraph 220 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹² In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.

- 6.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the Site as part of their setting, whether the Site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 6.8. It has been observed that no other heritage assets have the potential to be sensitive to the development proposals based on the limited scale and scope of the works Listed Building Consent is sought for.

Orange Tree Cottage

- 6.9. Orange Tree Cottage was added to the National List at Grade II on 9th May 1980 (NHLE 1027316). The List Entry describes the building as follows:

" Early C19. Two storeys. Three windows. Fronted with grey headers with dressings quoins, stringcourse and modillion eaves cogging cornice of red brick. Sides and back ironstone rubble. Hipped tiled roof. Glazing bars missing. Two

¹¹ Historic England, *GPA:3*, p. 4.

¹² MHCLG, *NPPF*, para. 220.

modern bays on ground floor with porch between."

- 6.10. A full copy of the List Entry is included at **Appendix 5**.
- 6.11. Orange Tree Cottage is a two-storey cottage, with single-storey side extensions. It is constructed from a mix of grey brick with red brick dressings to the principal (south-west) elevation, and rubble ironstone to the rear and side elevations. The main roof is hipped, and covered with plain clay tiles with two tall brick stacks on its east and west roof slopes. The roof has slightly overhanging eaves and modern rainwater goods.
- 6.12. The principal elevation of the cottage has a symmetrical frontage comprising three bays with a central doorway. The cottage has been added to over the years, with the addition of a brick and timber porch and two bay windows to the ground floor. Windows are renewed two-over-two sliding sash windows with simple horns.
- 6.13. The north-westerly lean-to extension has a new natural slate roof (previously peg tiles), the subject of this application, and modern brickwork and fenestration to its south-west elevation. The south-easterly extension has a very shallow pitched roof covered with a modern roofing sheet material and modern fenestration.
- 6.14. The rear (north east) elevation has a more vernacular character, owing to its rubble stone construction, ad hoc arrangement of windows and being devoid of decorative features. Both the east and west elevations have a first-floor casement window which almost abuts the flashing of the side extensions.



Plate 9: South elevation of Orange Tree Cottage.



Plate 10: Roadside north elevation.



Plate 12: Single-storey lean to extension on west side of the cottage.



Plate 11: Single-storey extension to east side of cottage left of frame.



Plate 13: Single-storey extension on west side of the cottage.

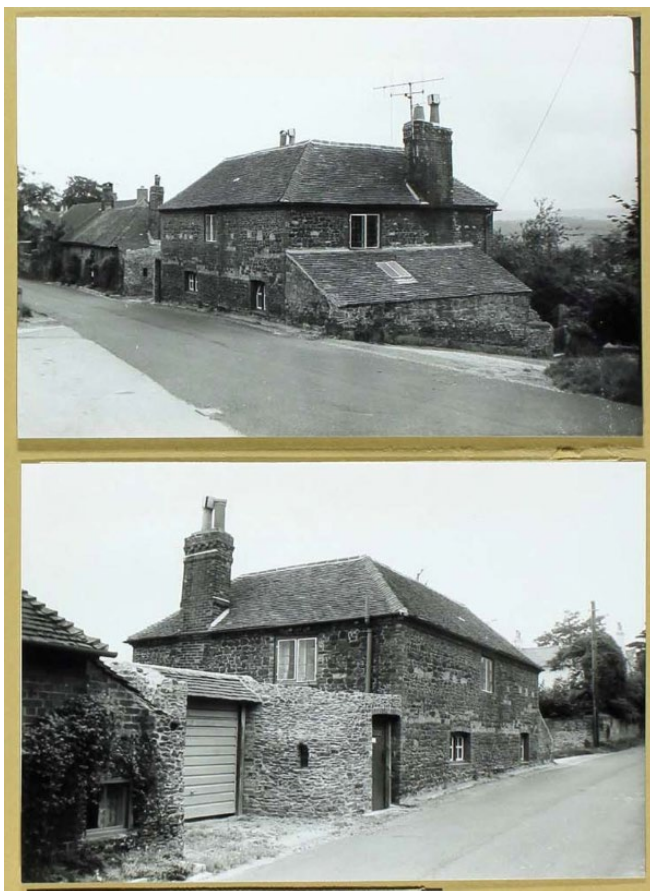


Plate 14: 1968 photograph of Orange Tree Cottage
(Source: Historic England).

- 6.15. Orange Tree Cottage is orientated southwards, with its rear elevation backing onto Rectory Lane. The property benefits from long-range views from the windows on its principal south elevation, while the rear and side elevations are more informal in character with views of the lane.
- 6.16. As noted in **Section 4**, in the mid-19th-century, the cottage was recorded as a house, with associated playground, the meaning of which is unclear. There is anecdotal evidence of the cottage being a public house in the early 20th-century though there is no evidence of this use in its exterior appearance or internal layout.¹³

Statement of Significance

- 6.17. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.¹⁴ This significance is consolidated by its inclusion within the boundaries of the Pulborough Conservation Area.
- 6.18. The heritage significance of Orange Tree Cottage is principally embodied in its physical fabric, from which it derives architectural, historic and archaeological interest as an early 19th-century rural dwelling which epitomises the local vernacular. The cottage has been extended and altered over the years and its side extensions and later alterations dating to the later 19th and 20th century are of less architectural and historic interest.
- 6.19. The setting of the asset also contributes to the significance of the asset, although the significance

¹³ [Orange Tree, Pulborough](#) (Accessed 6th March 2026)

¹⁴ MHCLG, *NPPF*, para. 213.

derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which are considered to contribute to its heritage significance comprise:

- Its garden which reflects its historic curtilage as shown on early mapping; and
- its position on Rectory Lane to the north which forms the northern boundary of the residential plot.

6.20. Those parts of the building that have been altered over the years are of lesser architectural and historic interest, in particular the side extensions which feature modern fenestration and doors.

Pulborough (Lower Street) Conservation Area

6.21. The Pulborough (Lower Street) Conservation Area was first designated on 3rd December 1973. The boundaries to the Conservation Area were amended in 2017.

6.22. Horsham District Council adopted the *Pulborough Conservation Area Appraisal and Management Plan* in January 2018. This document appraises the character and appearance of the Pulborough (Lower Street) Conservation Area and the Pulborough (Church Place) Conservation Area which lies to the west as one Conservation Area. This assessment will focus primarily on the Lower Street area.

Historic Development

6.23. Pulborough's origins lie at a historic ferry crossing point over the River Arun, overlooked by Church Hill, which is understood as the initial focus of settlement. Development also occurred to the south-east along Lower Street, which is thought to have prospered as a trading settlement for river craft mooring at the wharves alongside the Arun.

6.24. From the Medieval period, Pulborough grew into a linear settlement, which developed around key transport routes. By the 18th-century several inns catering to the increasing flow of stagecoaches through the village. The arrival of the railway in the 19th-century took over trade from the river barges but reinforced Pulborough as a key transport hub for the region.

Character and Appearance

6.25. Buildings within the Lower Street Conservation Area mainly date from the late 16th to 18th-centuries and are the result of unplanned ribbon development along key routes which has resulted in a variety of architectural styles and materials.

6.26. The scale of the buildings along Lower Street is predominately two-storey cottages under pitched, clay tile roofs. Construction ranges from timber-framed with brick infill, to coursed stone and rubble and rendered finishes. The stone used reflects local resources and includes Pulborough sandstone and Carstone and Ironstone. Roofs are primarily plain clay tiled, with some pantiles, slate and modern concrete tiles. Where boundaries exist, these are predominantly stone.

6.27. The Lower Street area in particular benefits from landscape features, gardens, trees, and open spaces, all

of which form key components of the conservation area's special character and appearance.

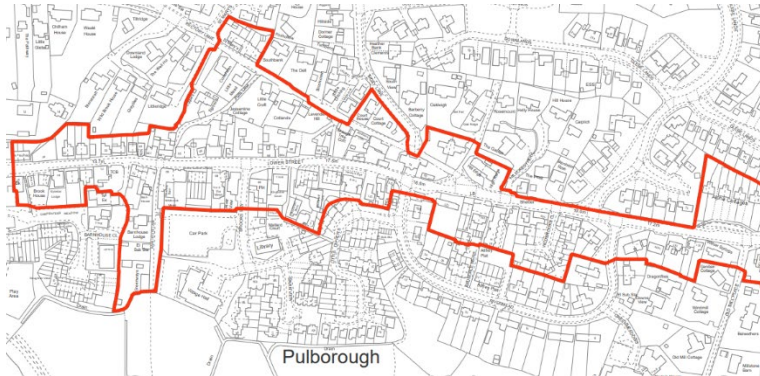


Plate 15: Lower Street Conservation Area boundary
(Source: Horsham District Council).



Plate 16: Mixed character and material palette along
Lower Street.



Plate 17: Commercial and residential buildings on Lower
Street.



Plate 18: View onto Lower Street from Potts Lane.



Plate 20: Two storey dwellings along a winding lane.



Plate 19: Vernacular cottages within the designated area.



Plate 21: Rendered house with a slate roof on Rectory Lane.



Plate 22: Lower Street.



Plate 23: Rubble stone, red brick and slate roofs.

Statement of Significance

6.28. The *Pulborough Conservation Area Appraisal and Management Plan* states that the special interest of the asset is derived from the following elements:

- The combination of topographical features, such as the River Arun and Rother tributary, and ancient communication routes, such as Stane Street, led to the development of a settlement at Pulborough. The rare survival of these elemental features remain key attributes of local character.
- The historic origins and development of the village through the medieval, post-medieval and industrial periods is still clearly discernible in the surviving townscape.
- Many buildings within the Conservation Areas are little altered from the time of their construction and designated in their own right as listed buildings. Many other unlisted buildings contribute positively to local character.
- The survival of historic fields and field boundaries within the settlement supports our understanding of Pulborough's development and enables appreciation of character.
- The buildings within the Conservation Areas utilise local building materials in a range of vernacular and historic techniques, establishing and reinforcing a strong sense of place"

The Contribution of the Site

- 6.29. Orange Tree Cottage epitomises the local vernacular both in terms of its form, as a two-storey cottage, and its construction from brick and coursed Ironstone under a traditional clay and slate tiled roof. As such, it is considered to make a positive contribution to the overall character and appearance, and thus significance, of the Conservation Area.

7. Assessment of Impacts

- 7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Listed Building Consent in line with the proposals set out within **Section 3** of this Report.
- 7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3. The statutory requirement set out in Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed Buildings and Conservation Areas, and this needs to be

the primary consideration when determining the acceptability of the proposals.

- 7.5. It is also 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*.¹⁵ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.¹⁶
- 7.6. 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.¹⁷
- 7.7. 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.¹⁸ In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

¹⁵ MHCLG, *NPPF*, paras. 214 and 215.

¹⁶ MHCLG, *NPPF*, para. 216.

¹⁷ MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

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

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹⁹

- 7.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

Orange Tree Cottage

- 7.9. The works that are subject of this application relates to the roof of the north-westerly side extension.
- 7.10. The interior of the extension, which is used as a utility room, was damp and suffering from water ingress. Upon further investigation the rafters were found to be rotten which compromised the structural integrity of the roof.
- 7.11. It was also evident that the roof had been altered and repaired during its lifespan, with the roof structure comprising a mix of timber rafters of different sizes, some supplemented by modern machine sawn timber members. Some rafters were missing. A mixture of different types of felt membranes was also evident and there was insufficient air flow which was exacerbating the structural issues. The roof tiles were a mixture of historic clay and concrete plain tiles also evidence of repair over the years.



Plate 24: North-westerly extension prior to the works.

- 7.12. Due to the poor condition and construction of the existing roof structure, it was determined that it needed to be replaced in its entirety.
- 7.13. The existing tiles, a mix of clay and concrete tiles, were found to be unsuitable for the pitch of the roof which is shallow. It is understood that this was causing the water penetration which had saturated the roof members underneath, especially as rainwater is discharged down the roof slope by the rainwater goods.

¹⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.



Plate 25: Timber rafters of different sizes prior to works with rotten roof timbers visible.



Plate 26: The re-roofed north-westerly extension, 2026.



Plate 27: Verge detailing of the re-roofed extension, 2026.

- 7.14. Increasing the pitch of the roof of the extension was considered but discounted on the basis that it would have interfered with the 1st floor casement window above it, which abuts the lead flashing of the roof.
- 7.15. Instead, the clay tiles were replaced with natural English slate a traditional finish which suited the pitch of the roof, and would allow rainwater to flow off the roof efficiently, thus preserving the roof structure underneath. The clipped verge detailing of the clay tiled roof has been retained.

- 7.16. The change in material has had a visual impact on the character of Orange Tree Cottage, though it is highlighted the cottage itself is constructed from a mixed material palette which reflects its evolution over the centuries. The addition of slate is therefore considered complementary to its existing mixed character.
- 7.17. Moreover, the area of the works, the north-westerly side extension is a later addition on a secondary elevation that has been considerably altered over the years and is thus considered to be less sensitive to change. The material change has had minimal impact in views of the cottage's principal south-facing elevation.



Plate 28: Limited views of the north-westerly extension from garden of Orange Tree Cottage looking at its south elevation.

Pulborough (Lower Street) Conservation Area

- 7.18. When considering potential impacts on the Conservation Area, it is important to note that the Site forms only one small part of the asset
- 7.19. Paragraph 220 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?²⁰
- 7.20. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:
- “Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located”.***²¹ (my emphasis)
- 7.21. The re-roofing of the lean-to has changed the visual appearance of this element, though it is highlighted that roofs throughout the Conservation Area are covered in a mix of plain clay tiles, pantiles and natural slate as shown in **Section 6**.

²⁰ MHCLG, *NPPF*, para. 220.

- 7.22. The Conservation Area Character Appraisal specifically identifies the range of vernacular materials throughout the designated area as contributing to its special interest:

“The buildings within the Conservation Areas utilise local building materials in a range of vernacular and historic techniques, establishing and reinforcing a strong sense of place (our emphasis)”

- 7.23. As such the natural slate roof, in place of plain clay tiles does not look incongruous within the locality, and it will develop a natural patina with age that will further assimilate the roof covering with the surrounding buildings.
- 7.24. It is thus concluded that the change in material reflects the variety of building materials throughout the designated area and would not result in harm to the significance of the Conservation Area, thus conserving its special character and appearance.
- ### Summary
- 7.25. Assessment has concluded that the roofing works to the side extension to Orange Tree Cottage have conserved the significance of the Grade II Listed building and the special character and appearance, and thus significance, of the Pulborough Lower Street Conservation Area, resulting in no harm.

²¹ *Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government* [2020] EWHC 958 (Admin).

8. Conclusions

- 8.1. Pegasus Group have been commissioned by Domenic Carratu to prepare a Built Heritage Statement to support applications for Listed Building Consent and Planning Permission to regularise re-roofing works already undertaken to a single-storey north-westerly extension to Orange Tree Cottage.
- 8.2. Assessment concluded that the works conserve the significance of the Grade II Listed Building, and the special character and appearance, and thus significance, of the Pulborough (Lower Street) Conservation Area in accordance with Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy 34 and Chapter 16 of the NPPF.

Appendix 1: 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.”²²

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.²³

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*.²⁴ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁵

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 experience of a place and can symbolise wider values such as faith and cultural identity.²⁶

²² MHCLG, *NPPF*, Annex 2.

²³ Historic England, *GPA:2*.

²⁴ 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.

²⁵ MHCLG, *NPPF*, Annex 2; MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

²⁶ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

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.²⁷

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.”²⁸

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.”²⁹

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*”.³⁰

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.

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

²⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

²⁸ MHCLG, *NPPF*, Annex 2.

²⁹ MHCLG, *NPPF*, Annex 2.

³⁰ Historic England, *GPA:3*, pp. 8, 11.

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.”³¹

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*;³²
- **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);³³ and

³¹ *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

³² MHCLG, *NPPF*, para. 213 and fn. 75.

³³ MHCLG, *NPPF*, para. 213.

- **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"*.³⁴

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

Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

"...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative

*assessment using professional judgement is inevitably involved."*³⁵

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

³⁴ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁵ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this 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"*,³⁶ and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of

the harm may vary and should be clearly articulated."³⁷

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *"preserving"* means doing *"no harm"*.³⁸

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.³⁹ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

³⁶ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁷ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁸ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁹ Historic England, GPA:2, p. 9.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.⁴⁰ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴¹

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴²

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴³

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴⁴

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 3**, the *NPPF* (at Paragraphs 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁵

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 216.⁴⁶

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed

⁴⁰ Historic England, *GPA:3*, p. 8.

⁴¹ Historic England, *GPA:3*, p. 13.

⁴² Historic England, *GPA:3*, p. 4.

⁴³ Historic England, *GPA 3*, p. 8.

⁴⁴ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴⁵ MHCLG, *NPPF*, paras. 214 and 215.

⁴⁶ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); MHCLG, *NPPF*, paras. 214 and 216.

private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁴⁷

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴⁷ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: 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.⁴⁸ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and states that:

“In considering whether to grant listed building consent for any works the local planning authority or 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.”⁴⁹

Section 66(1) of the Act goes on to state 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.”⁵⁰

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

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” when the decision-maker carries out the balancing exercise.”⁵¹

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 3**), this is in keeping with the requirements of the 1990 Act.⁵²

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

⁵⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵¹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵² Jones v Mordue [2015] EWCA Civ 1243.

or enhancing the character or appearance of that area.”⁵³

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 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.⁵⁴

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵⁴ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (December 2024)

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.”⁵⁵

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.”⁵⁶ (our emphasis)

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.

Heritage Assets are defined in the NPPF as:

“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

⁵⁵ MHCLG, NPPF, para. 11.

⁵⁶ MHCLG, NPPF, para. 11, fn. 7.

assets and assets identified by the local planning authority (including local listing)."⁵⁷

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."⁵⁸

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."⁵⁹

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."⁶⁰

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."***⁶¹

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

⁵⁷ MHCLG, NPPF, Annex 2.

⁵⁸ MHCLG, NPPF, Annex 2.

⁵⁹ MHCLG, NPPF, Annex 2.

⁶⁰ MHCLG, NPPF, para. 208.

⁶¹ MHCLG, NPPF, para. 210.

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.”⁶²

“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.”⁶³***

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.”⁶⁴***

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.”⁶⁵

⁶² MHCLG, NPPF, para. 212.

⁶³ MHCLG, NPPF, para. 213.

⁶⁴ MHCLG, NPPF, para. 214.

⁶⁵ MHCLG, NPPF, para. 215.

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.”⁶⁶

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.”⁶⁷ (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.”⁶⁸

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 (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.

⁶⁶ MHCLG, NPPF, para 219.

⁶⁷ MHCLG, NPPF, para. 220.

⁶⁸ MHCLG, NPPF, para. 216.

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.”⁶⁹

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.”⁷⁰ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”⁷¹

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁷²

⁶⁹ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁷⁰ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁷¹ MHCLG, NDG, para. 46.

⁷² MHCLG, NDG, para. 47.

It goes on to state that:

"Well-designed places and buildings are influenced positively by:

- *the history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

*Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."*⁷³

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Pulborough are currently considered against the policy and guidance set out within the **Horsham District Planning Framework** which was adopted in November 2015.

The framework sets out the following policies relating to the historic environment:

Policy 34 Cultural and Heritage Assets

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:

⁷³ MHCLG, *NDG*, paras. 48–49.

1. Make reference to the significance of the assets, including drawing from research and documentation such as the West Sussex Historic Environment Record;
2. Reflect the current best practice guidance produced by English Heritage and Conservation Area Character Statements;
3. 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;
4. 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 improve 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.

Appendix 5: Orange Tree Cottage List Entry

Official list entry

Heritage Category: **Listed Building**

Grade: **II**

List Entry Number: **1027316**

Date first listed: **09-May-1980**

List Entry Name:

Orange Tree Cottage

Statutory Address 1: **ORANGE TREE COTTAGE, RECTORY LANE**

Location

Statutory Address: **ORANGE TREE COTTAGE, RECTORY LANE**

The building or site itself may lie within the boundary of more than one authority.

County: **West Sussex**

District: **Horsham (District Authority)**

Parish: **Pulborough**

National Grid Reference: **TQ0549118656**

Details

PULBOROUGH RECTORY LANE (south side)

1.

5404

Orange Tree Cottage

TQ 0518 17/730

II

2.

Early C19. Two storeys. Three windows. Fronted with grey headers with dressings quoins, stringcourse and modillion eaves coggling cornice of red brick. Sides and back ironstone rubble. Hipped tiled roof. Glazing bars missing. Two modern bays on ground floor with porch between.

Listing NGR: TQ0549118656

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: **298603**

Legacy System: **LBS**

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

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

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