

## OAKCROFT LANE STUBBINGTON, HAMPSHIRE

### APPEAL STATEMENT - HERITAGE

#### 1. Scope of the appeal statement

1.1. This Heritage Appeal Statement has been prepared by Cotswold Archaeology in respect of application ref. P/20/0522/FP for residential development on land at Oakcroft Lane, Stubbington, Hampshire. This statement addresses heritage matters relating to the proposal. Matters associated with the design of the scheme can be found in the statements prepared by others. It should be noted that there is no heritage reason for refusal. However, third party objections referred to heritage and Historic England identified low impact to the Listed Church, but did not raise an objection.

1.2. This Heritage Appeal Statement follows on from an Archaeological Desk-Based Assessment, undertaken by Cotswold Archaeology in 2018 to inform an earlier refused planning application (ref. P/19/0301/FP), and a Heritage Settings Assessment (Cotswold Archaeology 2021) which was prepared following refusal of the present application. This document will not seek to replicate the details provided in these earlier reports, which it should be read alongside. It seeks to summarise the main issues and sets out why and how heritage issues have been addressed.

1.3. The main issues can be summarised as:

- The effect of development as a result of change to the settings of the Grade II\* Listed Crofton Old Church and Grade II Listed Crofton Manor Hotel.

#### 2. Legislative and policy context

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

2.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to afford due consideration to the preservation of Listed Buildings and their settings (under Section 66(1)), and Conservation Areas (under Section 72(2)), in determining planning applications.

2.2. Under Section 66 of the Act, *'in considering whether to grant planning permission 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 that it possesses'* (Section 66).

*National policy: National Planning Policy Framework (NPPF) (2019)*

2.3. The NPPF sets out national planning policy relating to the conservation and enhancement of the historic environment. Individual components of the historic environment are considered to constitute heritage assets: *'buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, because of their heritage interest.'*

2.4. Heritage assets include designated sites and non-designated sites, and policies within the NPPF relate both to the treatment of assets themselves, and of their settings, both of which are a material consideration in development decision making.

2.5. The key tenets of the NPPF comprise the following:

- 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) (paragraph 193);
- Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraphs 184 and 194);
- Substantial harm to, or loss of, Grade II Listed Buildings or Registered Parks and Gardens should be exceptional. Substantial harm to, or loss of, designated heritage assets of the highest significance, notably Scheduled Monuments, Protected Wreck sites, Battlefields, Grade I and II\* Listed Buildings, Grade I and II\* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional (paragraph 195);
- Where a proposed development 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 (paragraph 196); and

- With regard to non-designated heritage assets, a balanced judgement will be required having due regard to the scale of any harm or loss, and to the significance of the heritage asset affected (paragraph 197).

#### *Fareham Borough Development Plan*

- 2.6. The applicable heritage-related policy is contained within the *Fareham Local Plan Part 2: Development and Policies* document (adopted June 2015), and comprises *Policy DSP 5: Protecting and Enhancing the Historic Environment*. This states that designated and non-designated heritage assets are an irreplaceable resource that will be conserved in a manner appropriate to their significance, and that proposals that are consistent with their conservation will be supported. It makes clear that *'in considering the impact of proposals affecting designated heritage assets, the Council will give great weight to their conservation'*, with harm or loss requiring *'clear and convincing justification in accordance with national guidance'*.
- 2.7. With regard to conserving Listed Buildings, DSP 5 goes on to state this will be achieved in part by *'ensuring that development does not harm, and if desirable, enhances their settings'*.

#### *Guidance documents*

- 2.8. *NPPF Planning Practice Guidance: Historic environment* (2019) provides further guidance on the policies within the NPPF, including the assessment of significance and the judgement left to the decision maker of whether the proposal would result in substantial harm. In the assessment of harm, it is stated that *'the degree of harm to the asset's significance rather than the scale of development'* needs to be assessed.
- 2.9. Historic England's (formerly English Heritage) *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (2008) sets out approaches to making decisions about the historic environment in England. The assessment of the significance within this document is based upon the following criteria defined within this guidance: evidential value, historical value, aesthetic value and communal value.
- 2.10. Historic England's *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking* (2015) provides further information on good practice in implementing historic environment policy. It provides advice on the assessment of the significance of heritage assets in support of applications for

planning permission and emphasises that the information required regarding heritage significance should be no more than necessary to inform the decision.

- 2.11. Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2017) provides guidance on setting and development management, including assessment of the implications of development proposals, and recommends a stepped approach for assessing the implications of development proposals. It states that *'The NPPF makes it clear that the setting of a heritage asset is 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.'* (paragraph 4). It is also important to note that *'Setting is not a heritage asset, nor a heritage designation,.. Its importance lies in what it contributes to the significance of the heritage asset.'* (paragraph 9).

### 3. Relevant planning history

#### *The 2019 application*

- 3.1. A planning application for a residential development comprising 261 dwellings within the Site was submitted to Fareham Borough Council (FBC) on 14 March 2019 (ref. P/19/0301/FP).
- 3.2. A consultation response provided by Historic England in relation to the application<sup>1</sup> raised concerns regarding the effect of the proposals upon the nearby Grade II\* Listed Crofton Old Church. The comments cited the proximity of the proposed *'suburban development'* within currently undeveloped agricultural land. While it was acknowledged that visibility of the development was likely to be constrained by the intervening band of trees, the comments stated that the proposals would be likely to impact on the *'rural feel'* of the area and *'somewhat reduce the ability to appreciate the origins of the building as a medieval rural church'*. The response concluded that *'it is likely that the scheme would cause some degree of harm to the setting of the listed church through eroding its rural setting'*.

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<sup>1</sup> Consultee comment dated 25 April 2019. [Document link](#).

3.3. Following receipt of Historic England's comments, the applicant responded with a number of clarifications regarding the lack of visibility of the proposals from the Church, and the relationship of the Church with its wider surroundings to the east<sup>2</sup>. A revised response was issued by Historic England<sup>3</sup>, taking into account the applicant's comments. This concluded that *'harm to the setting of the listed church through eroding its rural setting would be low'* and that there would be no objection from Historic England on heritage grounds, stating that the harm should be weighed against the public benefits of the proposals in accordance with the NPPF.

3.4. The Committee Report<sup>4</sup> recommended and, subsequently, FBC's Planning Committee opted to refuse the scheme on a number of grounds, with one of the Reasons for Refusal reiterating Historic England's initial concerns in relation to the Grade II\* Crofton Old Church<sup>5</sup>:

*'(xv) the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II\* Listed building Crofton Old Church.'*

3.5. No further heritage-related reasons were given for refusal of the scheme.

#### *The 2020 application*

3.6. A revised proposal for the construction of 209 dwellings was submitted in June 2020 (ref. P/20/0522/FP), and subsequently amended to reduce the number of dwellings to 206. The revised proposal included a landscaped strip along the western boundary, in response to concerns raised by Historic England and the FBC on the 2019 application in relation to impacts upon the Church.

3.7. In their response to the revised scheme<sup>6</sup>, Historic England asserted that there would be a *'limited reduction of adverse impact to the setting of the Grade II\* listed Crofton Old Church'*, but maintained their position that a low level of harm would arise through the alteration of the Church's wider rural setting. The response concluded that while there was no objection from Historic England on heritage grounds, the

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<sup>2</sup> Supporting information, via email dated 29 April 2019. [Document link.](#)

<sup>3</sup> Consultee comment dated 16 May 2019. [Document link.](#)

<sup>4</sup> Committee Report dated 21 August 2019. [Document link.](#)

<sup>5</sup> Final decision notice, dated 22 August 2019. [Document link.](#)

<sup>6</sup> Consultee comment dated 17 July 2020. [Document link.](#)

proposals would have limited adverse impact to the setting of the Grade II\* Listed Church which should be weighed in the planning balance.

- 3.8. Comments provided on the 2020 scheme from FBC's Conservation Planner determined that in relation to the Grade II\* Listed Crofton Old Church and the adjacent Grade II Listed Crofton Hotel, the proposals *'would result in no harm to the significance or setting of the identified listed buildings'* and that *'applying the statutory tests required under Sections 66 and 72 of The Planning (Listed Building and Conservation Area) Act, 1990, it is considered that the proposed works would preserve the setting of Old Crofton Church (Grade II\*) and Crofton Manor Hotel (Grade II)'*<sup>7</sup>. This was stated to be due to the present character of the buildings settings, including the presence of the well-established tree belt at the edge of the churchyard, and the scale and siting of the proposed dwellings.
- 3.9. A number of third-party objections were received from local residents in relation to application, with the impact upon the Church cited among the reasons for objection.
- 3.10. The Committee Report dated 17 February 2021 states that the *'Officers consider that there would be no harm caused to the setting of the listed buildings'* and that *'the changes made to the development ensure the scheme satisfactorily addresses the reason for refusal (xv) from the earlier application'*<sup>8</sup>. The revised scheme was refused on a number of non-heritage related grounds, and as such it appears that the Committee Members accepted the assessment of no harm presented in the Committee Report.

## 4. Heritage considerations

### *Buried archaeology*

- 4.1. The 2019 application was accompanied by an Archaeological Desk-Based Assessment (DBA), prepared by Cotswold Archaeology<sup>9</sup>. The DBA identified that some potential for remains of prehistoric and/or Roman date to be represent within the proposal site, along with remains associated with medieval and later agriculture. While it was assessed that construction works associated with the development would disturb any underlying archaeological remains, any remains present would be

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<sup>7</sup> Consultee comment uploaded on 21 July 2020. [Document link](#).

<sup>8</sup> Final Officer Report. [Document link](#).

<sup>9</sup> Supporting information. [Document link](#).

unlikely to be highly significant, and the potential impacts could be addressed through a suitable programme of archaeological works.

- 4.2. In the response to the 2020 application<sup>10</sup> (dated 6 July 2020), the Hampshire County Archaeologist concurred with the findings of the DBA and advised that preservation by record of archaeological deposits affected by construction of the development be secured through the attachment of three archaeological conditions: to secure a preliminary archaeological survey (known as an evaluation), archaeological mitigation of archaeological remains identified by that evaluation, and to secure appropriate reporting and sharing of the results for the benefit of the community and wider.
- 4.3. A Written Scheme of Investigation for an archaeological evaluation on the development site was prepared by Cotswold Archaeology in September 2020<sup>11</sup>, and was approved by the Hampshire County Archaeologists on 2 October 2020<sup>12</sup>.

#### *Designated heritage assets*

- 4.4. Following the refusal of the 2020 planning application (ref. P/20/0522/FP), Cotswold Archaeology was commissioned by the appellant to conduct a Settings Assessment to determine the potential effects of the development upon designated heritage assets, arising through the alteration of their settings. This provided a robust and proportionate assessment of nearby designated heritage assets and their significance, in accordance with NPPF Paragraph 189 and Policy DSP 5 of the Fareham Borough Local Plan Part 2. It was informed by the approaches set out within key guidance documents, with particular regard given to 'Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets' (Historic England 2017).
- 4.5. In accordance with Step 1 of the above guidance, the Settings Assessment identified assets potentially susceptible to change to their experience as a result of the development proposals. This established that the site does not feature within the experience of the majority of assets within the surroundings landscape, with those

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<sup>10</sup> Consultee comment dated 6 July 2020. [Document link](#).

<sup>11</sup> Supporting information. [Document link](#).

<sup>12</sup> Consultee comment dated 2 October 2020. [Document link](#).

identified as requiring detailed assessment comprising the Grade II\* Listed Crofton Old Church and Grade II Listed Crofton Manor Hotel.

#### Grade II\* Listed Crofton Old Church

- 4.6. The Settings Assessment (Cotswold Archaeology 2021) determined that the principal significance of the Grade II\* Crofton Old Church resides in its physical fabric as medieval church with later alterations. The surrounding churchyard, enclosed on its eastern side by a substantial tree belt, represents the immediate historical and functional setting to the Church, and it is from here that the architectural and historic interest of the asset can be most clearly and fully experienced. Beyond the churchyard, the most relevant aspect of the asset's wider setting is the adjacent road (Lychgate Green) and settlement to the south, from where the churchyard is accessed. While representative of the modern expansion of Stubbington, which has changed much of the formerly rural landscape surrounding the Church, a degree of communal value is derived from the ongoing role of the Church as a place of worship and focus for the community.
- 4.7. The Church has an important contextual relationship with the Grade II Listed Crofton Manor Hotel, immediately to its west, with the two buildings representing surviving and key elements of the medieval settlement of Crofton. This association can be appreciated in views from directly east of the buildings from within the churchyard, looking westwards, and from along the adjacent Lychgate Green to the south.
- 4.8. The wider surroundings of the Church to the east, incorporating the site, were identified by the Settings Assessment to make only a minor contribution to the significance of the Church. The intervening tree belt, along with the modern Crofton Cemetery, serves as a visual and physical barrier between the Church and this wider setting, with views from and towards the Church consequently restricted to heavily filtered glimpses. Contrary to the comments provided by Historic England, our assessment found that this segregation prevents any clear understanding of the Church's former rural context; the Church is instead more readily understood as part of the settlement to the south, which features much more prominently within the experience of the asset.
- 4.9. The revised proposals submitted for the current application have responded to the concerns raised by Historic England and the FBC with regard to effects on the

Church. This is acknowledged in the response from Historic England which states that the proposed set-back of the housing from the site perimeter, and the reduction in building scale, would diminish the visibility of the development. The Historic England comments also note that views are already restricted by the dense tree belt.

- 4.10. As concluded by the Settings Assessment, the proposed development would preserve the important elements of the assets setting. Any slight visibility of the development within heavily filtered views from within the churchyard would not have any meaningful effect on the ability to appreciate the Grade II\* Listed Church, and its significance will suffer **no harm** should the appeal be allowed. This conclusion of no harm is consistent with the comments issued by the FBC Conservation Planner in relation to this asset and reflected in the final decision by the Committee which did not raise any heritage concerns.

#### Grade II Listed Crofton Manor Hotel

- 4.11. The Settings Assessment established that the significance of the Grade II Crofton Manor Hotel derives primarily from its physical fabric, with a key contribution made by its immediate setting formed by its enclosed ground, as well its historical and spatial relationship with the adjacent Crofton Old Church. The surroundings of the building to the south and west have been heavily altered by modern development, which has resulted in the loss of agricultural land formerly associated with the manor.
- 4.12. The asset is experienced principally from within its immediate surroundings, including from Lychgate Green to the south. The site and the asset cannot be meaningfully read together due to the physical separation caused by the intervening churchyard and cemetery, and substantial tree belt beyond. As such there would be no change to the experience of the asset if the development is allowed to proceed. Although the land within the Site was formerly held by the manor and thus forms part of the functional history of the building, this relationship is not sufficient to warrant heritage significance. On account of screening provided by the tree belt to the east of the churchyard, no intervisibility between the building and the site was found to exist by the Settings Assessment, and the site is not considered to feature within the experience of the asset. No harm to the significance of the asset will therefore occur should the appeal be allowed.

- 4.13. The conclusion of **no harm** in relation to the Grade II Listed Crofton Manor Hotel is consistent with the conclusions of FBC and their Conservation Planner.

## 5. Conclusions

- 5.1. A robust Settings Assessment has been prepared (Cotswold Archaeology 2021), articulating the significance of the Grade II\* Listed Crofton Old Church and Grade II Listed Crofton Manor Hotel, including the contribution made by their settings. The assessment has concluded that the proposals would not affect the significance of the assets through alteration to their settings. This is in agreement with the findings of the FBC Conservation Planner, which determine that there would be no harm to these assets as a result of the development proposals.
- 5.2. As outlined above, Historic England conclude that the proposed development would occasion a low level of harm to the Grade II\* Listed Crofton Old Church, but made no objection to the scheme. The Settings Assessment, which is a robust and detailed articulation of the setting and significance of the Listed Building, concluded that the appreciation of the building as a rural church would not be affected, with the Church having already been physically and visually disconnected from its wider rural surroundings by the establishment of the adjacent modern cemetery and the presence of an intervening mature tree belt. The key experience of the Church, from within the enclosed churchyard and the adjacent road to the south, would not be affected. Following a review of this additional, detailed assessment, Historic England may, if given the opportunity, revisit their conclusions.
- 5.3. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that '.....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' (s.66(1)). As has been established, the site makes no contribution to the identified 'special architectural or historic interest' of these heritage assets, which are appreciated primarily from within their immediate surroundings formed by the churchyard, enclosed grounds, and the adjacent road, and forms only a fringe component to the wider heritage significance. Under the terms of the NPPF, the proposed development would not harm the significance of the assets, and it can be concluded that their special interest is preserved.

- 5.4. Paragraph 196 of the NPPF states that where less than substantial harm is identified in relation to designated heritage assets, this should be balanced against the public benefits of the scheme. The conclusion of the assessment demonstrates that there will be **no harm** to the significance of designated heritage assets, and thus para. 196 need not be engaged.
- 5.5. Policy DSP5 of the Local Plan Part 2 states that any degree of harm to a non-designated heritage asset, arising from development proposals, will be assessed against the significance of the asset. It states that harm or loss to designated heritage assets 'will require clear and convincing justification'. The proposed development is considered to result in no harm to the significance of the building through alterations to its setting, therefore the requirements of Policy DSP 5 are met.
- 5.6. Insofar there is any harm, it can only be concluded to be at the very bottom end of the scale of 'not substantial' for the purpose of Paragraph 196 of the NPPF, which then falls to be weighed in the planning balance of public benefits, taking into account the High Court decision at Barnwell Manor. This is addressed in the Planning Statement of Case and will be addressed in the Planning Proofs of Evidence.

## References

- Cotswold Archaeology 2021 *Oakcroft Lane, Stubbington, Hampshire: Settings Assessment*.  
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- Fareham Borough Council 2015 *Local Plan Part 2: Development Sites and Policies*, adopted  
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