

Heritage Statement.

Land at Providence Hill, Bursledon.

On behalf of Colten Care.

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1. Introduction

- 1.1. Pegasus Group have been commissioned by Colten Care to prepare a Heritage Statement to consider the proposed construction of a residential care facility at Providence Hill, Bursledon, as shown on the Site Location Plan provided at Plate 1.

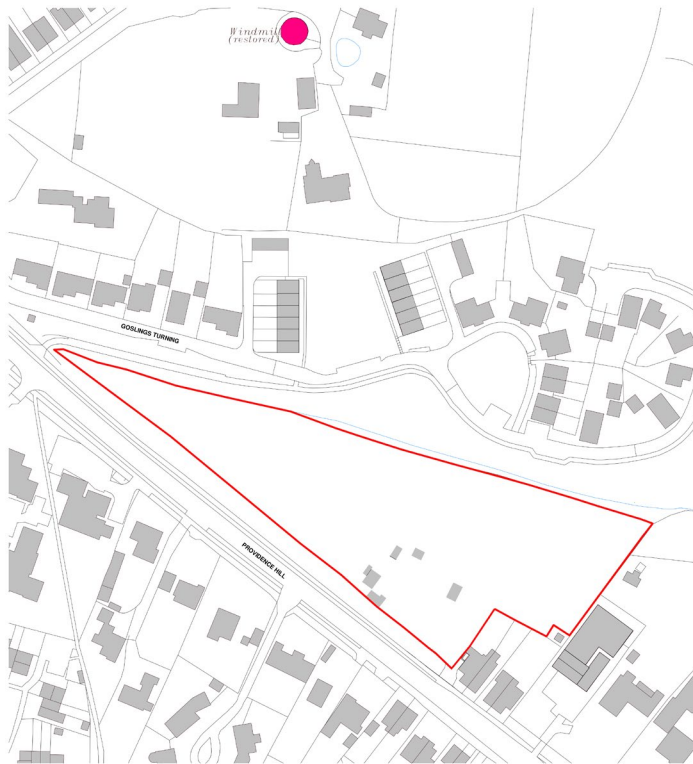


Plate 1 Site Location Plan

- 1.2. The Site is a roughly triangular parcel of land bounded to the south and west by the line of the A27, Providence Hill, and to the north by parcels of woodland beyond which lies housing at Goslings Turning. Within the Site there are a series of sheds and outbuildings. The Bursledon Windmill Conservation Area lies immediately to the north of the Site with a contiguous southern/northern boundary.
- 1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 200 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

- 1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 205 to 209 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.
- 1.5. As required by paragraph 200 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance"*.²
- 1.6. Pre-application discussions have been undertaken, including the submission of an initial setting assessment and presentation of iterations of the scheme. In a pre-application response dated 12th December 2023, Eastleigh Borough Council stated:

"Maintaining a view of the windmill from Providence Hill is a key requirement for any development of this site, as identified in the Burlsedon Windmill Conservation Area Appraisal. Throughout the course of the pre-application process, further work has been undertaken to define the extent of the important view and to alter the scheme layout to minimise its impact. At the meeting held on 23rd November, the Council's Heritage Consultant confirmed that, subject to detailed design considerations, Option 3 presented the best approach to maintaining the view and protecting the setting of Burlsedon Windmill. It would be advised that the Setting Assessment prepared by Pegasus Group is submitted with any future application."

- 1.7. The proposed development is a refinement of Option 3, as presented to the Council.

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, December 2023), para. 200.

² DLUHC, *NPPF*, para. 200.

2. Proposed Development

- 2.1. The application seeks planning permission for the construction of a 73 bed residential care facility, five residential cottages, and associated landscaping and parking, as presented on Drawing 6185-WLA-ZZ-XX-DR-A-0010.
- 2.2. Matters relating to heritage have been a key consideration in the evolution of the design of the scheme, specifically the need to respect the view from Providence Hill to Bursledon Windmill.

3. Methodology

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

3.2. This assessment considers matters relating to Built Heritage.

Sources

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

- 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;
- Historic England's Aerial Archaeology Mapping Explorer;
- Other online resources, including Ordnance Survey Open Source data; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

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

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

Site Visit

3.6. Site visits were undertaken by a Heritage Consultant from Pegasus Group on 14th September and 23rd November 2023, during which the site and its surrounds were assessed.

Photographs

3.7. 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

3.8. 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:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;³
- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter GPA:2);⁴
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter GPA:3);⁵
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter HEAN:1).⁶
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁷ and

- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁸

Consideration of Harm

- 3.9. It is important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "substantial harm" or "less than substantial harm" to the identified designated heritage assets, in the context of paragraphs 207 and 208 of the NPPF.⁹ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 209 of the NPPF.¹⁰
- 3.10. The PPG clarifies that within each category of harm ("less than substantial" or "substantial"), the extent of the harm may vary and should be clearly articulated.¹¹
- 3.11. The guidance set out within the PPG also clarifies that "substantial harm" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development which is to be assessed.¹² In

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

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

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

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

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

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

⁹ DLUHC, NPPF, paras. 207 and 208.

¹⁰ DLUHC, NPPF, para. 209.

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

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

addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

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

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

4. Site Description and Planning History

Site Description

- 4.1. The Site is a roughly triangular parcel of land measuring c. 1.15ha and bounded to the south and west by the line of the A27, Providence Hill, and to the north by parcels of woodland beyond which lies housing at Goslings Turning. The Bursledon Windmill Conservation Area lies immediately to the north of the Site with a contiguous southern/northern boundary.

Planning History

- 4.2. The site is allocated for residential development in the Local Plan. Policy BU1 identifies the site for approximately 19 dwellings, and sets requirements including the need to protect of the setting of Bursledon Windmill.
- 4.3. A previous application for a mixed use development comprising 14 dwellings and a veterinary practice (F/22/93160) was refused in 2022.

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.¹⁴
- 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, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.¹⁵
- 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 2023. The NPPF is also supplemented by the national *Planning Policy Guidance* (PPG) which comprises a full and consolidated review of planning practice guidance documents to be read alongside the NPPF and which contains a section related to the Historic Environment.¹⁶ The PPG also contains the *National Design Guide*.¹⁷

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

The Development Plan

- 5.6. Applications for Planning Permission are currently considered against the policy and guidance set out within the Eastleigh Borough Development Plan (2016–2036).
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 4**.

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

¹⁵ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁶ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment* (PPG) (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹⁷ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

6. Setting Assessment

- 6.1. Step 1 of the methodology recommended by the Historic England guidance *GPA:3* (see 'Methodology') is to identify which heritage assets might be affected by a proposed development.¹⁸
- 6.2. Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3. Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the site as part of their setting, and therefore may potentially be affected by the proposed development.
- 6.4. Assets in the vicinity identified for further assessment on the basis of pre-application discussions with the LPA comprise:
- Bursledon Windmill (Listed Building Grade II*, NHLE 1281479)
 - Bursledon Windmill Conservation Area
 - Granary (Listed Building Grade II, NHLE 1111940)
- 6.5. No other designated heritage assets were considered to be potentially sensitive to development of the nature proposed within the site. No buildings included on the Eastleigh List of Locally Listed buildings were considered to be sensitive to development within the site.
- 6.6. Bursledon Windmill (List Entry 1281479) is Grade II* Listed, having been added to the List on 14th February 1983, with the following entry:
- 1741. Built on the site of a post-mill, this is an example of an early tower mill, a comparatively rare structure within a county rich in water mills. Of 5 storeys, the main structure is a circular tapering brick tower. The interior contains a full set of timber machinery virtually unaltered and of national importance the external features (cap, sails, chain gear and timber gallery) having gone since the termination of use in 1907. Restoration scheme in progress 1979. Starred for its early date, and rare machinery.***
- 6.7. It is a 18th-century mill notable for being wind-powered rather than the more common watermills in the area, and for having a full set of timber machinery.
- 6.8. The Grade II Listed Granary (Listed Entry 1111940) was also Listed on 14th February 1983, with the following entry:

¹⁸ Historic England, *GPA:3*, p. 4.

Late C18 timber-framed and clad rectangle on 9 staddles. Half-hipped slate roof. Relocated to its current location 11/12/1984.

- 6.9. The original windmill was constructed in 1766 by William Fry, at the request of the Bishop of Winchester.
- 6.10. It is schematically depicted on several early maps, but further depicted in detail with landholdings on the Bursledon Tithe Map of 1840 (Plate 2).



Plate 2 Extract from the Bursledon Tithe Map of 1840

- 6.11. At this time, the windmill lay within a plot (205) described as 'Cottage, Garden and Windmill'. No associated landholding under common ownership and tenancy extended beyond this plot. To the north and east lay Bursledon Common (201), to the south lay meadow (202) associated with a cottage to the west (203), and also to the west lay a garden (204).

- 6.12. The proposed development area lay within a different parish, being depicted on the near-contemporary Hound Tithe Map of 1839 as under arable cultivation and in separate ownership and occupation to the windmill, with the field names of Fountain Ground and Little Fountain Ground likely to have originated from the presence of springs in the area, as depicted on later mapping.
- 6.13. The Conservation Area Appraisal and Management Proposal Document notes that the windmill fell into disrepair in 1885.
- 6.14. The Ordnance Survey map of 1909 (Plate 3) shows that in the vicinity of the windmill the common had been enclosed, and additional residences had been constructed to the south-west, north, and north-east. It also depicted other probably functionally associated buildings to the south-east. The area to the east of the windmill had become afforested.

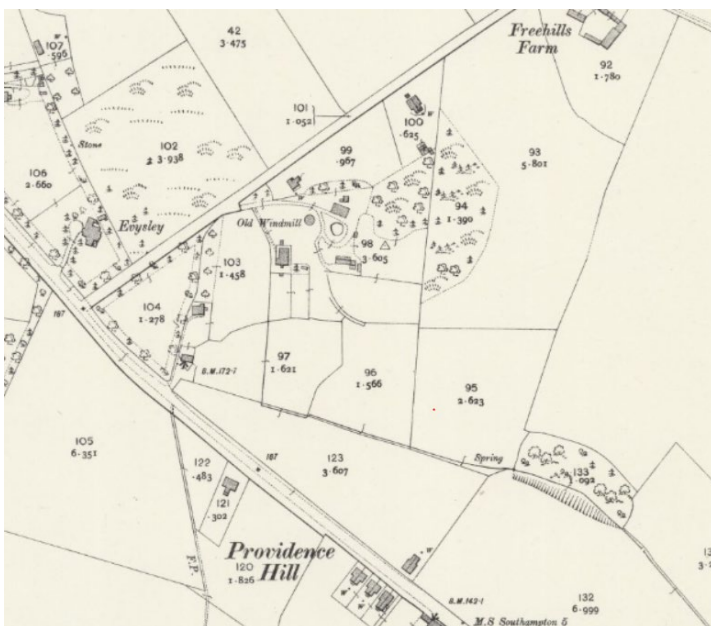


Plate 3 Extract from the Ordnance Survey map of 1909

- 6.15. Later mapping of 1942 shows little material change in the vicinity, other than the addition of further residential development to the north of the windmill (Plate 4).

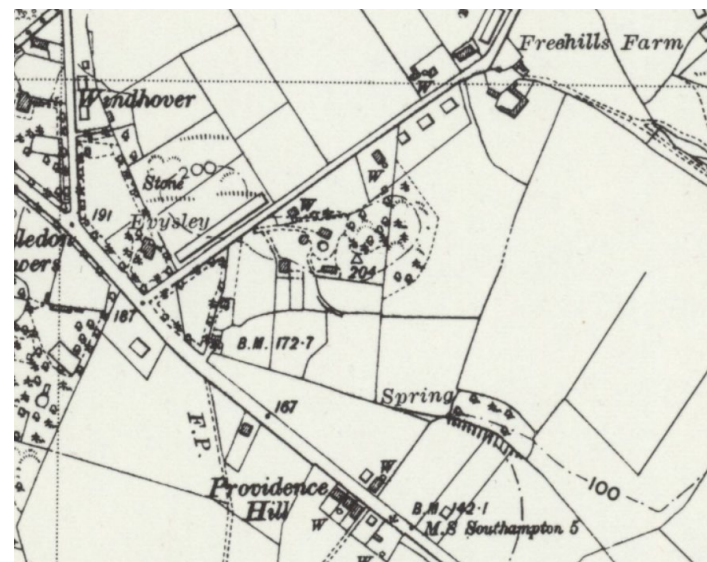


Plate 4 Extract from the Ordnance Survey map of 1942

- 6.16. The mill was acquired by Hampshire Buildings Preservation Trust, who have undertaken repairs, and appear to be carrying out more repairs currently. As noted in the List entry given above, the Granary was moved to its current site from elsewhere in 1984, with neither the Listing description nor the Conservation Area Appraisal noting where it was moved from.
- 6.17. The Conservation Area was designated on 25th January 1990. It is very much focused on the windmill and the area then defined as its setting (as discussed below), but the Conservation Area Appraisal notes three 'Important Buildings' as part of the windmill complex, comprising the Mill House, Ivor Lodge and a barn (Plate 5). The barn is of 16th-century date and relocated from elsewhere. The Mill House is mid 19th-century in date and was functionally associated with the windmill. Ivor Lodge is a late 19th-



Plate 7 The windmill, looking west



Plate 8 The granary, looking south-east

- 6.21. From the access route and the permissive path, the windmill and the granary can be seen together, although it should be noted that the granary has been moved to its current location (Plate 9).



Plate 9 The Windmill and granary, looking north-west

6.22. With regards to the context of the windmill, the Conservation Area Appraisal states:

The windmill sits in a small clearing, with the ancillary buildings, pond, car park, access road and adjoining woodland. There are limited views out of the site to the south beyond Hillcrest.

A significant contribution to the informal character of this site is made by boundaries of hedges, timber rail fences and gravel dressing to the access road and car park.

As the immediate surroundings, largely unspoilt by development, contribute to the special character of the area, the conservation area was designated to safeguard the setting of the mill.

6.23. As such, it is clear that the Conservation Area was designated to 'safeguard the setting of the mill'. The site lies beyond the Conservation Area, and so the setting as defined by the CAA, although it should be noted that this was drafted before Historic England's setting guidance, *The Setting of Heritage Assets* (2017).

6.24. The setting of the Conservation Area (as considered under current guidance) largely relates to views to and from the windmill, and how these aid an understanding of the topographic and so functional setting of the windmill, and so which have historic illustrative interest.

6.25. In terms of views from the wider area, the CAA notes that following the disuse of the windmill, trees were allowed to grow up in the vicinity which would not have been tolerated if it was still in active use. Furthermore, it is apparent that further vegetation growth has taken place since the drafting of the CAA.

6.26. Overall, the appraisal states that views within the Conservation Area are 'severely constrained as a result of the tree screens and woodland' but that 'in places, the views of the windmill from outside the conservation area are quite extensive' and that 'the windmill can be highly visible when the sails are set and the mill is working.'

6.27. Views from the wider area noted in the CAA comprise:

- Those from the A27 Providence Hill (noted on the Architectural Character and Landscape Map, and in the text and photographs).
- Views from the A3024, although such views could not be obtained during the site visit, potentially due to vegetation growth.

- Views from Windmill Lane (Noted on the Architectural Character and Landscape Map, but not in the text).
- Further views between to/from Bursledon Recreation Ground and the Isle of Wight (mentioned in the text).

6.28. A site visit was undertaken to consider the views noted in the CAA, and any other views now present. It is recognized that the site visit was undertaken in the summer, with full leaf cover on the trees, but this factor was considered when making the assessment.

6.29. Views from Providence Hill were obtained from the locations marked on Plate 5, above including the south-eastern view (Plate 10) and north-western view (Plate 11).



Plate 10 Looking north-west to the windmill from adjacent to Providence Hill



Plate 11 Looking north-east to the windmill from Providence Hill

- 6.30. These views contribute to the significance of the windmill through setting through illustrating the topographic situation of the mill, and so its historic functional siting.
- 6.31. Glimpsed views are also possible from adjacent to the entrances to Holly House and Ensign House on the other side of Providence Hill (Plates 12 and 13).



Plate 12 Glimpsed view from the entrance to Holly House



Plate 13 Glimpsed filtered view from the entrance to Ensign House on Providence Hill

- 6.32. These differ slightly in location from views discussed with the LPA in Pre-Application talks, being further to the north-west (Plate 14).

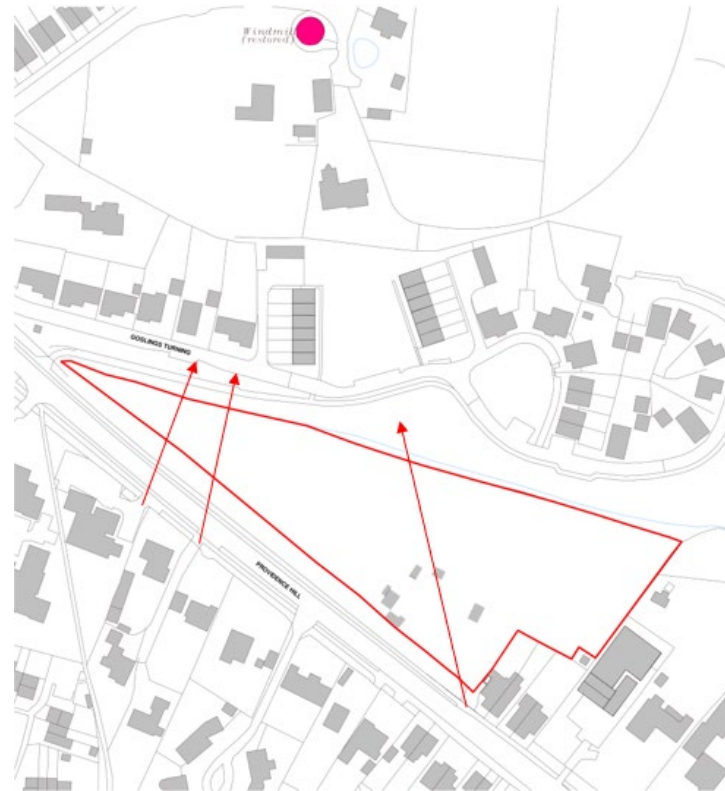


Plate 14 Location of views to the windmill from Providence Hill seen during the site visit (red arrows)

- 6.33. These glimpsed and filtered views (Plates 12 and 13) have limited historic illustrative value in terms of the historic functional siting of the windmill.

- 6.34. The view from Windmill Lane likewise gives some sense of the topographic location, with a lack of visible development beyond and the windmill visible on the skyline. It is also close enough to appreciate the architectural interests of the asset (Plate 15).



Plate 15 Looking south-east to the windmill from Windmill Lane

- 6.35. Only glimpsed views of the windmill between houses were noted from Goslings Turning, with none possible through the 'view cone' gap from Goslings Turning itself.
- 6.36. As noted in the CAA, there are further views from the wider area, including from Bursledon Recreation Ground (Plate 16).



Plate 16 Looking north-west from Bursledon Recreation Ground to the windmill

- 6.37. Again, these views contribute to significance in terms of illustrating the functional siting of the windmill.

Statements of Significance

- 6.38. With regards to the windmill, as a Grade II* Listed building, it is a designated heritage asset of the highest level of significance as defined by the NPPF. Its significance is largely embodied in its physical form, including the wooden mechanism, although setting clearly contributes to the significance of the asset too. Those elements that area considered to principally contribute to its significance through setting comprise:

- Its topographic situation, which illustrates its functional siting on an exposed hillside (historic illustrative interest).
- Views which illustrate the above, including the views from Providence Hill, Windmill Lane and from the wider area, and views from the windmill (albeit currently publicly inaccessible) which illustrate the topographic situation of the asset (historic illustrative interest).
- The sense of space and informal character in the immediate vicinity of the windmill, between the re-sited buildings of the barn and granary, and the dynamic views around this area and the woodland to the east, which give a sense of the rural original location of the asset (historic illustrative interest). This area is wholly within the Conservation Area.
- Views from the immediate vicinity in which the architectural interest of the asset can best be appreciated (architectural interest).
- Although a construct of recent conservation works, the complex of historic building around the windmill illustrates its purpose and contributes to its heritage significance (historic illustrative interest).

6.39. With regards to the Granary, as a Grade II Listed building, this is a designated heritage asset of less than the highest level of significance as defined by the NPPF. Its significance is very largely derived from its physical form, with setting making a very limited contribution due to its relocation. Those areas which contribute to its

significance through setting comprise the Grade II* Listed windmill and the immediate surrounds of the asset from where its architectural interest can be appreciated. The wider area is not considered to contribute to its significance through setting.

6.40. With regards to the Conservation Area, this is considered to be a designated heritage asset of the highest level of significance, as defined by the NPPF. Its significance is very largely embodied within its bounds through the Listed buildings and other important buildings noted in the Conservation Area Appraisal, and which also includes the 'setting' of the windmill, as it was defined in 2011. It is recognized that the setting of the asset extends beyond this area, though, through the views to and from the windmill which illustrate its topographic situation, as noted above.

Any contribution of the site

6.41. Due to the intervening development of Goslings Turning, the intrinsic character of the site is not considered to contribute to the significance of the windmill through setting.

6.42. However, views across the site in which the topographic situation of the windmill can be understood do contribute to the significance of the windmill, and through that the Conservation Area. The views which contribute the most comprise those from adjacent to 4 Providence Hill (Plate 17).



Plate 17 Looking north-west across the site to the windmill

- 6.43. In these views, it is the appreciation of the fall then rise in topography which contributes to the heritage significance of the asset.
- 6.44. Likewise glimpsed views from further to the north-west on Providence Hill across the site contribute to the heritage significance of the windmill, and also through this the Conservation Area (Plates 12 and 13, above).
- 6.45. Any heavily filtered intervisibility between the closest part of the Conservation Area, comprising Goslings Turning, and the site is not considered to contribute to the significance of the Conservation Area through setting.

Impact Assessment

- 6.46. As noted above, matters relating to heritage and specifically the view to the windmill from Providence Hill have been a key driver in the design of the proposed scheme.
- 6.47. The scheme has been designed to respect this view, as illustrated by the visualization below (Plate 18), which shows that the view will be unobstructed, and built form placed to retain the appreciation of the topography.



Plate 18 Visualisation of scheme from Providence Hill

- 6.48. This visualization demonstrates that the proposed scheme will preserve the contribution that the view across the site makes to the significance of the windmill and Conservation Area through setting, as the way in which it illustrates the historic functional topographic siting of the windmill will be preserved and the contribution thus perpetuated. No harm will be caused to the heritage significance of the assets through changes in setting.

7. Conclusions

- 7.1. Heritage has been a key driver in the development of the proposed scheme, specifically the need to respect a key view to the Listed Bursledon Windmill from Providence Hill.
- 7.2. The proposed scheme will preserve the contribution that the view across the site makes to the significance of the Grade II Listed Bursledon Windmill and Conservation Area through setting, as the way in which it illustrates the historic functional topographic siting of the windmill will be preserved and the contribution thus perpetuated. No harm will be caused to the heritage significance of the assets through changes in setting.

Sources

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

Policy and Guidance
Chartered Institute for Archaeologists (CIfA), <i>Standard and Guidance for Historic Environment Desk-Based Assessment</i> (revised edition, October 2020).
Department for Levelling Up, Housing and Communities (DLUHC), <i>National Planning Policy Framework (NPPF)</i> (London, September 2023).
Department for Levelling Up, Housing and Communities (DLUHC), <i>Planning Practice Guidance (PPG)</i> (revised July 2019).
English Heritage, <i>Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment</i> (London, April 2008).
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Historic England, <i>Statements of Heritage Significance: Analysing Significance in Heritage Assets</i> , Historic England Advice Note 12 (Swindon, October 2019).
Historic England, <i>The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3</i> (2 nd edition, Swindon, December 2017).

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



Historic England Data

Historic England Listed Buildings

List Entry	Name	Grade	Eastings	Northings
1111940	Granary adjacent to Bursledon Windmill	II	448304.6	110808.6
1281479	Bursledon Windmill	II*	448269.6	110829
	Bursledon Windmill	Conservation Area		

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.”¹⁹

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.²⁰

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*.²¹ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²²

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.²³

¹⁹ DLUHC, *NPPF*, Annex 2.

²⁰ Historic England, *GPA:2*.

²¹ 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.

²² DLUHC, *NPPF*, Annex 2; DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-2019072.

²³ DLUHC, *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.²⁴

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.”²⁵

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.”²⁶

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*”.²⁷

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

²⁴ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

²⁵ DLUHC, *NPPF*, Annex 2.

²⁶ DLUHC, *NPPF*, Annex 2.

²⁷ 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.”²⁸

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 206 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 72 of the *NPPF*;²⁹
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 206 of the *NPPF*, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³⁰ and

²⁸ *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

²⁹ *DLUHC, NPPF*, para. 206 and fn. 72.

³⁰ *DLUHC, NPPF*, para. 206.

- **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"*.³¹

Additionally, it is of course possible that sites, buildings or areas have no heritage 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."*³²

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 significance and are areas and elements that have

³¹ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³² International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4–10.

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"*,³³ 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."³⁴

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"*.³⁵

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"*.³⁶ 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.

³³ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁴ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁵ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁶ 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*”.³⁷ Of particular relevance is the checklist given on page 13 of *GPA:3*.³⁸

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”³⁹

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”.⁴⁰

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.⁴¹

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 207 and 208) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴²

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 207 to 209.⁴³

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

³⁷ Historic England, *GPA:3*, p. 8.

³⁸ Historic England, *GPA:3*, p. 13.

³⁹ Historic England, *GPA:3*, p. 4.

⁴⁰ Historic England, *GPA 3*, p. 8.

⁴¹ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴² *DLUHC, NPPF*, paras. 207 and 208.

⁴³ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); *DLUHC, NPPF*, paras. 207 and 209.

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.***⁴⁴

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.

⁴⁴ DLUHC, 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.⁴⁵ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 66(1) of the Act states that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁴⁶

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.”⁴⁷

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 208 of the current, revised NPPF, see **Appendix 3**), this is in keeping with the requirements of the 1990 Act.⁴⁸

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

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”⁴⁹

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.

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

⁴⁶ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁴⁷ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁴⁸ Jones v Mordue [2015] EWCA Civ 1243.

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

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.⁵⁰

⁵⁰ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in December 2023. This replaced and updated the previous *NPPF* (September 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 clear 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.”⁵¹***

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 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, 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 72); and areas at risk of flooding or coastal change.”⁵² (our emphasis)

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

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”⁵³

⁵¹ DLUHC, NPPF, para. 11.

⁵² DLUHC, NPPF, para. 11, fn. 7.

⁵³ DLUHC, NPPF, Annex 2.

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.”⁵⁴

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.”⁵⁵

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 201 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.”⁵⁶

Paragraph 203 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.”⁵⁷***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 205 and 206 are relevant and read as follows:

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

⁵⁴ DLUHC, NPPF, Annex 2.

⁵⁵ DLUHC, NPPF, Annex 2.

⁵⁶ DLUHC, NPPF, para. 201.

⁵⁷ DLUHC, NPPF, para. 203.

substantial harm, total loss or less than substantial harm to its significance.”⁵⁸

“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.”⁵⁹***

Section b) of paragraph 206, which describes assets of the highest significance, also includes footnote 72 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 207 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.”⁶⁰***

Paragraph 208 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.”⁶¹

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

⁵⁸ DLUHC, NPPF, para. 205.

⁵⁹ DLUHC, NPPF, para. 206.

⁶⁰ DLUHC, NPPF, para. 207.

⁶¹ DLUHC, NPPF, para. 208.

“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.”⁶²

Paragraph 213 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 207 or less than substantial harm under paragraph 208, 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.”⁶³ (our emphasis)

With regards to non-designated heritage assets, paragraph 209 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.”⁶⁴

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 Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

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

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

⁶² DLUHC, NPPF, para 212.

⁶³ DLUHC, NPPF, para. 213.

⁶⁴ DLUHC, NPPF, para. 209.

“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.”⁶⁵

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.”⁶⁶ (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.”⁶⁷

“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.”⁶⁸

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;***

⁶⁵ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁶⁶ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁶⁷ DLUHC, NDG, para. 46.

⁶⁸ DLUHC, NDG, para. 47.

- *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."*⁶⁹

⁶⁹ DLUHC, NDG, paras. 48–49.

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Bursledon are currently considered against the policy and guidance set out within the Eastleigh Borough Local Plan (2016–2036) which was adopted in April 2022.

Relevant development plan policies include:

Strategic policy S1, Delivering sustainable development

1. To be sustainable, new development in the Borough should:

a. meet community needs without compromising the identity of the Borough or its individual settlements, or the ability of future generations to meet their own needs;

b. enhance social equality by ensuring equal and easy access to a range of community facilities and services and by promoting the development of employment, education and skills training opportunities;

c. maintain and help to grow a high-performing local economy that benefits the Borough, south Hampshire and the wider economy, without adverse impact on south Hampshire's city, town and other centres, the quality of the local environment or local transport networks;

d. have regard to the potential impacts of climate change, and the need to limit greenhouse gas emissions including through carbon sequestration and by promoting measures to design buildings and spaces which are adaptable to predicted climate change, and restrict development in areas at risk from flooding, minimise energy use and encourage the generation of renewable energy, and by

minimising emissions from motorised transport, industrial activity and domestic uses;

e. minimise the need to travel longer distances and, where travel is necessary, prioritise more sustainable forms of transport, such as active travel, other alternatives to car use, or a combination of active travel and other alternatives to car use;

f. avoid impacts on the Hamble and Itchen catchments and associated flora and fauna species by preserving water quality and flows from development and safeguarding potential yield of local water resources used for public water supplies having regard to the impacts of abstraction;

g. seek opportunities to optimise density of new development and redevelopments;

h. use resources wisely and minimise the generation of waste in the construction, occupation and use of buildings;

i. maintain local environmental quality, including avoiding damage to, and where possible enhancing, the existing valued urban and rural environments in the Borough and heritage assets;

j. have regard to the purposes of the South Downs National Park, including regarding its status as an International Dark Night Skies reserve; and k. maintain, enhance, extend and connect the natural habitats within and landscape value of the Borough, extending natural habitats into new and existing development to achieve an environmental net gain.

2. Applicants are encouraged to undertake pre-application consultation with the relevant statutory and non-statutory consultees.

3. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b. where specific policies in that Framework or other international or national legislation indicate that development should be restricted.

Strategic policy S8, Historic Environment

1. The Borough Council will continue to conserve and/or enhance the Boroughs heritage assets in a manner appropriate to their significance. This includes all heritage assets including listed buildings and structures, Conservation Areas as designated on the policies map, landscapes and archaeology. This will be through the preparation of Conservation Area Appraisals and Management Plans and other strategies and in the

determination of planning applications for new development (see policy DM12).

This will involve:

- a. identifying the assets by means of an on-going programme of survey and review;
- b. identifying their key features and measures to manage and enhance these, e.g. through Conservation Area Appraisals;
- c. restricting development likely to harm them or their settings through management of development proposals; and
- d. encouraging development that enhances them, ensures their long-term management and maintenance and where possible, enables public enjoyment and the interpretation of the asset.

Policy DM1, General criteria for new development

1. All new development should (as relevant):

- a. not have an unacceptable impact on, and where possible should enhance:
 - i. residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast;
 - ii. biodiversity (avoiding significant adverse impacts); and iii. the significance of heritage assets;
- b. make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land;

- c. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area;
- d. not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);
- e. include a landscape scheme covering the design and layout of external space;
- f. protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;
- g. provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancement;
- h. incorporate provision for people with disabilities and create accessible communities that cater for all;
- i. incorporate design measures to inhibit criminal and anti-social behaviour;
- j. incorporate provision for on-site waste management; and

- k. include provision for public art associated with new large scale development in accordance with the Council's adopted Public Art Strategy.

Policy DM12, Heritage Assets 1.

Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional. Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless its removal or replacement would enhance or better reveal the significance of the asset. In these circumstances, the developer will be required to record and advance understanding of the significance of any heritage assets to be lost, in a manner appropriate to their importance and the impact, and to make this evidence publicly accessible.

- a. Development that affects an archaeological site either above or below ground that is already identified or discovered through development proposals will only be permitted provided:
 - i. if the remains cannot be preserved in situ, the clear and convincing overriding public benefits of the development that cannot be achieved by any other means is sufficient to outweigh the value of the remains; and
 - ii. prior to the commencement of the development, provision has been made for a programme of archaeological investigation and recording and for this evidence to be made publicly accessible;

b. It achieves a high standard of design which respects and complements the character and qualities of the heritage asset(s);

c. Where necessary, it secures the long-term future maintenance and management of the asset;

d. Where possible, it enables public enjoyment and interpretation of the asset; and

e. A heritage statement is submitted with the application explaining the significance of the assets affected including the contribution made by their setting, at a level of detail proportionate to the asset's significance; the impact of the proposal on the significance of the asset; and how proposals have been developed to avoid harm or, if this is not possible, minimise the harm; with mitigation measures proposed.

2. In permitting development involving a heritage asset the Borough Council may seek a legal agreement to secure the long-term management and enhancement of the asset.

3. The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.

Appendix 5: List Entries

Bursledon Windmill

Official list entry

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1281479

Date first listed: 14-Feb-1983

List Entry Name: BURSLEDON WINDMILL

Statutory Address 1: BURSLEDON WINDMILL, WINDMILL LANE

Location

Statutory Address: BURSLEDON WINDMILL, WINDMILL LANE

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

County: Hampshire

District: Eastleigh (District Authority)

Parish: Bursledon

National Grid Reference: SU 48270 10829

Details

March 2024 | JM&GS | P23-2165

1. 5230 BURSLEDON WINDMILL LANE

Bursledon Windmill SU 41 SE 6/74

II*

2. 1741. Built on the site of a post-mill, this is an example of an early tower mill, a comparatively rare structure within a county rich in water mills. Of 5 storeys, the main structure is a circular tapering brick tower. The interior contains a full set of timber machinery virtually unaltered and of national importance the external features (cap, sails, chain gear and timber gallery) having gone since the termination of use in 1907. Restoration scheme in progress 1979. Starred for its early date, and rare machinery.

Listing NGR: SU4825010796

Legacy

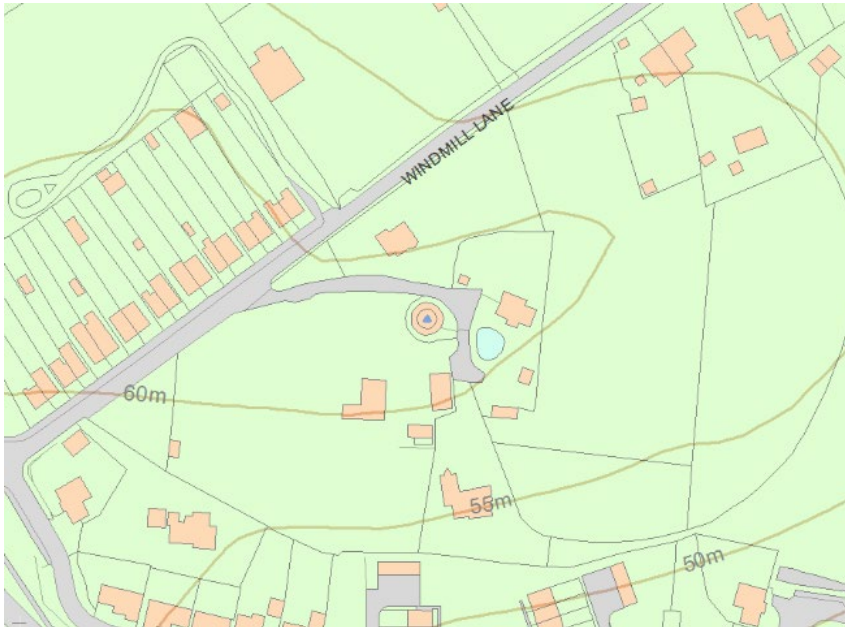
The contents of this record have been generated from a legacy data system.

Legacy System number: 354920

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

Granary adjacent to Bursledon Windmill

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1111940

Date first listed: 14-Feb-1983

List Entry Name: GRANARY ADJACENT TO BURSLEDON WINDMILL

Statutory Address 1: GRANARY ADJACENT TO BURSLEDON WINDMILL, WINDMILL LANE

Location

Statutory Address: GRANARY ADJACENT TO BURSLEDON WINDMILL, WINDMILL LANE

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

County: Hampshire

District: Eastleigh (District Authority)

Parish: Bursledon

National Grid Reference: SU4830510809

Details

This list entry was subject to a Minor Amendment on 18/10/2016

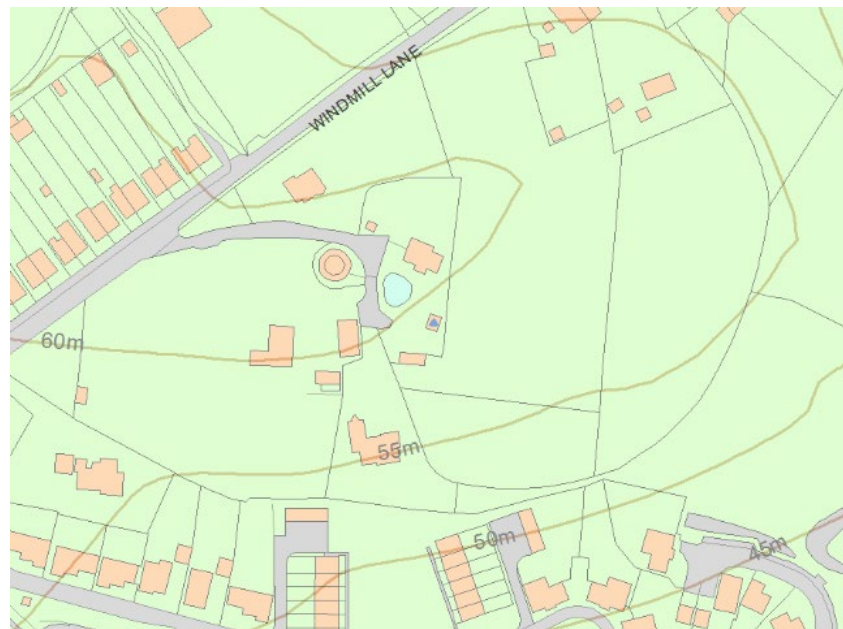
SU 42 SW 1/87

EASTLEIGH WINDMILL LANE Granary adjacent to Bursledon Windmill

(Formerly listed as Granary to south of Hiltonbury Farmhouse, HURSLEY ROAD)

GV II Late C18 timber-framed and clad rectangle on 9 staddles. Half-hipped slate roof. Relocated to its current location 11/12/1984.

Listing NGR: SU4830510809



End of official list entry

Legacy

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

Legacy System number: 354937

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.

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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