



APPEAL BY: McCarthy and Stone Retirement Lifestyles Ltd

SITE: 35 Oakfield M33 6NB

LPA REFERENCE: 109745/FUL/22

PINS REFERENCE: APP/Q4245/W/23/3325034

Rebuttal Statement

Elisabeth Lewis on behalf of Trafford Council.

I have read the Proof of Evidence (POE) of David Beardmore [Beardmore URBAN] with regards to Heritage Matters and have the following observations to make:-

- At Sections 2.0 & 3.0 of the POE, the Appellant has not sufficiently considered all local and national heritage policies relevant to this Appeal. The relevant policies are detailed in my PoE at Section 3.0.
- The concept of non-designated heritage assets was first introduced under Planning Policy Statement 5 Planning for the Historic Environment [2010] not the NPPF as stated by the Appellant at para 4.02.
- Para 4.03 states that "The current (ie still extant) Trafford Core Strategy was adopted in January 2012 and self-evidently could not have included any policies specifically directed to the subject of non-designated heritage assets". Policy R1 of the Trafford Core Strategy refers to non-designated heritage assets and states at para 21.1;

"Heritage assets are buildings, monuments, sites, or landscapes of historic, archaeological, architectural or artistic interest whether designated or not".

The term heritage assets refers to designated and non-designated as defined by Annex 2; NPPF. Heritage assets are referred to in Policies R1.2, R1.5 - R1.7 as well as the justification.

- Section 4.0 of the POE refers to non-designated heritage assets [NDHAs] in Trafford and states incorrectly at para 4.14 that "The authority cannot on the one hand state the building is a non-designated heritage asset while on the other offering the claim that it will be included in Trafford's Local Heritage List". There are a number of ways in which NDHAs can be identified which include local listing and through decision making. 35 Oakfield was identified as a NDHA in accordance with the NPPF [Annex 2]. Additionally, the PPG [para 040] and HE Advice Note 7 [para 27] confirm that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications and as evidence emerges. This process was also accepted by the Inspector in Appeal Ref: APP/Q4245/W/22/3296154 relating to the Pelican Inn and Motel, Altrincham and Appeal Ref: APP/A3010/A/11/2164722 at Woodfield House, Bawtry.
- In response to para 4.07 of the POE, Historic England is the government's statutory adviser on the historic environment and the PPG provides the context to the NPPF. Whilst HEAN 7 and the PPG may not be policy, they are a material consideration and therefore appropriate weight has been given to these documents.
- Contrary to the Appellants' POE at para 4.08, the reference to archaeological investigations is provided as an example and not an exclusive means.

- In response to para 4.14 of the POE, the purpose of the Exec Member Report in August 2019 was to seek approval for the preparation of a local list as a Supplementary Planning Document (SPD) and to approve the first stage of publicity and consultation arrangements for the Local List SPD. As set out in HEAN 7, a local list is just one of a number of ways which can be used to identify NDHAs and provides a mechanism to publicise the NDHAs which have been identified. Furthermore, the Report does not specify that adopting the SPD will be the only way in which NDHAs can be identified in Trafford. At para 1.3 of the Report it states the local planning authority may also formally identify heritage assets ...”through local listing or during the planning process”.
- In response to para 4.04, agreement was sought from the Exec Member for Housing and Regeneration Cllr Wright on 12th May 2001 to allow GMAAS to progress Trafford’s Local Heritage List. Approval was then sought on 8th October 2021 to go out to public consultation on the proposed criteria and invite nominations via the digital platform at local-heritage-list.org.uk. The public consultation period ran from October to December 2021 and was widely publicised.
- Para 4.09 of the POE states “Trafford Council has not provided the criteria used to select non-designated heritage assets and information about the location of existing assets”. A draft criteria was set out in the Exec Member Report [Aug 2019] which was then adapted to form the criteria for the Greater Manchester Local Heritage List and consulted on in 2021. This is available on the publically accessible platform <https://local-heritage-list.org.uk/greater-manchester/criteria>. 35 Oakfield has been assessed against this criteria as set out in my POE at Appendix I. The Trafford Historic Landscape Characterisation Report also provides information about the location of heritage assets and was referred to in the Council’s assessment of 35 Oakfield as well as the evidence base to Policy R1 & PfE Policy JP-P2 Heritage.
- Para 4.09 also states that “only when the GMAAS & University of Salford consultation response was received and the Committee Report published did it emerge that 35 Oakfield was claimed by officers and external advisers to be a non –designated heritage asset”. 35 Oakfield was first identified as a non-designated heritage asset in 2021 during a pre-application enquiry. As set out at para 5.6 of my PoE, the Appellant was made aware by Mr McGowan on 9th February 2023 [shortly after validation] that 35 Oakfield was considered to be a non-designated heritage asset. The Appellant then instructed a heritage assessment to be undertaken and a Statement of Heritage Significance [undated] by Beardmore Urban was submitted to the Council on 2nd March 2023.
- With reference to the Appellants assessment against statutory selection criteria [para 5.01], it is assumed the quotation is para 35 of HEAN 7; however this appears to have been misquoted and in fact states; “The table below gives commonly applied selection criteria for assessing the suitability of assets for inclusion in a local heritage list. Such criteria are often adapted from those used for national designations but it is important that the community develops criteria which respond to the local heritage of their area”. This stresses the importance of adapting criteria which responds to local heritage which the Greater Manchester Local Heritage List criteria seeks to do. It is not clear therefore why the Appellant has undertaken an assessment against the statutory criteria rather than the GM criteria or at the very least the suggested criteria in HEAN 7.

- The POE refers at para 5.02 there is no evidence that the building is old enough on that ground since if it was it could possibly be statutorily listed for that reason alone. My evidence demonstrates through historic mapping and census records that the building is likely to date from between 1841 -1872, therefore the Appellant confirms a building of this age must be of historic significance.

- Para 5.06 of the POE, *“this illustrates the failure of by the authority to exercise any degree of proportionality. The building as a whole has been invested by the Council with an inflated heritage significance based on an assessment that rests almost entirely on the perceived value of the front elevation”*. My assessment of the significance of 35 Oakfield, as demonstrated in my evidence and based on archival research, has been undertaken in accordance with the values set out in Annex 2 NPPF, para 195 NPPF and the GM Local List criteria and considers all the attributes of the building and wider site including alterations. The Appellants assessment, as set out in my evidence at para 5.77, focuses solely on the architectural interest of the building with limited assessment of any other significance such as historic or archaeological value. No regard is given to the building as a detached 19th century suburban villa in the local context, the remaining historic outbuildings, spacious plot, landscaping or boundary walls nor the contribution made to the wider street scene. The Appellant does not offer any additional analysis in their PoE to address the concerns raised in my consultation response nor the concerns raised by GMAAS as set out in my PoE at paras 5.78-81.