

THE TOWN AND COUNTRY PLANNING ACT 1990

35 OAKFIELD, SALE, GREATER MANCHESTER

APPLICATION NUMBER: 109745/FUL/22

APPEAL BY MCCARTHY AND STONE LTD

REF, APP/Q4245/W/23/3325034

SUMMARY PROOF OF EVIDENCE DAVID BEARDMORE

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PROFESSIONAL WITNESS DECLARATION

See Main Proof

REASONS FOR REFUSAL

1.1 These are set out in Appendix A to my main proof of evidence.

2.0 LOCAL PLANNING POLICIES

2.1 The Trafford Core Strategy was adopted in January 2012, ie before the first version of the Framework was published.

3.0 CENTRAL GOVERNMENT POLICIES**The Framework (National Planning Policy Framework September 2023)**

3.01 Section 16, 'Conserving and Enhancing the Historic Environment', deals with conserving and enhancing the historic environment. No part of the appeal site is within a conservation area nor is it within the setting of a designated heritage asset

3.02 The appellant's case accordingly starts from that part of the Framework set out in Appendix 2 (Glossary) that states such assets (ie a non designated heritage asset) should be:

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

4.0 BACKGROUND AND KEY ISSUES**Statutory requirements**

4.01 The concept of non designated heritage assets and their introduction into planning policy occurred with the publication of the first National Planning Policy Framework, (the 'Framework') in July 2012 and last updated in in September 2023.

Non designated heritage assets in Trafford

4.03 The current (ie still extant) Trafford Core Strategy was adopted in January 2012 and has no policies relating to non designated heritage assets. On 15th August 2019 Trafford Council adopted the following resolution:

1. That the preparation be approved of the local list as a Supplementary Planning Document (SPD).

2. That approval be given to the first stage of publicity and consultation arrangements for the Local List SPD, inviting nominations for inclusion on a draft local list and consultation on the selection criteria to be used for nominations.

3. That it be noted that following the consultation process described in the report a future report will seek approval for the content of the consultation draft SPD and the next stage of consultation and publicity.

4.04 Since then there has been no statement by the Council on progress. The officer report on the current appeal proposal stated:

In January 2021, Trafford Council was part of the) Greater Manchester Local Heritage List (study) ...35 Oakfield has been nominated for inclusion on Trafford's Local Heritage List. A selection panel is currently assessing the nominations whichwill go out to a second round of consultation.

4.05 Number 35 Oakfield would therefore be nominated for any list of non designated heritage assets that the Council might ultimately adopt, ie after it has carried out the public consultation.

4.06 This reflects the role of the study which was to make recommendations only. The committee report was made by officers who had no power to decide whether the building was a non designated heritage asset. The Council's August 2019 resolution required publicity and consultation to allow property owners to make representations **before** (my emphasis) the list was adopted.

4.07 The Council's Statement of Case (SoC) seeks to exclude proper consultation reference to the advice of Historic England (2nd Edition 2021) *Local Heritage Listing : Identifying and Conserving Local Heritage* and an update (August 2019) to the NPPG. Neither is a statement of government policy. The former mentions ways in which non designated heritage assets may be identified and includes the category of:

- Decision-making on planning applications

In my view this does not empower officers to identify non designated heritage assets, since that is excluded by the Council's resolution of August 2019.

4.08 Similarly the NPPG advice states:

"In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations."

This relates primarily to archaeological features or circumstances where new evidence emerges whilst the application is under consideration. However the NPPG states in an earlier paragraph:

“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers.”

The decision taken by officers conflicts with this advice. Trafford Council has not provided the criteria used to select non designated heritage assets. Moreover 35 Oakfield had already been considered by the Greater Manchester Local Heritage List study and recommended for inclusion in Trafford’s list which could only be done in accordance with the August 2019 resolution. The officers knew of 35 Oakfield but did not place it within the context of the Council’s resolution or consider if they had authority to declare the building a non designated heritage asset.

- 4.09 Officers could have approached the relevant Committee Chair or referred to the relevant Committee in to seek the necessary. Even if granted it would have breached the August 2019 resolution regarding public consultation – an essential component of a legitimate decision in such cases. The officer’s decision identifying 35 Oakfield as a non designated heritage asset was made without evidence conferring their right to make it and in conflict with the Council’s August 2019 resolution, effectively pre-empting the adoption of the list as a Supplementary Planning Document. The credibility of this part of the Council’s claim to have ‘identified’ 35 Oakfield as a non designated heritage asset has fails to accord with the August 2019 resolution. Similarly the Council cannot realistically claim that the Historic England and NPPG (both advisory only) obviates the need for it to act in accord with its own resolution.
- 4.10 The Council’s Statement of Case offers no explanation as to why no substantive progress has been made in the drawing up a draft list for inclusion in the SPD, which would then allow for public consultation to be carried out.
The authority cannot on the one hand state that the building **is** (my emphasis) a non designated heritage asset while on the other offering the claim that it **will** be included in Trafford’s Local Heritage List at some unspecified date in the future after public consultation. The two positions are mutually exclusive.
- 4.11 The point I made in paragraph 4.09 above regarding the need for the authority (not officers) to be seen to make the final decision in these matters is further supported by Chapter 2, Section 5 of the Historic England advice note, “Local Heritage Listing: Identifying and Conserving Local Heritage” which states the following:
- 5. Approval - finalising and confirming the contents of the local heritage list**
- This is set out in full in my main proof and further reinforces the need for the involvement of elected members when deciding what is a non designated heritage asset.

- 44.12 My unequivocal conclusion is that the Council has advanced no substantive evidence that 35 Oakfield is a non designated heritage asset. The question of whether this building (35 Oakfield) could credibly be put forward as a candidate for inclusion in an SPD comprising locally listed buildings nevertheless needs consideration. This matter was also considered in detail in the appellant's Statement of Heritage Significance.

5.0 CONSIDERATION OF HERITAGE VALUE

- 5.01 Historic England's publication "Local Heritage Listing, Historic England Advice Note 7," 2021, states:

"Commonly applied selection criteria for assessing suitability of assets for local heritage listing (such criteria are often adapted from those used for national designations which refer specifically to historic or architectural interest)."

This (in conjunction with the Framework) underlines the need for some degree of selectivity - albeit with a lower threshold for locally listed buildings- and proportionality has been applied. I see no evidence that the Council has exercised either part of this advice with sufficient care or balance.

- 5.02 In terms of architectural or historic interest the Inspector is referred to the original Statement of Heritage Significance submitted in support of the appeal application.

- 5.03 In the Council's Statement of Case claims that the existing building:

"...is a villa designed in the Domestic Revival style."

and defined by the Oxford UP as:

"Offshoot of the cult of the Picturesque and the Gothic Revival, it was essentially a style of domestic architecture that incorporated forms, details, and materials found in English vernacular buildings, including steeply pitched tile roofs, dormers, timber-framing and jettied construction, small-paned mullioned and transomed windows (often with leaded lights), tile-hung walls, tall chimneys (often of the Tudor type in carved and moulded brick), and carefully contrived asymmetrical compositions. Also called Old English style."

Further works by the late Marc Girouard (1977); J. Curl (1990); Dinsmoor & Muthesius (1985) are also referenced. My main proof also cites Dr Jaqueline Banerjee, editor of 'The Victorian Web' references Girouard et al when identifying the characteristics of 'Domestic Revival' architecture to justify the claim that the property is in the 'Domestic Revival Style'.

- .5.05 Taking all of these factors together I believe there is little to justify the claim that the property is in the 'Domestic Revival Style' and even if it could be so described whether it is an example worthy of retention. Even if it could be so described I do not believe it is an example worthy of retention. The only elevation with any architectural value (but not of a high order) is the front facing Oakfield. Of the remainder any architectural features of note they may once have had have been erased by later changes. A truncated chimney stack on the south elevation might once have been imposing (although showing little evidence of the *Domestic Revival* style) has been severely altered. These factors together with the poor quality of the freestanding buildings in the grounds illustrate the failure of the authority to exercise any degree of proportionality. The building as a whole has been invested with an inflated degree of heritage significance based almost entirely on the perceived value of the front elevation.
- 5.06 This lack of proportionality is also true of the Council's assessment of the interior of the building. Surviving original features exhibit only modest quality of design or craftsmanship. 35 Oakfield has little in terms of its internal layout, original fixtures or fittings that could not be found in thousands of similar properties across the country. Many fittings there now are more recent - not part of the original.
- 5.07 The Historic England advice Note; "Defining the Scope of the Local Heritage List - from Historic England Advice Document HE Advice Note 7", refers to possible *Group Value* as a reason why a building may be locally listed. There are only two other surviving buildings of similar age in reasonable proximity to number 35. Collectively, they have no heritage claim to possess group value.
- 5.08 On the general question of heritage significance I refer to a recent (22nd September 2023) Appeal Decision (Appendix C) to my main proof. The building in question was within a designated Conservation Area and had been properly identified as a non designated heritage asset. The appeal was nonetheless upheld, underlining the need for balance and proportionality in assessing the significance of heritage assets.

6.0 CONCLUSIONS

- 6.01 The Council has failed to justify its assertion that the building is a non designated heritage asset and there is nothing in the Council's Statement of Case to support the contention that it has done so. It has not followed its own procedures and relied instead on decisions taken by officers.

6.02 The officers claim they had to act quickly, ie as part of the application and decision making process, despite knowing of the building for some time. The Council has failed to produce substantive evidence to support a claim that the building has sufficient heritage significance to be considered as such an asset. My judgment is that it fails to meet the test of heritage significance. It does not exhibit enough design quality or originality in its external appearance, range of workmanship or materials, or of the internal fittings that survive. Moreover the Council has failed to exert sufficient proportionality in assessing significance, failing to take account of the extremely poor external appearance and highly degraded state of three of the four main elevations.

6.03 Having regard to the factors discussed above I respectfully request the Inspector to conclude that the Council has failed to demonstrate that the building is a non designated heritage asset. Furthermore, the building does not have sufficient heritage significance to be added to a Local List of such assets. Accordingly there is no heritage case for the appellant to answer in this instance and the outcome of the appeal should rest on other evidence.