

RH/1/B

Appeal by Redrow Homes Ltd

Land to east and west of Warburton Lane, Trafford

PINS reference APP/Q4245/W/19/3243720

LPA reference 98031/OUT/19

Proof of Evidence of Helena Kelly, BSc MCIfA

Built Heritage and Archaeology



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1 Introduction

Qualifications and experience

- 1.1. This Proof of Evidence has been prepared by Helena Kelly. I am a Director of Heritage Archaeology Ltd. I have a degree in Heritage Conservation and have been a heritage professional for over 25 years, having worked as a local government officer for over eight years and as a consultant for the last 17 years.
- 1.2. I am a full member of the Chartered Institute for Archaeologists (CIfA) and I serve on the CIfA validation committee. I conduct my professional duties to the standards required by the Institute's Code of Conduct (CIfA, October 2019, Code of Conduct).
- 1.3. I am fully conversant with national policy and guidance relating to planning for the historic environment. During my career I have frequently assessed the impact of development proposals on the significance of heritage assets. This has included the assessment of both built heritage and buried archaeology, and the assessment of effects on the settings of heritage assets.
- 1.4. I was appointed by Redrow Homes Limited in February 2020, after the appeal against the non-determination by a local planning authority of application ref. 98031/OUT/19 had been made. I have undertaken a detailed review of the documents associated with the planning application and subsequent planning appeal. I have undertaken several site visits to the application area and carried out my own research.
- 1.5. My evidence has been prepared in accordance with the guidance of my professional institution, the Chartered Institute for Archaeologists. I confirm that the opinions expressed are my true and professional opinions.

Scope of evidence

- 1.6. This evidence relates to built heritage, historic landscape character (including historic hedgerows) and to archaeology.
- 1.7. Trafford Council, in their Statement of Case (after paragraph 1.3) put forward a number of recommended putative reasons for refusal for the outline planning application reference 98031/OUT/19. Reason for refusal 1 is as follows:

- 1. The impacts of the proposed development on designated and non-designated heritage assets have not been adequately accounted for within the application submission. The proposed development – in principle and without adequate pre-determination evaluation – could result in the total loss of potential assets of*

equivalent significance to scheduled monuments and to other non-designated heritage assets of archaeological interest, which would equate to substantial harm in NPPF terms. The proposed development – by reason of its scale, layout and distribution – would lead to less than substantial harm to the significance of other built designated and non-designated heritage assets. This harm would not be outweighed by the public benefits of the development. The proposal fails to satisfy the tests at paragraphs 195 and 196 of the National Planning Policy Framework and is contrary to Policy R1, Policy R2 and Policy R3 of the Trafford Core Strategy.

- 1.8. The Council's statement of case continues to provide further details of their concerns in relation to built heritage and archaeology at paragraph 2.7:

As to RFR1:

a. on archaeology, it will be demonstrated that the site is surrounded by significant archaeological interest. The Appellant has consistently downplayed the site's archaeological potential. However, even the unacceptably limited archaeological investigations to date have revealed matters of potential substantial significance which plainly require more detailed on-site examination to determine whether NPPF194b and footnote 63 applies. Absent such investigations the Appellant has not got to first base under NPPF189 – describing the significance of the assets. The proposed access would cut straight through (and potentially destroy) features of interest. Absent further investigation the significance of, the need to protect, and how to appropriately protect the features is unknowable;

b. on other heritage assets, the proposals will cause less than substantial harm to the setting of listed buildings [NPPF196] the preservation of which is to be accorded great weight [NPPF193]. The public benefits do not outweigh the harm. Further the proposals will cause harm to the significance of non-designated heritage assets [NPPF 197];

c. NPPF11(d)(i) applies – the NPPF policies on heritage provide a clear reason for refusing permission.

- 1.9. The Council's statement of case provides further details of their concerns in relation to archaeology at paragraphs 5.3 to 5.

5.3 Archaeology: It will be demonstrated that the Site has considerable potential to include heritage assets with significant archaeological interest. The Appellant originally carried out a desk-based exercise which seriously understated archaeological potential given what is known of, and has been found in, the locality.

Latterly, the Appellant finally undertook a (partial) on site investigation which has (predictably and as predicted by the GMAAS) revealed features of potential archaeological significance. Notwithstanding this, further obviously necessary ground investigations have not been carried out assuming rather than demonstrating that these matters can be addressed via a condition and that they place no impediments on whether this site can be developed or if so how.

5.4 The Council will thus show that the Appellant has failed to provide any meaningful or reliable assessment of the significance of the heritage assets under NPPF189.

5.5 Absent such proportionate assessment, it is not possible to meaningfully address later questions under the NPPF or to balance harm. In particular:

a. no assessment can be undertaken as to whether NPPF194b and footnote 63 applies;

b. no assessment of the impact to the assets or their setting can be undertaken – although we know that the whole area is shown for housing and the access road will go straight through potential archaeological features;

c. no assessment of whether the retention or recording of assets with an archaeological interest is appropriate can be carried out;

d. no assessment as to what needs to be done to protect these assets or their setting can be carried out or consideration of what areas need to be free of development to protect the assets and their setting;

e. no balance as required by the NPPF can be meaningfully carried out – and the legal test cannot be met because to attach great weight to the value of the asset axiomatically requires one to understand that value.

1.10. The Council's statement of case continues to provide further details of their concerns in relation to Built Heritage at paragraph 5.7:

“Built Heritage: There is a lack of confidence in the outline submission. The submitted documentation does not adequately address NPPF189 and NPPF190. The submitted parameters plan indicates a substantial residential development in close proximity to designated and non-designated (built) heritage assets. The lack of an informed assessment, and when based on a parameters plan, renders it difficult to assess the scale of harm that is likely to occur. Nonetheless, a residential development of this magnitude and coverage would cause “less than substantial” harm (NPPF196) to the

significance and setting of a number of designated heritage assets (listed buildings) and to the significance and setting of some non-designated heritage assets (NPPF197).”

1.11. This evidence therefore addresses:

Built heritage

- i. The appropriateness of the Heritage Impact Assessment and Environmental Statement Addendum Chapter 15, Built Heritage;
- ii. The potential for the loss of assets of equivalent significance to scheduled monuments in relation to built heritage and historic landscape assets;
- iii. The potential for harm to designated and non-designated built heritage assets resulting from development within the assets’ settings; and
- iv. The scale of that harm and conclusions regarding the effects of the proposed development in relation to built heritage.

Archaeology

- v. The appropriateness of the Desk based assessment and Environmental Statement Addendum Chapter 16, Archaeology;
- vi. The potential for the loss of assets of equivalent significance to scheduled monuments in relation to assets with archaeological interest;
- vii. The potential for as yet unknown assets with archaeological interest to be present within the development site; and
- viii. The conclusions regarding the effects of the proposed development in relation to known and potential archaeology.

1.12. Additionally, I provide evidence in relation to historic landscape character, which relates closely to the settings of heritage assets. This includes consideration of hedgerows in terms of the ‘archaeology and history’ criteria of the Hedgerow Regulations, 1997¹. The Council, in the officer’s report to the planning committee, makes references to historic hedgerow losses, concluding at paragraph 224 that *“In concluding on this matter, no independent reason for refusal is advanced in the context of Core Strategy Policy R2. However, despite the lack of clarity, it seems a reasonable prospect that some harm to*

¹ Hedgerow Regulations 1997, Schedule 1, Part II

historic hedgerows would arise, which has not been properly accounted for. Given the strength of concerns it seems appropriate for this issue to be encompassed within the wider heritage reason for refusal in rightly treating the site's historic hedgerows as a 'non-designated heritage asset'."

- 1.13. In support of this written proof of evidence, I provide an Appendix A (RH/1/Ca) which includes the relevant designated heritage asset descriptions, figures showing the locations of the referenced heritage assets and a summary of my 'step 1' setting assessment.

2 Relevant legislation, policy and guidance

The Planning (Listed Buildings and Conservation Areas) Act, 1990

- 2.1. Provisions of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (hereafter ‘the 1990 Act’) are relevant to the historic environment matters discussed in my evidence, particularly sections 66 and 72 of the 1990 Act, summarised below. I also refer below to some recent decisions that have a bearing on the application of the Act, however I do not comment on this any further than to reiterate the Historic England advice in relation to these cases.
- 2.2. Section 66 of the 1990 Act provides the “*general duty as respects listed buildings in exercise of planning functions. (1)In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”
- 2.3. Historic England guidance² notes that “*the recent Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament’s intention was that decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings’ when carrying out the balancing exercise*”.
- 2.4. Further to the Historic England guidance, a decision by the Court of Appeal (Jones v. Mordue, December 2015) held that paragraph 134, read together with 132 and 133, of the National Planning Policy Framework (NPPF, 2012) (paragraphs 193-196 of the NPPF 2019 are not materially different) sets out an approach which corresponds with the duty in section 66(1) and that by working through those policy provisions, a decision maker will have complied with the section 66(1) duty.
- 2.5. The Principles of Selection for Listed Buildings, Department for Digital, Culture, Media and Sport, November 2018, notes in paragraph 7 that listed buildings are graded to reflect their relative special architectural and historic interest. Grade I buildings are of exceptional special interest; Grade II* buildings are particularly important buildings of more than special interest; and Grade II buildings are of special interest, warranting every effort to preserve them.

² <https://historicengland.org.uk/advice/hpg/decisionmaking/legalrequirements/>

The Hedgerow Regulations, 1997

- 2.6. The Hedgerow Regulations 1997 (UK Statutory Instruments 1997 No. 1160) provide protection to hedgerows, by requiring the removal of hedgerows to be notified to the local planning authority, who can issue a 'retention notice' in the case of any 'important' hedgerows. The Regulations set out what comprises a hedgerow, and criteria for determining an 'important' hedgerow. Criteria Part II relates to 'history and archaeology'.
- 2.7. The 'Hedgerow Regulations 1997: A Guide to the Law and Good Practice' was provided by DEFRA in 1997 to accompany the Hedgerow Regulations. An amendment to this guidance was issued in May 2002, which set out that under Schedule 1, Part II, paragraph 5(a) a hedgerow may be determined to be important regardless of the current completeness of the historic field system.

The National Planning Policy Framework (NPPF), 2019

- 2.8. The NPPF glossary (Annex 2) provides a description for the terms 'heritage asset', 'designated heritage asset', 'setting' and 'heritage significance'. These terms are used throughout this Proof of Evidence, and are defined by the NPPF glossary as follows:

Heritage asset: 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. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Setting of a heritage asset: 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.

Significance (for heritage policy): 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.

- 2.9. Section 16 of the NPPF provides policies for conserving and enhancing the historic environment.

- 2.10. Paragraph 193 of the NPPF notes that *“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 substantial harm, total loss or less than substantial harm to its significance”*.
- 2.11. Paragraph 194 notes *“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.
- 2.12. Paragraph 194, part b carries footnote 63: *“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”*. Further guidance is provided in Planning Practice Guidance on the application of footnote 63 (PPG paragraph 041, set out more fully below).
- 2.13. Paragraph 195 states that *“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”.

2.14. Paragraph 196 of the NPPF directs that *“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”.

- 2.15. Paragraph 197 relates to non-designated heritage assets, again directing that *“in weighing applications that affect directly or indirectly 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.”*
- 2.16. Paragraph 199 directs that *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*
- 2.17. In summary, the NPPF contains policies relating to the principle of conserving the significance of heritage assets. Heritage significance (value or interest) can be harmed or lost as a result of development within the setting of a heritage asset, however not all parts of the setting of an asset will necessarily make a positive contribution to its significance.
- 2.18. Substantial harm is a high test and is unlikely to occur in many instances; while less than substantial harm includes a spectrum of effects from those that are approaching substantial harm to effects that are negligible at the lowest end of that scale.

Planning Practice Guidance

- 2.19. Planning Practice Guidance includes Government’s advice on the NPPF policies in relation to the historic environment. Of particular relevance are:
- 2.20. **Paragraph 013 (Reference ID: 18a-013-20190723) What is the setting of a heritage asset and how should it be taken into account?**, which advises that *“The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.”*

2.21. Also, **Paragraph 018 (Reference ID: 18a-018-201900723) How can the possibility of harm to a heritage asset be assessed?** which identifies that “*where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the [NPPF] apply. Within each category of harm ... the extent of the harm may vary and should be clearly articulated ... 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.*”

2.22. And, **Paragraph 041 (Reference ID: 18a-041-20190723) What are non-designated heritage assets of archaeological interest and how important are they?** which sets out that “*The National Planning Policy Framework identifies two categories of non-designated heritage assets of archaeological interest:*

(1) Those that are demonstrably of equivalent significance to scheduled monuments and are therefore considered subject to the same policies as those for designated heritage assets (National Planning Policy Framework footnote 63). They are of 3 types:

- *those that have yet to be formally assessed for designation.*
- *those that have been assessed as being nationally important and therefore, capable of designation, but which the Secretary of State for Digital, Culture, Media and Sport has exercised his/her discretion not to designate.*
- *those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979 because of their physical nature.*

The reason why many nationally important monuments are not scheduled is set out in the document Scheduled Monuments, published by the Department for Digital, Culture, Media and Sport. Information on location and significance of such assets is found in the same way as for all heritage assets. Judging whether sites fall into this category may be assisted by reference to the criteria for scheduling monuments. Further information on scheduled monuments can be found on the Department for Digital, Culture, Media and Sport’s website.

(2) Other non-designated heritage assets of archaeological interest. By comparison this is a much larger category of lesser heritage significance, although still subject to the

conservation objective. On occasion the understanding of a site may change following assessment and evaluation prior to a planning decision and move it from this category to the first.

Where an asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding.

Decision-making regarding such assets requires a proportionate response by local planning authorities. Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, it is estimated that following the initial assessment of archaeological interest only a small proportion – around 3% – of all planning applications justify a requirement for detailed assessment.

Local Planning Policy

The Trafford Core Strategy, adopted 25 January 2012

2.23. The policy most relevant to this evidence is Policy R1 – Historic Environment. The policy is not repeated in full here, but the following provisions are of particular relevance:

R1.2 Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.

R1.6 Accordingly developers will be required, where appropriate, to demonstrate how their development will protect, preserve and enhance ... heritage assets including their wider settings:...

R1.8 In areas of archaeological importance developers will be required to: • Identify the presence or absence of remains of archaeological significance and take into account the potential for new finds; and • Set out a framework for dealing with investigation, recording and preservation of any remains.

R1.9 The level of information to be supplied by a developer in relation to any of these matters should refer to the significance of the heritage asset and will vary on a site by site basis but will need to be provided to the satisfaction of LPA

2.24. Also of relevance in relation to historic landscape character and hedgerows is Policy R2: Natural Environment, particularly provision R2.1: *To ensure the protection and enhancement of the natural environment of the Borough, developers will be required to*

demonstrate through a supporting statement how their proposal will: Protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings...

- 2.25. R2.3 identifies that the Borough's assets include (b) *Woodland, hedgerows and hedgerow trees and trees including street trees and ancient trees; ... and (e) Historic Parks and Gardens and historic landscapes including Dunham Massey.*
- 2.26. Core Strategy R2 replaces the Trafford Unitary Development Plan (UDP) policy ENV14 (referred to in the Heritage Impact Assessment); UDP Policy ENV24 has been replaced by Core Strategy R1.
- 2.27. The Council, in the committee report at paragraph 8 (Agenda Item – 98031 Warburton Lane Report) state that *“it should be noted, however, that Policy R1 does not reflect the NPPF’s categories of ‘substantial’ and ‘less than substantial’ harm (applying to designated heritage assets) and their corresponding tests. Those NPPF tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. A similar, proportionate balancing exercise is contained in the NPPF’s paragraph 197 in relation to non-designated heritage assets. The ‘protect, preserve and enhance’ requirement of Policy R1 infers that no harm should be caused or would be justified and in this respect, Policy R1 is out-of-date.”*

Historic England guidance

Historic Environment Good Practice Advice in Planning 3 (GPA3): The Setting of Heritage Assets, Historic England, 2017, 2nd Edition

- 2.28. This guidance document advises a staged approach to assessing effects on the setting of heritage assets. The key principles and method (including the '5 step' approach outlined below) were followed in completing my assessment.
- Step 1: Identifying the heritage assets potentially affected and their settings;
 - Step 2: Assessing whether, how and to what degree settings make a contribution to the significance of the heritage assets;
 - Step 3: Assessing the effect of the proposed development on the setting and therefore the significance of the assets;
 - Step 4: Maximising enhancement and minimising harm, and;
 - Step 5: Make and document the decision and monitor outcomes.

2.29. Historic England, at paragraph 9 (page 4) of the guidance note that “*setting is not itself a heritage asset, nor a heritage designation ... Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance*”.

Historic Environment Good Practice Advice in Planning 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment, Historic England, 2015

2.30. This document provides advice on assessing the significance of heritage assets to inform the planning application process and notes (paragraph 11) that this should be “*to a level of thoroughness proportionate to the relative importance of the asset whose fabric or setting is affected*”. This document also notes, in relation to assets with archaeological interest that “*many heritage assets have a significance that is a combination of historic, architectural, artistic and archaeological interest. However, some will currently hold only an archaeological interest, in that nothing substantial may be known about the site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection.*”

Conservation Principles; Policy and Guidance for the Sustainable Management of the Historic Environment, English Heritage (now Historic England) 2008

2.31. This document sets out English Heritage (now Historic England’s) approach to making decisions about England’s historic environment. The document identifies four groups of heritage values that can be attached to places to help define relevant significance:

- Evidential value (equivalent to archaeological interest): the potential of the place to yield evidence about past human activity;
- Historical value (equivalent to historical interest): the ways in which past people, events and aspects of life can be connected through a place to the present, can be illustrative or associative;
- Aesthetic value (equivalent to architectural interest): the ways in which people draw sensory and intellectual stimulation from a place; and
- Communal value (considered to form part of an asset’s historical interest): the meaning of a place for the people who relate to it, or for whom it figures in their collective experience or memory, can be commemorative or symbolic.

2.32. I have referred to this guidance produced by Historic England in preparing my assessment of the baseline data and built heritage and historic landscape character impacts.

Listed Buildings and Curtilage, Historic England Advice Note 10, Historic England 2018

2.33. Under the 1990 Act, buildings and other structures that pre-date 1948 and are within the curtilage of a listed building can be treated as part of the listed building. Listed Building Consent is needed for any works that affect the character of a listed building, it is therefore

necessary to determine the extent of curtilage in cases involving the alteration or demolition of curtilage structures (which is not the case in this Appeal).

- 2.34. This guidance notes (on page 2, under 'Why does this matter' that "*it is obviously important to understand whether a curtilage building is protected in principle and what special interest it holds, on its own or together with the principal building. It is of course possible that it holds no special interest and so, even if it is within the curtilage, works to it and even its demolition will require no consent (emphasis added)*".
- 2.35. The guidance also notes (on page 3) that "*it is important to appreciate that there may be planning permission requirements that will factor in heritage interest whether the building is protected by listing or not: ... Although not formally part of the listed building, a building may have sufficient interest to be classified as a non-designated heritage asset, particularly if it has been included by the local planning authority in the list of buildings of local interest*"
- 2.36. The guidance does not indicate any level of relative significance for curtilage structures, instead identifying that it could be the case that they have no special interest. It may therefore be reasonable to assess that a curtilage structure is of lower value than the principle building. Also, that buildings, whether curtilage structures or not, can also be non-designated heritage assets.
- 2.37. In this case, the Appeal site does not include any listed building or its curtilage. It is therefore not particularly pertinent in my view to determine whether the non-designated historic structures at Birch Farm and Warburton Park Farm are or are not curtilage structures. However (as I set out in more detail below) I accept that these could be considered curtilage structures. I have undertaken my assessment on the basis that some of the non-designated heritage assets are curtilage structures and bear this in mind when determining their heritage significance and discussing the impact of the Appeal proposal below.

3 Method of assessment

Data sources

- 3.1. In preparing my evidence, I have obtained data from the National Heritage List for England (NHLE), this is the up to date register of designated heritage assets maintained by Historic England. I also reviewed the baseline data obtained by TEP and CgMs (later RPS) in preparing the Heritage Impact Assessment and desk-based assessment. I have also reviewed historic mapping and relevant published and unpublished reports. I also undertook site visits, to assess the character and nature of the settings of heritage assets.
- 3.2. I have considered a 1km study area, buffered from the Appeal site boundary. The 1km area was agreed during the preparation of the revised Heritage Impact Assessment between TEP and the Heritage Development Officer at Trafford Council and I agree that this is a reasonable and proportionate area of search in which to identify heritage assets where the development could be capable of affecting the contribution made by setting to the significance of the asset. However, in my Appendix A (RH/1/Ca) I also consider a small number of assets just beyond the 1km area of search that have been referred to by Trafford Council in the Committee Report, and briefly consider the Dunham Massey estate referred to in a consultation response from the National Trust. This was to ensure an inclusive approach to determining the built heritage assets on which the Appeal proposal could have an effect.

Setting assessment

- 3.3. I have assessed effects on the settings of heritage assets in accordance with the Historic England guidance (GPA3) referenced above. At 'Step 1' I considered the baseline data and undertook site visits to determine those heritage assets where the appeal proposal could be capable of having an adverse effect as a result of development within their settings.
- 3.4. At 'Step 2' I considered the designated and non-designated heritage assets' character, historical development and current condition, referencing site visits and historic mapping.
- 3.5. 'Step 3' considered the likely magnitude of change on the assets which have settings that include the appeal site, and included considering the nature of the proposed development, likely extent of visibility and the mitigation put forward in terms of design, as illustrated by the Parameters Plan (dated 11/11/2019).

Determining heritage value and the significance of effect

- 3.6. In determining the relative value of heritage assets, I refer to Conservation Principles 2008, and heritage significance as defined in the NPPF Glossary.

- 3.7. I have determined the overall significance of the effects on archaeology, built heritage assets and the historic landscape character using the method and terminology set out in the Environmental Statement Addendum Chapters 15 (tables 15.1, 15.2 and 15.3) and 16 (tables 16.1, 16.2 and 16.3).

4 Appraisal of the Heritage Impact Assessment and Desk-based Assessment

Heritage Impact Assessment (built heritage)

- 4.1. The Appellant's outline planning application included a Heritage Impact Assessment (TEP, February 2019). The Heritage Development Officer for Trafford Council commented on that document, and in order to address concerns raised by the officer (correspondence dated 12th September 2019 and 27th November 2019) a revised Heritage Impact Assessment was provided (TEP, December 2019). I refer to the latter as the Heritage Impact Assessment, this being the most recent and effectively superseding the version from February 2019.
- 4.2. The Scoping Opinion provided by Trafford Council (18 June 2018) stated that (page 11) "*given the proximity of listed buildings to the site, it is advised that a Heritage Assessment should accompany the planning applications to consider potential impacts on the setting of these heritage assets. Officers are satisfied that this need not form a chapter of the Environmental Statement.*" However, after the consultation responses received from Trafford Council, it was determined that the ES Addendum would include a chapter on built heritage.
- 4.3. Despite providing the updated Heritage Impact Assessment, the Council in their statement of case (paragraph 5.7) states that "*The submitted documentation does not adequately address NPPF189 and NPPF190*".

Paragraph 189: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. 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.

- 4.4. Paragraphs 7 to 12.5 of *Managing Significance in Decision-Taking in the Historic Environment, Good Practice Advice in Planning: 2 (GPA2)*, Historic England 2015 provide advice on the assessment of significance as part of the application process. This identifies sources of information, including local development plan evidence, the local historic environment record, the National Heritage List for England, the Heritage Gateway and the Historic England Archive. *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*, Historic England, 2019 reiterates the above, referring back to GPA2.
- 4.5. These sources are cited in the Heritage Impact Assessment (paragraph 3.3), along with others. I find, therefore, that the baseline evidence was drawn from appropriate and acceptable sources.
- 4.6. There is no standard method for undertaking heritage assessments. However, *Volume 11, Design Manual for Roads and Bridges (DMRB) (Highways Agency, 2019)* and *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, (ICOMOS 2011)* provide methods of assessment that are consistent with each other and which have effectively become the standard method for the purposes of assessing the effects of development on the historic environment. The Heritage Impact Assessment sets out the method for determining heritage significance. Although this is not explicitly based on either of the above, it is close enough to these documents to see that the assessment followed a standard approach. The ES Addendum, Chapter 15 provides a more complete set of matrices against which the harm to heritage assets was determined than the Heritage Impact Assessment, which is again consistent with the approach set out in the DMRB and ICOMOS guidance.
- 4.7. While the Council may not agree with the conclusions reached by the Heritage Impact Assessment, I do not see any basis for their conclusion that it “*does not adequately address NPPF189 and NPPF190*”.
- 4.8. I accept the baseline conditions as set out in the Heritage Impact Assessment and am broadly in agreement with the conclusions reached in both the Heritage Impact Assessment and ES Addendum. Where my conclusions differ from the conclusions reached by the Heritage Impact Assessment, I set that out below.

Desk-based Assessment (archaeology)

- 4.9. The Appellant's outline planning application included an Archaeological Desk-based Assessment (CgMs, October 2018). The Greater Manchester Archaeological Advisory Service (GMAAS), archaeological advisors to Trafford Council, commented that the report lacked detail and had not referenced appropriate materials resulting, in their view, in an understatement of the archaeological potential of the development site (correspondence dated 12th July 2019). A revised Archaeological Desk-based Assessment was provided (CgMs, December 2019). I refer to the latter as the Desk-based Assessment, this being the more recent and effectively superseding the version from October 2018. The revised desk-based assessment included a geophysical survey of accessible parts of the development site. GMAAS commented (letter dated 16th January 2020) that they had concerns regarding the effectiveness of the geophysical survey and that the updated desk-based assessment still did not address their concerns regarding analysis of the medieval deer park and wider potential for prehistoric and Roman archaeology.
- 4.10. The desk-based assessment provides a list of sources which includes relevant publications, commensurate to the guidance in GPA2 and the assessment method is again consistent with the DMRB and ICOMOS guidance.
- 4.11. The assessment of low archaeological potential for all periods is a professional judgement that GMAAS dispute. While my own conclusions differ in some respects to those of the desk-based assessment, I agree with the report's final conclusion at paragraph 6.7 and accept that the description of baseline conditions is drawn from appropriate sources and that the method accords with the appropriate guidance on preparing an archaeological desk-based assessment. I consider the report, particularly with the inclusion of the geophysical survey, to be consistent with the requirements set out at paragraph 189 and 190 of the NPPF (as described above).

5 Baseline conditions; built heritage

Designated heritage assets

- 5.1. There are no designated heritage assets within the Appeal site boundary.
- 5.2. There are nine grade II listed buildings within a 1km area of search, buffered from the Appeal site boundary:
 - Erlam Farmhouse – Listed building reference 1067869
 - Barn to the south east of Birch Farmhouse – Listed building reference 1101723
 - Post Office House – Listed building reference 1101758
 - Onion Farm – Listed building reference 1338885
 - Heathlands Farmhouse – Listed building reference 1346578
 - Barn north east of Heathlands Farmhouse – Listed building reference 1392565
 - The School – Listed building reference 1356531
 - Timber framed farm building, south side of Warburton Park Farmyard – Listed building reference 1356532
 - Stocks – Listed building reference 1067870
- 5.3. There are no grade I or grade II* listed buildings within the 1km area of search.
- 5.4. There are no conservation areas within the 1km area of search. Warburton Conservation Area is immediately to the south of the 1km buffer, at its closest point. Given the proximity of the Warburton Conservation Area to the Appeal site, I discuss this asset further in my Appendix A (RH/1/Ca).
- 5.5. There are no scheduled monuments, registered battlefields, world heritage sites or registered parks and gardens within the 1km area of search.

Non-designated heritage assets

- 5.6. A search of the Greater Manchester Historic Environment Record (HER) undertaken by The Environment Partnership (TEP) in October 2019 identified 63 non-designated heritage assets within a 1km area of search. The HER identifies a 'monument record type', assigning each asset as either a 'building', 'find spot', 'landscape', 'monument' or 'place'. I have used this 'record type' field to help identify those assets that clearly relate to archaeology only and those that specifically relate to built heritage and historic landscape character.
- 5.7. I have identified 25 heritage assets recorded by the Greater Manchester HER within the 1km area of search that relate to built heritage and historic landscape character; only one

of these is within the Appeal site, namely Warburton Park. The Old Warburton Lane is not recorded in the HER but could be considered a heritage asset and is partially within the Appeal site, I discuss this further in my Appendix A. The remainder are non-designated historic buildings. Although there would be no direct physical impact on any of these buildings, there is some potential for an impact arising from development within these assets' settings and therefore they are discussed in more detail in my Appendix A and below.

- 5.8. In addition to the above, Trafford Council include in the Planning Officer's Committee Report reference to the Warburton Toll Bridge. As described further in my Appendix A, I conclude that the Appeal site makes a neutral contribution to the heritage significance of this asset and consequently, the Appeal proposal would not be capable of harming the heritage significance of this asset.

Assessment of significance

- 5.9. To determine which of the above assets require further assessment (i.e. those assets where the Appeal proposal may be capable of affecting the contribution made by setting to significance and therefore result in harm to the heritage significance of the asset) I undertook site visits and desk-based research. With a large number of assets to assess, I have provided my 'step 1' assessment in my Appendix A for ease of reference.
- 5.10. I turn then to those assets where I have assessed the Appeal proposal as being capable of affecting the asset's heritage significance. The next step is to describe the significance of these assets, and the contribution made by setting to that significance.

Barn to south east of Birch Farmhouse (Grade II Listed Building), Birch Farm (non-designated) and timber-framed barn at Birch Farm (non-designated)

- 5.11. These assets form a group of buildings. The non-listed barn and farmhouse are not treated as curtilage structures in the Heritage Impact Assessment. However, in my view although now in separate ownership, the farmhouse and barn could be considered curtilage structures to the listed barn, given the proximity of the buildings within a discernible farmstead.
- 5.12. The listed barn (using Table 15.1 in the ES Addendum) is of high heritage significance. It is grade II listed. In NPPF terms this is not an asset of the 'highest significance', but it is a designated asset that has met criteria for designation in terms of its national significance. It is representative of historic farming practice and reuse of materials as farm steadings developed and evolved from later medieval farms to those associated with the 'high farming' era (1750-1880) when farmsteads were developed to include new layouts, animal

housing for overwintering of stock and combination barns housing farm machinery, feed and livestock. Cheshire was known as a dairy county, producing milk and cheese for import into the growing urban centres of Liverpool and Manchester, and it is of particular interest in this area that the list description includes reference to the barn as including a shippon (cow-house). Birch Farm is recorded in Warburton estate records from the 18th century and was among the larger farm holdings recorded at that time.

- 5.13. A pattern of formal enclosure of marginal land for use as pasture for grazing and arable for fodder, and small farmsteads with dispersed plans and a range of barns is typical of this period. Birch Farm is representative of this and the listed barn therefore has evidential value (archaeological interest) in terms of the historic building fabric (particularly the cruck trusses) that could hold information about early construction techniques and reuse of building materials. It also has historic value through its association with a long period of continuous farming reflecting changes from the early post medieval period, through the period of high farming and into the late 19th and 20th centuries. The barn also has some aesthetic value, being typical of the local building style and having been made from building materials common to the area.
- 5.14. The non-designated barn to the north of the listed building, and farmhouse to the north-west, are both on an alignment depicted on historic mapping from the 1830s. The barn is in a similar style to the listed barn and appears (although close inspection was not possible) to be in good condition, although with some alteration. The farmhouse and attached outbuildings to the rear has had alterations. In both cases, although these assets share the historic and aesthetic heritage values described above in relation to the listed barn, they do not have the same degree of evidential value, as neither has been noted as including evidence of earlier building materials and have been altered. It is therefore reasonable to conclude that the heritage significance of the non-designated assets is lower than that of the listed building. I consider these to be good examples of the local farming tradition and they have group value as a part of a reasonably intact farm steading. I consider them locally significant and of low value using the scale provided in Table 15.1 of the ES Addendum.
- 5.15. These assets (listed barn, non-listed barn and farmhouse) have a shared setting and I describe it collectively. The setting includes the former extent of the farmstead, and the relationship and inter-visibility between these buildings. It also includes the immediately surrounding farmland which provides a rural context that underpins the appreciation of these buildings as a farm, associated closely with the land it managed. An 18th century Warburton Estate Plan (reproduced from *Nevell, M, 2015, Warburton, Glimpses of Rural Life: The archaeology and history of a Cheshire Village* in my Appendix A, RH/1/Ca)

indicates this to comprise land to the north and south of Moss Lane. The farmstead includes modern farm buildings although these do not particularly detract from understanding the site as an historic farm. The field pattern is very changed from that of the 18th and 19th centuries. However again this does not particularly detract from the contribution it makes to appreciating the historic heritage value of these assets. The assets' setting, as described above, makes a positive contribution to understanding and appreciating their heritage significance, particularly in relation to their historic value.

Heathlands Farmhouse and Barn North East of Heathlands Farmhouse (both Grade II Listed Buildings)

5.16. The Barn north-east of Heathlands Farmhouse was listed in 2008 and the list description includes the following reasons for designation: "*It incorporates significant late medieval elements in the form of two complete cruck trusses, with pegged collars, tie beams and wind braces, and other timbers * It represents a rare survival of a multifunctional cowhouse and hayloft in the north Cheshire plain * It demonstrates a development of function throughout the eighteenth and nineteenth century, manifested in its building materials and layout * It forms an important element of the small farmstead, together with the Grade II listed farmhouse close by*". The barn has a 'GV' (group value) notation, and although the farmhouse does not, the two buildings form a group, and both are of high heritage significance. This relates to their historic, evidential and aesthetic heritage values which is broadly as described above in relation to the barn at Birch Farm and as set out in the reason for designation for the barn at Heathlands Farm.

5.17. The surroundings in which these assets are experienced includes the buildings' curtilage and intervisibility with each other, as well as the immediately surrounding farmland, particularly that to the south of the buildings but also the field to the north of Warburton Lane. The assets' setting, as described above, makes a positive contribution to understanding and appreciating their heritage value, particularly in relation to their historic value.

Timber framed farm building, south side of Warburton Park Farmyard (Grade II Listed), Warburton Farm (non-designated)

5.18. The listed building is described in the list description as a 17th century 'farm outbuilding'. It is a small box-framed structure and its function is not clear, although it would likely have been used for storage. Warburton Farm includes a large farmhouse and range of historic and modern farm buildings. It has a long history of use and re-use. Prior to the historic map sequence, it is documented as the site of a moated manor house, possibly dating from the 16th century. The farmhouse is documented as having been rebuilt in the 18th century. Historic map evidence suggests a further redevelopment of the site during the

late 19th century. The listed building has high heritage significance as an asset with aesthetic, evidential and historic value. The non-designated farmhouse and farm buildings have aesthetic and historic value, again as illustrative of the developments in farming practice in north Cheshire, but also associated with the later post medieval development of the site of a former manor house. I determine the value of these buildings to be low to moderate (locally to regionally significant), this is in part due to records suggesting that the farmhouse retains some earlier building fabric, and also because of the historic association with a formerly high-status residence. These buildings could also be considered curtilage structures to the listed barn and are treated as such in the Heritage Impact Assessment and in my assessment.

5.19. Warburton Park Farm sits within Warburton Park. This is the documented site of an early post medieval deer park (associated with the documented manor) recorded by the HER as also an ornamental parkland. Warburton Park is a heritage asset and historic landscape character area and is discussed further below. It is also the setting of the designated barn and non-designated farmhouse and farm buildings at Warburton Park Farm.

5.20. The Tithe map records the fields within Warburton Park as pasture, arable and meadow. This is indicative of the predominantly dairy farming that Cheshire was known for at this time. However, the historic Ordnance Survey mapping also shows potentially a more ornate landscape immediately around the farm buildings. These fields are noted on the Tithe as pasture, meadow and garden. The field pattern evident on the Tithe map is almost entirely reorganised by time of the 1870s and 1880s Ordnance Survey mapping, and the larger fields are typical of the modern arable farming now common in this part of Cheshire. However, the historic extent of the former deer park, some tree planting that is suggestive of a more designed landscape, and the rural aspect retained by the reorganised fields provide context to these buildings as a farm. This setting makes a positive contribution to understanding and experiencing the historic heritage value of these assets.

Mosslane Farm (non-designated heritage asset)

5.21. Mosslane Farm is a small farmstead with a single building shown on the Tithe map (1839) and Ordnance Survey 1873 (the brick building at right angles to Moss Lane). This building appears to be part of the existing former farmhouse. The HER entry records that it has a datestone of 1688, and part of the building dates from the 17th century. This asset is locally significant and therefore of low heritage value. It has historic heritage value, being

associated with the developments in farming practices in north Cheshire during the 18th and 19th centuries, as described in relation to Birch Farm above.

- 5.22. The historic building has been extended (a floor plan and description of the building in Nevell, 2015, notes that “*The building was sold and much altered during the late 1990s*”), a garage built adjacent to the house, and a modern building added to the rear of the property. The surroundings in which this asset is experienced includes these modern structures which detract from its heritage value, as the character of the asset is more domestic than agricultural, with surrounding gardens and hedges. However, the immediately surrounding farmland, particularly that to the south of the buildings but also the field to the north of Warburton Lane, is also within the setting of this asset and makes a positive contribution to understanding and appreciating its heritage significance, particularly in relation to its historic value as a former farm house.

Pear Tree Cottage (non-designated heritage asset)

- 5.23. Pear Tree Cottage is a former agricultural worker’s dwelling dating from the 18th century. It has been altered and has negligible aesthetic or evidential heritage value. It has historic heritage value, being associated with the development of farming practice in north Cheshire during this period, and in association with Brook Farm (no longer extant). This asset is locally significant and therefore of low heritage value.
- 5.24. As documentary sources suggest this to be agricultural workers accommodation, there is a relationship between this asset and the immediately surrounding farmland that provides context and makes a positive contribution to understanding and appreciating its heritage significance, particularly in relation to its historic value.

Birch Cottage (non-designated heritage asset)

- 5.25. Birch Cottage is a former agricultural worker’s dwelling dating from the 18th century. It has been altered and has some aesthetic or evidential heritage value. It was one of a pair of cottages, one of which has since been demolished and is no longer evident as a standing structure. Birch Cottage is associated with Birch Farm (described above). It has historic heritage value, being associated with the development of farming practice in north Cheshire during this period. This asset is locally significant and therefore of low heritage value.
- 5.26. As agricultural workers accommodation, there is a relationship between this asset and the immediately surrounding farmland, and also in the inter-visibility between Birch Cottage and Birch Farm that provides context and makes a positive contribution to understanding and appreciating its heritage significance, particularly in relation to its historic value.

Brook House (non-designated heritage asset)

- 5.27. Brook House and Hulme Farm (site of) are on the Warburton Tithe map as 'house, barn and gardens' and 'cottage and garden', respectively. They have the same owner and occupier noted, and the 1873 Ordnance Survey also shows two properties in the same ownership. By 1898 these properties have been renamed as Brook House and Brook Farm, which continues to be the case until the 1970s when only Brook Farm is annotated. The site of Brook Farm is shown as vacant pasture on aerial images from the early 2000s. Between 2005 and 2009 housing was built on the site of Brook Farm. Brook House is a probable former farmhouse associated with a now demolished farmstead. It has historic heritage value, also being associated with the development of farming practice in north Cheshire during this period. This asset is locally significant and therefore of low heritage value.
- 5.28. The setting of Brook House includes modern housing, which is large in scale and competes with any visual prominence Brook House may have previously held, making a negative contribution to the heritage value of the asset. The setting also includes the immediately surrounding fields, which provide some context to this as a formerly agricultural building and make a positive contribution to understanding and appreciating its heritage significance, particularly in relation to its historic value.

Historic landscape character

- 5.29. The Greater Manchester Urban Historic Landscape Characterisation Project (part of the Greater Manchester Historic Environment Record) identifies the Appeal site to the east of Warburton Lane as “enclosed land, agglomerated fields”; this is the current use, the previous landscape character is noted as “enclosed land, surveyed enclosure (Parliamentary/ Private)”. This character area is large, extending well beyond the Appeal site. The current field pattern is therefore essentially modern, resulting from the reorganisation – here largely as a result of boundary loss – of a Parliamentary or privately enclosed field pattern. The historic landscape character area is therefore of negligible heritage value, retaining only limited evidence of the former field system.
- 5.30. The Appeal site to the west of Warburton Lane is part of a wider area identified as Warburton Park, described as “ornamental parkland, recreational subdivided into large irregular fields”, with the previous character type being “deer park”. This historic landscape character area is associated with a non-designated heritage asset, Warburton Park, both of which share the same boundary. This boundary, partially identifiable in the modern field pattern, preserves (at least in part) what is possibly the boundary to the medieval deer park.

5.31. Warburton Park extends beyond the Appeal site and the field pattern within the boundary of the former extent of Warburton Park has been extensively reorganised and is essentially modern. However, the curving boundaries that preserve in part the possible extent of the former deer park can be traced and this historic landscape character area therefore has some heritage value. I consider this value to be low (locally significant) given the poor survival of Warburton Park as a heritage asset and feature of the historic landscape. There is also little surviving evidence for any intentional landscape design associated with a later ornamental use in connection with Warburton Park Farm, except some tree groups (none of which are within the Appeal site) that may relate to planting associated with the historic use of the area as parkland. As noted above the uses of the (since reorganised) fields noted on the Warburton Tithe apportionment (1839) indicate a mixture of arable, pasture and meadow, typical of north Cheshire dairy farming practice at that time.

Warburton Park, 'footnote 63' consideration

5.32. Evidence for a medieval deer park at Warburton Park is well documented, including through historic mapping, although the scale of the earlier maps does not clearly show the precise location of the park, or whether there was a complete or partial boundary fence and earthwork (the pale³). The historic field pattern indicates the former extent of the park, with the northern boundary formed by either Red Brook, or a boundary immediately to the south of Red Brook. I have undertaken a site visit and I found no evidence for an earthwork to the south of Red Brook within the Appeal site. The park boundary is recorded by the Greater Manchester historic environment record as following a former field boundary between Red Brook and Warburton Lane. However, between 2009 and 2013 the hedgerow was removed, and the area ploughed, which would have removed any earthwork evidence for a park boundary that may have been present at this location. It is also noted that the geophysical survey (discussed further in section 7 below) identified a gas pipeline at this location, the construction of which could also potentially have impacted the park boundary.

5.33. The eastern park boundary is likely to have followed the alignment of Warburton Lane. The lane itself dates to the 16th century or earlier (appearing on historic mapping between Warburton Park and Warburton Moss) and was widened during the 1960s. This later development could have obscured any earlier evidence of a pale. However the geophysical survey identified two linear features, to the south of the pipeline on a north south alignment parallel to Warburton Lane, which could be indicative of buried remains. Interpreted in the geophysical survey report as 'agricultural', they could be associated with

³ A park pale is a wooden stake fence, surrounding a deer park, usually with an associated bank and ditch

a former boundary, the line of Warburton Lane, or evidence of the buried archaeology associated with Warburton Park.

- 5.34. The southern boundary appears to be preserved, in part, as a hedge line with an evident earthwork ditch. However, between 2013 and 2017 approximately half of the hedgerow was removed. The western boundary is adjacent to the course of the River Mersey. This may have been impacted by the construction of the Manchester Ship Canal which dates from the 1890s and followed or altered the course of the River Mersey. However, the public right of way that runs parallel to the Manchester Ship Canal is in part sunken and follows the course of a medieval road, which could be on or adjacent to the Park's western boundary.
- 5.35. The interior of the park has been enclosed as fields and used as agricultural land since at least the 18th century. Historically this may have included an ornamental element, such as parkland pasture used for grazing with some tree groups. However, during the 20th century the interior of the park has largely been in arable use with reorganisation of the original enclosure pattern to create larger fields, through removal of hedgerows. The character of the park interior is that of modern fields.
- 5.36. The park pale at Warburton Park is not present as an earthwork within the Appeal site and while it may survive in small sections as an earthwork feature outside of the Appeal site, and in parts as buried archaeological remains, I do not consider this to merit consideration of this asset as an asset of 'equivalent significance to a scheduled monument'.
- 5.37. The relevant 'Scheduling Selection Guide' (Historic England, 2018, Gardens: Scheduling Selection Guide) notes that "*Deer parks in their entirety will generally be too extensive and lack the 'works' needed to qualify for scheduling. However, specific features such as lengths of pale will be eligible for designation, although given the number of parks that existed and of which traces survive, careful discrimination will be needed. Positive factors are likely to be the quality of the earthwork, and whether this forms part of a park with otherwise good survival of landscape and buildings. Short lengths of pale divorced from other surviving associated features are unlikely to be scheduled, although these will certainly be of local interest.*" I consider that the survival and condition of Warburton Park means that it is certainly of local interest but would not meet the criteria for scheduling.
- 5.38. In "The Archaeology of Trafford" (Nevell, M, 1997), it is noted that "*the only medieval park to have survive intact in the Trafford area is Dunham Park*". In contrast to Warburton Park, the deer park at Dunham Massey a mixture of parkland pasture and mature trees and is well preserved. It is within the Grade II* registered park and garden, but it is not a

scheduled monument. It is worth noting that Warburton Park is also likely to fall short of the criteria for designation as a registered park and garden. The Register of Parks and Gardens Selection Guide, Rural Landscapes, Historic England 2013 notes that *“Deer parks established in the medieval to early modern periods may be eligible for inclusion of the Register of Parks and Gardens; fundamental will be the survival of the park interior, or a large part of it, unenclosed for agriculture and with its woods, trees and grassland intact, and with its perimeter clearly defined by banks, walls or hedges. The presence of structures such as lodges and deer shelters, especially where listed, will generally add to a park’s interest. So, too, will be the survival of the principal house with which the park was associated, especially where there is a visual relationship between the two.”*

5.39. Aerial imagery showing the location of the boundary to Warburton Park is provided in my Appendix A (RH/1/Ca).

‘Important’ hedgerows

5.40. An assessment has been undertaken (Environmental Statement Addendum, Appendix 15.2a) that identifies the extant boundaries on site that are hedgerows and then assesses those against the History and Archaeology criteria of the Hedgerow Regulations, 1997. I concur with the findings of that assessment; the three hedgerows (H1, H3 and H7) identified as ‘important’ are on the same alignment as boundaries shown on pre-1845 mapping and they therefore do meet criteria 5(a), when also taking into account the 2002 amendment.

5.41. The Hedgerow Regulations companion guide states (paragraph 3.4) that *“where a former hedgerow has grown into a line of trees, it is not covered by the Regulations”*. Also, at 3.7 *“They [the Regulations] do not apply ... to garden hedges. These are defined as hedgerows within, or marking a boundary of, the curtilage of a dwelling house.”* It could be argued that the hedgerow annotated as H3 in Appendix 15.2a is the boundary of a dwelling house and that hedgerow H7 is an outgrown line of trees. However, the approach taken was inclusive and I accept that these are the only hedgerows within the application site that could meet the criteria for ‘important’ hedgerows. They are in any event retained within the Parameters Plan and therefore would not be impacted by the development proposals.

5.42. I do not consider these hedgerows to be heritage assets. The definition of a heritage asset in the NPPF, *(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...)* does not in my view apply here. The field pattern is, as described above, essentially modern, the result of reorganisation and hedgerow removal throughout the 20th century. The few surviving hedgerows are remnants of a previous system, which itself is

not especially significant being part of a system of planned enclosure, common throughout the region. These remnant hedgerows therefore have at most a negligible historic interest, being associated with the former enclosure pattern that is largely now degraded. I do not consider this to qualify them as heritage assets.

Ancient Woodland

- 5.43. In their Statement of Case Warburton Parish Council refer to Coroners Wood (scheduled) Ancient Woodland. Coroners Wood does not have any heritage designation and is not in my view a heritage asset. It is recorded as a historic landscape character area by the HER but not as a monument. Ancient Woodland is dealt with in the NPPF in Chapter 15, “Conserving and enhancing the natural environment” (emphasis added). Ancient Woodland is not listed in the NPPF glossary as a ‘designated heritage asset’ (see 2.8 above). Coroners Wood is not within the Appeal site and Trafford Council in their committee report (paragraphs 19 and 228) confirm that in their view there is no impact on Coroners Wood.

6 Assessment of effects; built heritage

- 6.1. Having established which built heritage or historic landscape assets could be affected as a result of the Appeal proposal, I now provide my assessment of the effects of the Appeal proposal. Again, I reference the Environmental Statement Addendum method, tables 15.2 magnitude of effect and 15.3 significance of effect where relevant.

Barn to south east of Birch Farmhouse (Grade II Listed Building), Birch Farm (non-designated) and timber-framed barn at Birch Farm (non-designated)

- 6.2. The listed barn is of high heritage value and the farmhouse and barn are of low heritage value. This value is derived, in the case of the listed barn from its evidential, aesthetic value and historic value. The non-designated barn and farmhouse have historic value and aesthetic value. There is no physical effect on any of these buildings and the heritage significance derived from the assets' evidential and aesthetic value would be unaltered. The historic value would be affected, as part of the asset's setting would change from a rural to residential character. The buildings would still have fields to the north, east and south and would still be clearly discernible as a former farmstead. Views that would include the Appeal proposal already include the built form of Partington. I find therefore that this constitutes a minor magnitude of effect (table 15.2 in the ES Addendum). A minor adverse effect in relation to the high heritage significance of the grade II listed barn would result in a minor significance of effect. This is equivalent to less than substantial harm and at the lower end of that scale of effects. In relation to the locally significant non-designated heritage assets, a minor magnitude of harm would result in a negligible effect.

Heathlands Farmhouse and Barn North East of Heathlands Farmhouse (both Grade II Listed Buildings)

- 6.3. These listed buildings have high heritage significance, derived from their evidential, aesthetic and historic heritage values. Again, there is no physical effect on these buildings and therefore no change to their aesthetic or evidential value. Setting makes a positive contribution to these asset's heritage value and there would be a change in setting, with the loss of some of the rural character in views of and from the asset. However as with Birch Farm, these assets would continue to be surrounded by fields to the east, south and west and would be readily discernible as a former farmstead. Again, I find that this constitutes a minor magnitude of effect to the assets' heritage significance, resulting in a minor adverse significance of effect. This is also equivalent to less than substantial harm and at the lower end of that scale of effects.

Timber framed farm building, south side of Warburton Park Farmyard (Grade II Listed), Warburton Farm (non-designated)

- 6.4. The grade II listed barn at Warburton Farm is within the complex of farm buildings and separated from the Appeal site by historic and modern farm buildings and large fields. It has evidential, aesthetic and historic heritage value. The loss of some agricultural land at the periphery of the setting of this asset would have a very limited impact on how it is understood and appreciated; its evidential and aesthetic value would be unaltered, its historic value would also largely be unchanged as it would still demonstrably be a former farm outbuilding within a farmstead setting surrounded by associated farm buildings and beyond that fields. I consider the magnitude of effect in relation to this listed building to therefore be negligible and the significance of effect to be negligible and at the lowest end of the scale of effects that are 'less than substantial' in NPPF terms.
- 6.5. In relation to the farmhouse and farm buildings at Warburton Park Farm, again only their historic value would be affected by the loss of some of their rural context, through a small reduction in the farmland in which they are surrounded. While this farmland was formerly defined as a park, that has been eroded by the reorganisation of the enclosed fields, and in the area affected by the Appeal proposal, the widening of Warburton Lane. It is therefore my view that the magnitude of effect would be minor, and in relation to assets of low to moderate heritage value, taking the higher level and assessing these as being of moderate significance this would result in a minor adverse effect on these assets.

Mosslane Farm (non-designated heritage asset)

- 6.6. Mosslane farmhouse is a very altered historic building with a changed setting, as a result of modern buildings within its immediate surroundings. The evidential value of the asset associated with early building materials would be unaltered. The asset derives some of its historic heritage value from the surrounding fields that provide context to this as a formerly agricultural building. It would continue to be surrounded by fields to the east, south and west and the ability to understand and appreciate this asset as a former farmhouse would be largely unchanged. I therefore consider the effect on this asset to be negligible and in relation to an asset of low heritage value, the significance of effect would therefore be neutral.

Pear Tree Cottage (non-designated heritage asset)

- 6.7. Pear Tree Cottage has an association with the agricultural land that surrounds it, being presumed to have been formerly used as an agricultural worker's dwelling associated with Brook Farm (no longer extant). The asset therefore derives some value from its setting of agricultural land, which currently surrounds it on all sides. While it would retain a rural outlook to the south, there would be residential development to the north, east and west.

The Parameters Plan includes a planting buffer to soften views of the Appeal proposal from and in views of Pear Tree Cottage, but there would still be an impact on the asset's heritage significance. I consider, given that there is no physical effect and that the cottage would in part at least still retain a rural outlook, that the magnitude of effect is moderate and would result in a minor adverse significance of effect.

Birch Cottage (non-designated heritage asset)

- 6.8. Birch Cottage also has an association with the agricultural land that surrounds it, again being presumed to have been formerly used as an agricultural worker's dwelling, in this case associated with Birch Farm. The asset therefore, as with Pear Tree Cottage, derives some value from its setting of agricultural land, which currently surrounds it on all sides. While again it would retain a rural outlook to the south, there would be residential development to the north, east and west. The Parameters Plan again includes a planting buffer to soften views of the Appeal proposal from and in views of Birch Cottage, but there would still be an impact on the asset's heritage significance. I consider, given that there is no physical effect and that the cottage would in part at least still retain a rural outlook, that the magnitude of effect is moderate and would result in a minor adverse significance of effect.

Brook House (non-designated heritage asset)

- 6.9. Brook House is an historic building with a changed setting, as a result of modern development within its immediate surroundings. The asset derives some historic heritage value from the limited views of fields from and including the asset, which provide context to its former agricultural association. This has however been significantly eroded by the Top Park Close development. I therefore consider the effect on this asset to be minor and in relation to an asset of low heritage value, the significance of effect would therefore be negligible.

Warburton Park

- 6.10. Warburton Park would be directly impacted with approximately 10% of the extent of the former park being within the Appeal site. This would erode its integrity as a landscape feature, although within an area that has already been altered by the widening of Warburton Lane, and it is an area that has also been changed in terms of historic landscape character by the loss and reorganisation of field boundaries to create larger fields. It would also potentially impact any surviving archaeological remains associated with the park. There is no evidence for any earthwork remains of a pale within the part of the former park impacted by the Appeal proposal, although buried remains may be present. It is important to consider the effect in terms of the former park as it appears now,

rather than what it may have looked like in the past. The park now is characterised by a modern field pattern and bounded by the modern Warburton Lane. The urban expansion of Partington can be seen in views from the former parkland to the north of Red Brook. The former boundary, as far as it currently survives in this location, would largely remain and the historic landscape character area would remain traceable in the field pattern, with the retention of open space shown in the Parameters Plan along the boundaries to the Appeal site west of Warburton Lane.

- 6.11. I do however find that the loss of agricultural land within part of the former deer park, and potential archaeological impacts on buried evidence for the park, would have an adverse effect on this asset, and I consider the magnitude of effect to be moderate. As I find the former park to be of local (low) heritage significance, this would result in an effect that is of minor significance.

7 Baseline conditions: archaeology

Designated heritage assets

- 7.1. There are no designated heritage assets with archaeological interest within the Appeal site or 1km study area.

Non-designated heritage assets

- 7.2. There are 38 non-designated heritage assets with archaeological interest within a 1km area of search from the Appeal site, in addition to the 25 built heritage assets described above. There is one recorded asset with archaeological interest within the Appeal site; 'kiln field', place-name evidence that suggests the presence of a kiln. Warburton Park is also partially within the Appeal site, and I note that this asset has archaeological interest. It is however also of historic interest as a feature of the historic landscape and is associated with built heritage assets at Warburton Park Farm, it is therefore discussed above in section 5. Birch Cottage, as noted in section 5 above, was one of two buildings recorded on historic mapping (as Mosslane Cottages on historic Ordnance Survey mapping and as two cottages and gardens on the Tithe Map, HER reference 7575.1.0). Although this is recorded in the HER as record type 'building' and discussed above in relation to the extant Birch Cottage, it is also an asset with archaeological interest as the adjacent land within the Appeal site could include archaeological evidence for the site of the former cottage.
- 7.3. A gazetteer of the remaining assets is included in my Appendix A. In summary, they comprise a Neolithic stone axe findspot, a possible Bronze Age barrow site and an Iron Age saddle quern findspot. Medieval activity is attested to in the site of the Hollins Ferry crossing of the River Mersey, documented from the 14th century, also field name evidence for ridge and furrow (evidence for medieval farming), a mound in Warburton Park, interpreted as a possible burial mound for the Premonstratensian Order at Warburton, and two trackways which could be medieval in origin. The post medieval period is the most represented, with 26 of the 38 assets relating to post medieval activity, principally these relate to the sites of former buildings. A metal detector find made to the east of the Appeal site (a shield-shaped mount) dates to after 1920. Two assets relating to linear cropmark features are undated.

Results of the geophysical survey

- 7.4. A geophysical survey has been undertaken at the Appeal site, it was undertaken by Magnitude Surveys in two phases, one in November 2019 and one in March 2020. The geophysical survey identified evidence for drainage within the site to the west of Warburton

Lane (within Warburton Park). The survey also identified a buried gas pipeline within this area and running across the Appeal site to the east of Warburton Lane. This is also reported in the Ground Investigations report⁴ and indicates additional potential disturbance where it crosses the park boundary. Two parallel linear features run parallel to Warburton Lane and could be associated with a former field boundary, but may be associated with the former course of the lane or could potentially relate to Warburton Park boundary.

- 7.5. To the east of Warburton Lane agricultural activity was identified, including former field boundaries that coincide with boundaries on historic mapping. Also, a track that ran north-south through the site and is shown on historic mapping (an estate map of 1757 labels this as a road to Manchester) was identified and there were indications of industrial activity within 'kiln field' as recorded by the Tithe Map apportionment.
- 7.6. A linear feature and an area of debris is recorded adjacent to Birch Cottage, in the area shown on historic mapping as the site of a cottage (Mosslane Cottages).

Archaeological potential and significance

- 7.7. Archaeological field work in Warburton (referenced in Nevell, M, 2015, *Warburton, Glimpses of rural life, the archaeology and history of a Cheshire village*) has produced evidence for prehistoric and Roman activity within the parish. This includes what appears to be a cluster of finds made to the south of the Appeal site on an east to west sand and gravel ridge, which during the prehistoric period formed an area of drier land, more suitable for settlement activity. A map in the same publication shows the distribution of prehistoric, Roman and early medieval finds in Warburton (page 2, 'Early Warburton') and shows that none of those finds have been made within the Appeal site or the adjacent fields. This may be due to a lack of field work in those areas, but also could be an indicator of a relatively low potential for those periods when compared with the sand and gravel ridge to the south. The Appeal site lies between Red Brook and the former extent of Warburton Moss, as depicted on historic mapping. The previous archaeological work undertaken in Warburton indicates that the higher ground to the south of the village, overlooking the moss, was a more likely location of prehistoric, Roman settlement activity than this land to the north of the moss.
- 7.8. It is also noted that throughout the 20th century (and earlier) the Appeal site has been in use as arable farmland. Deep ploughing can be damaging to archaeology, but also arable use allows for the identification of cropmarks and soilmarks that indicate subsurface archaeology. None have been identified by the HER within the Appeal site (although they

⁴ Ground Investigation Report for Warburton Lane, Trafford, Betts Geo Consulting Engineers, October 2018 (updated November 19) (figure page 35)

have elsewhere within the study area). The find of a modern mount (presumably part of a horse harness) on land adjacent to the site reported through the Portable Antiquities Scheme is also of interest as further evidence that although the area adjacent to the site has been subject to, presumably, metal detector survey no evidence was reported for any other historic or prehistoric activity. Considering the topography, location, land use and lack of any recorded archaeological evidence (findspots, cropmarks, geophysical anomalies) within the site, on balance I find it a reasonable conclusion that the probability of settlement, burial, agricultural or industrial activity from these periods is low.

- 7.9. Medieval activity in Warburton is well documented and includes both documentary and archaeological evidence. The village developed within close proximity to a fording point of the River Mersey and the Hollins Ferry. Warburton is recorded in the Domesday Book of 1086, when it was two separate land holdings with reference to both being held before the Norman conquest of 1066. The dedication of the church to St Werbergh also indicates that the village has pre-Norman origins. The only find of early medieval date from within the parish was made to the south of Moss Brow, some distance from the Appeal site. The church includes medieval architecture and was for a short time the site of a Premonstratensian order of monks. The core of the medieval settlement appears to be around Wigsey Lane, Church Green and Paddock Lane.
- 7.10. There is however also documented evidence for medieval settlement within and adjacent to the Appeal site. Heathlands Farm and Birch Farm have documented cruck frames. This building style was most prevalent in the mid- to late medieval period, indicating that these farmsteads were extant at that date. Warburton Park is documented from the early post medieval period but is likely to have been extant during the medieval period, many deer parks date to the 13th – 14th century. There are cottages recorded on historic mapping along Moss Lane (including the no longer extant cottage adjacent to Birch Cottage) and at Brook House, immediately adjacent to the northern boundary of the Appeal site to the west of Warburton Lane, close to the bridge over the Red Brook. These date to the post medieval period, but it is possible that they have earlier precursors. The Appeal site includes evidence for later medieval or early post medieval farming activity, ridge and furrow having been recorded by the geophysical survey.
- 7.11. The Appeal site is therefore documented to be within an area that was being used during the medieval period; to the east of Warburton Lane as farmland with some potential settlement along Moss Lane where farmsteads were establishing around the edge of the former extent of Warburton Moss; and to the west of Warburton Lane the medieval deer park and potentially some settlement around the crossing of the Red Brook on Warburton Lane (although the latter is not documented on historic mapping as extending into the

Appeal site). It is however also possible that medieval remains within the Appeal site have been impacted by modern farming. I therefore consider the site to have a moderate to high potential for the survival of archaeology dating from the medieval period, although the available evidence suggests that any such archaeology would be locally significant, and present in only discrete parts of the site.

- 7.12. The place name 'kiln field' is recorded by the Warburton Tithe Map within the Appeal site to the east of Warburton Lane. This place name indicates that there was a kiln within that field (presumably a brick kiln, there was a transition to brick buildings in the 17th and 18th centuries and temporary clamp kilns were used to produce brick locally). The geophysical survey did not pick up any structures (none are shown on the Tithe Map) but did detect an area of burnt/ fired material that may be associated with industrial activity at this location. There is also evidence for former field boundaries, and the assets referred to above as potentially medieval in origin are documented as being present within or adjacent to the Appeal site during the post medieval period. I therefore consider the potential for this period to be high. However again, the evidence strongly indicates a rural landscape with potential for assets that are locally significant and present in only discrete parts of the site.
- 7.13. The recorded heritage assets with archaeological interest within the Appeal site comprise; 'kiln field', historic map evidence for an 18th century cottage (site of) adjacent to Birch Cottage fronting Moss Lane, and the extent of the medieval deer park at Warburton Park, including any associated park boundary. The latter is dealt with above and concluded to be of local value given its condition. The former are both well represented asset types in this area and nationally. They both have evidential (archaeological) value as assets that could provide evidence for post medieval house building, domestic, and industrial activity, and historic value illustrating the way in which settlement patterns and construction activity was changing in Warburton, reflecting national trends and local conditions.
- 7.14. The geophysical survey has also provided evidence for a post medieval or earlier road within the Appeal site to the west of Warburton Lane, and for farming practice and former field boundaries. There is nothing to suggest that any of these assets has any interest other than on a local (county-wide) level. I do not find any of the recorded archaeological assets to warrant consideration as being of equivalent significance to a scheduled monument.

8 Assessment of effects; archaeology

- 8.1. Having established which archaeological assets could be affected as a result of the Appeal proposal, I now provide my assessment of the effects on archaeology. Again, I reference the Environmental Statement Addendum method, tables 16.2 magnitude of effect and 16.3 significance of effect where relevant.
- 8.2. The parameters plan shows that there would be a direct physical impact on 'kiln field', on the site of the cottage adjacent to Birch Cottage and on the interior, and possibly any evidence for a boundary, of Warburton Park. Also on evidence for agricultural activity, a former road and former field boundaries identified by the geophysical survey.
- 8.3. My assessment of the effect of the Appeal proposal on Warburton Park is given in section 6 above.
- 8.4. In relation to 'kiln field'; it is assumed that there could be buried evidence here for a kiln, presumably for brick production (possibly a temporary clamp kiln). These are well-documented assets that have archaeological (evidential) and historic value. In relation to this locally significant non-designated heritage asset, there would be a high magnitude of harm which would result in a moderate or low effect.
- 8.5. In relation to the site of a cottage adjacent to Birch Cottage; it is assumed that there could be buried evidence here for an 18th century or earlier building. The buried remains would have archaeological and historic interest. In relation to this locally significant non-designated heritage asset, there would be a high magnitude of harm which would result in a moderate or low effect.
- 8.6. In relation to the anomalies identified by the geophysical survey, it is assumed that there could be buried evidence here for an 18th century or earlier road and evidence for agricultural activity including later post medieval field boundaries. The buried remains would have archaeological and historic interest. In relation to these locally significant non-designated heritage assets, there would be a high magnitude of harm which would result in a moderate or low effect.
- 8.7. In relation to as yet unknown heritage assets with archaeological interest, there is no clear evidence to indicate that archaeologically significant assets do survive on site other than those referred to above. However, in common with any project of this nature, it is possible that as yet unknown heritage assets with archaeological interest will be present within the site. Evidence suggests that any present archaeology will be locally or at most regionally significant. However, it is difficult to quantify what the level of that effect may be, given the

various mitigation measures that could be applied, as they often are when archaeological discoveries are made prior to or during development.

- 8.8. The Appellant agrees to the principle of conditions being applied to provide further archaeological evaluation and appropriate mitigation of the effects predicted in relation to known and as yet unknown heritage assets with archaeological interest. It is possible that there could be additional impacts on as yet unknown archaeological assets, but a programme of archaeological work (secured by condition) would provide for the identification and characterisation of those assets, and the implementation of appropriate and agreed archaeological mitigation measures.

9 Conclusions

Built heritage

9.1. There are a large number of heritage assets to consider in this case and I have provided a summary below of the assets where I consider that the appeal proposal will result in some harm to the heritage value of the asset, I compare that to the findings of the Environmental Statement Addendum, to clarify where my view differs from that assessment:

Asset Name	ES Addendum significance of effect	My assessed significance of effect
Barn to the south east of Birch Farmhouse (grade II listed)	Minor	Minor
Heathlands Farmhouse (grade II listed)	Minor	Minor
Barn North East of Heathlands Farmhouse (grade II listed)	Minor	Minor
Timber framed farm building, south side of Warburton Park Farmyard (grade II listed)	Minor	Negligible
Timber-Framed Barn at Birch Farm (non-designated)	Minor	Negligible
Birch Farm (non-designated)	Minor	Negligible
Warburton Park Farm (non-designated)	Minor	Minor
Warburton Park (non-designated)	Minor	Minor
Moss Lane or Mosslane Farm (non-designated)	Minor	Neutral
Pear Tree Cottage (non-designated)	Minor	Minor
Birch Cottage (non-designated)	Minor	Minor
Brook House (non-designated)	Minor	Negligible

9.2. In relation to the listed buildings, paragraphs 195 and 196 of the NPPF describe that effects on designated heritage assets can be substantial or less than substantial. In this case the harm to designated heritage assets (those being grade II listed buildings and not assets of 'the highest significance') is less than substantial. Less than substantial harm is a broad spectrum which ranges from effects that are just below substantial harm (i.e. total loss or impacts that would seriously affect a key element of the asset's special architectural or historic interest) to effects that would not affect the ability to understand or appreciate the heritage values of the asset to any great extent. In this case there is no physical impact to any designated heritage asset and that part of the significance of the asset derived from the contribution made by setting would be altered but not entirely lost. The character,

appearance and special interest of the assets would be largely preserved. I consider the effects on the designated assets to therefore be of either minor significance (and at the lower end of less than substantial) or of negligible significance (and at the lowest end of less than substantial). This lower end less than substantial harm should be balanced against the public benefits of the Appeal proposal. This is discussed further in the Planning evidence provided by Mr Hann.

- 9.3. In relation to non-designated heritage assets, the NPPF does not distinguish between substantial and less than substantial harm but identifies at paragraph 197 that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Again, having set out above my assessment of the scale of harm to the significance of the affected heritage assets, I leave the planning balance to be discussed further by Mr Hann.
- 9.4. I do not find that the Appellant's assessment provided in the Heritage Impact Assessment or ES Addendum does not adequately address the requirements of the NPPF. Conversely, I find it a detailed assessment that correctly references best practice and guidance. I broadly concur with the conclusions reached although find that in relation to some assets my own assessment was lower than that reached by the Heritage Impact Assessment.
- 9.5. The ES Addendum has identified 'Important' hedgerows within the Appeal site. I accept the results of that assessment and note that these hedgerows are retained within the Parameters Plan and would not therefore be impacted by the Appeal proposal.
- 9.6. The historic landscape character of the land to the east of Warburton Lane is that of agglomerated fields, formed during the later 19th and 20th century from the reorganisation of fields created by planned enclosure during the 18th century. This historic landscape character area is much larger than the Appeal site and is of little heritage value.
- 9.7. The historic landscape character of the land to the west of Warburton Lane is that of large fields, formed during the later 19th and 20th century from the reorganisation of fields created by planned enclosure during the 18th century. This planned enclosure took place within the extent of a former parkland, originally the documented medieval deer park and subsequently potentially an ornamental parkland associated with the former manorial site at Warburton Park Farm. This historic landscape character area and extent of the non-designated heritage asset Warburton Park are the same and extend beyond the Appeal site. I conclude that the loss of part of the former park, and any associated buried archaeology, would result in a minor adverse effect on this asset.

- 9.8. I find that the Appeal proposal would result in a minor or negligible effect in relation to four grade II listed buildings, a minor effect in relation to one non-designated heritage asset associated with historic landscape character and a minor or negligible effect in relation to five non-designated built heritage assets.
- 9.9. No objection to the Appeal proposal has been raised by Historic England and I note that Trafford Council recognises in their statement of case that the harm in this case is less than substantial. Government guidance is very clear in relation to determining the significance of effect, stating in Planning Practice Guidance (Paragraph: 018 Reference ID: 18a-018-201900723) that *“It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed”*. And as Historic England guidance clearly notes (GPA3 paragraph 9), *“Setting is not a heritage asset, nor a heritage designation... Its importance lies in what it contributes to the significance of the heritage asset.”*
- 9.10. It is therefore necessary to relate change within an asset’s setting to the impact on the significance of the asset, not just the degree of change but how it affects the special interest of the affected asset. In this case I find a very low degree of harm to the built heritage assets within the vicinity of the Appeal site.
- 9.11. I do not find that any of the non-designated heritage assets relating to archaeology or historic landscape character are of equivalent significance to a scheduled monument. In relation to Warburton Park, I set my assessment out above. Although footnote 63 applies specifically to assets with archaeological interest, I have also considered the value of the non-designated built heritage assets in terms of the criteria for listing. The relevant guide here is Historic England, 2011, Agricultural Buildings: Listing Selection Guide. I have considered the merits of the agricultural buildings described above and do not find that any would meet the criteria for listing. Therefore, all of the impacts on non-designated heritage assets set out above should be considered against paragraph 197 of the NPPF and not 195 or 196 (as directed by the footnote 63, paragraph 194 (b)).

Archaeology

- 9.12. The Appeal proposal would result in a low adverse effect on buried archaeology associated with the site of a former cottage adjacent to Birch Cottage, a low or moderate adverse effect on ‘kiln field’ and evidence for a road, field boundaries and agricultural activity identified by geophysical survey (as well as potentially archaeological evidence for Warburton Park discussed above). There would potentially also be adverse effects on as yet unknown heritage assets with archaeological interest, although the desk-based assessment and geophysical survey both indicate that the potential for this is low prior to

the medieval period and then moderate to high, in relation to evidence associated with known assets of local significance dating to the medieval and post medieval period.

- 9.13. The Appellant has put forward suggested conditions, including a condition providing for a programme of archaeological work. The programme of archaeological work would allow, in the first place through trenched evaluation, the identification of any as yet unknown heritage assets with archaeological interest, as well as further characterisation of archaeology associated with known heritage assets (Warburton Park, kiln field, features identified by geophysical survey and the site of a cottage adjacent to Birch Cottage). This intrusive field survey would then allow for the development of asset-specific archaeological mitigation. That may be either by providing a record of the assets to be lost, or through the implementation of design measures to allow for preservation *in situ*, whichever is more appropriate and proportionate to the value of the assets being impacted.
- 9.14. This is, in my view, consistent with the policy in the NPPF (paragraph 197 and 199). GMAAS, in response to a pre-application consultation (July 2018) for the Appeal site concluded that “*certainly, within any scoping report archaeological issues should be identified as needing to be addressed initially through the commission if a DBA [desk based assessment] to be submitted as part of the Environmental Assessment*”. A desk-based assessment was submitted with the application, in line with this request. A subsequent consultation response from GMAAS (letter dated 12 July 2019) outlined concerns regarding the archaeological desk-based assessment and disagreement with the findings of that report in relation to the archaeological potential of the site, but suggested that “*Ideally, the evaluation should be undertaken pre-determination. However should Trafford LPA wish to grant consent in any case then GMAAS recommend that an archaeology condition is attached...*”.
- 9.15. I note that although the advice was for pre-determination evaluation, GMAAS indicated that it would accept that the archaeological evaluation and any subsequent recording, reporting and archiving could be made a condition of consent. That position is reiterated in the GMAAS consultation response dated 16th January 2020 (following receipt of the updated archaeological desk-based assessment and first phase of geophysical survey). They do advise that the application should be deferred until an archaeological field evaluation (comprising trenching and field walking, and possibly metal detector survey) has been undertaken, but again state that if that if Trafford Council is minded to approve the development, the archaeological work could be secured as a condition. The principal of development therefore appears to have been accepted albeit that there were concerns that the scope of any necessary archaeological mitigation had to be agreed.

- 9.16. The NPPF at paragraph 189 requires applicants to describe the significance of any heritage assets affected by an application, noting that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In this case desk-based assessment was undertaken and field evaluation through geophysical survey. Neither identified any evidence to suggest that the Appeal site includes any assets of demonstrably equivalent significance to a scheduled monument (referring back to the additional guidance provided in the PPG, my paragraph 2.22). I find the approach taken to have been proportionate to those findings.
- 9.17. The geophysical survey was undertaken by appropriately qualified individuals within a reputable company that is a Registered Organisation with the ClfA (a quality assurance standard) using standard techniques that comply with the guidance and best practice for this type of survey. While they acknowledge that geophysical surveys, in general, have limitations (7.1.1 of the geophysical survey report) they observe that in this case "*The fluxgate gradiometer survey has responded well to the environment of the surveyed area*" (geophysical survey report 7.2.2). The correlation between historic mapping, known assets and the geophysics is a strong indicator that the conclusions reached in relation to this survey are reasonable. The company that undertook the geophysical survey has provided an additional statement regarding the survey, which I provide as my Appendix B (RH/1/Cb).
- 9.18. The desk-based assessment and geophysical survey do, in my opinion, provide sufficient information on which a professional judgement can be made regarding the significance of the recorded assets that are affected by the Appeal proposal.
- 9.19. It is the case with any development project, given the buried and invisible nature of archaeology, that asset can come to light during development ground works and it is common practice to mitigate the likelihood of this through intrusive field evaluation, and then any identified impacts through either recording or preservation *in situ*. That possibility has been investigated here through field evaluation (geophysical survey) and a precautionary approach taken in recommending further evaluation that will provide the opportunity for the design of asset-specific mitigation prior to the approval of detailed development plans.

- 9.20. I do not fully agree with the desk-based assessment's analysis of archaeological potential myself, but even with the benefit of the additional geophysical survey and having undertaken my own assessment, it is my view that the approach taken (providing a desk-based assessment and non-intrusive field survey prior to the consideration of the outline application with further intrusive field surveys and mitigation to follow) is proportionate to the known and potential interest of the Appeal site.
- 9.21. It is particularly the case with an outline consent that the detail of archaeological mitigation can be dealt with by condition. This is because, as noted above, the archaeological evaluation can still inform the detailed design of the proposed development, allowing for preservation *in situ* if necessary. It is however most likely (and more common) for assets of local or regional value to be identified and characterised, and a record to be made of the asset before it is lost.
- 9.22. I consider the approach taken by the Appellant in assessing the known and potential archaeological interest of the Appeal site to be acceptable. I leave Mr Hann to take up the planning balance in relation to the effects of the Appeal proposal on non-designated heritage assets with archaeological interest. The balance here is in the context of the predicted effect on non-designated assets with archaeological interest of low, or at most moderate, significance. I do not find any reason for footnote 63 (paragraph 194) to be engaged and therefore the relevant policy is as set out at paragraph 197 of the NPPF (also referred to above).