

# Heritage Assessment

## Land at Heyford Park

On behalf of Upper Heyford LP

Date: 06/10/2023 | Pegasus Ref: P23-1738

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# 1. Introduction

1.1. Pegasus Group have been commissioned by Upper Heyford LP to prepare a Heritage Assessment to consider the proposals for temporary Planning Permission (five years) for the use of the eastern part of the southern taxiway and adjacent Building 1368 for car processing operations, along with associated works and temporary infrastructure. The proposed areas are shown on the extract of the Proposed Site Plan provided at Plate 1.

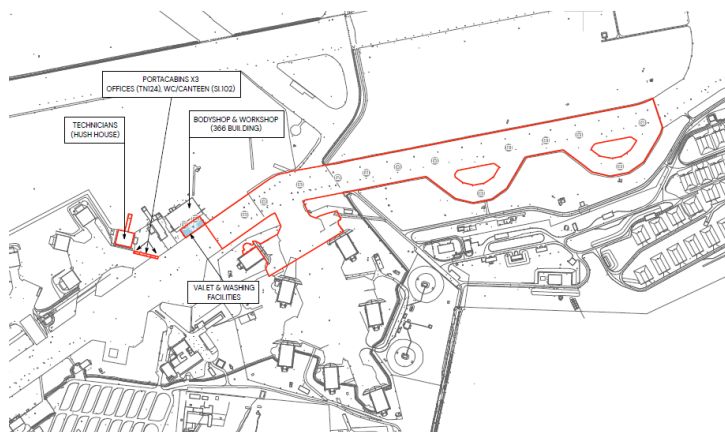


Plate 1: Extract of proposed Site Plan.

1.2. The application site is located within the bounds of the former RAF Upper Heyford Conservation Area. Whilst there are a number of Listed Buildings and Scheduled Monuments within the Conservation Area boundary, i.e.

the demise of the former RAF Base, the designated buildings and monuments are not within close proximity of the application site, and will thus not be considered in detail within this Statement, rather an proportionate assessment of them will be made as part of the wider consideration of the Conservation Area as a whole.

1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

***"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".<sup>1</sup>***

1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.5. As required by paragraph 194 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance".<sup>2</sup>*

<sup>1</sup> Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, September 2023), para. 194.

<sup>2</sup> DLUHC, *NPPF*, para. 194.

## The Proposed Development

- 1.6. The application seeks temporary Planning Permission for a period of five years for the use of the eastern part of the southern taxiway and Building 1368 for car processing operations including associated works and portable buildings. The proposals will make use of the existing hardstanding and no further boundary treatments, or delineation of the use will be required. No physical alterations are proposed as part of this application to Building 1368.
- 1.7. Details of the ancillary works are shown on the proposed layout plan, and include the following:
  - Installation of three portable buildings located adjacent to Building 1368;
  - Installation of 13no. portable CCTV and lighting towers; and
  - Installation of valet and washing facilities outside Building 366.
- 1.8. **Section 6** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 5**.

## 2. Site Description and Planning History

### Site Description

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| <p>2.1. The application site comprises an area of existing hardstanding and associated buildings located at the eastern end of the southern taxiway at Heyford Park.</p> <p>2.2. The northern, southern and eastern boundaries of the hardstanding area are currently delineated by earth filled concrete rings which are now well established and have become overgrown with self-seeded vegetation such that they blend into the wider surrounding landscaping.</p> <p>2.3. The hardstanding forms part of the redundant former southern taxiway which was associated with the historic, former use of Heyford Park, but has most recently been used in connection with the established car processing use of this part of Heyford Park as detailed below in the planning history section of this Report.</p> <p>2.4. Building 1368 is a former Hush House, which is vacant and in nil use.</p> | <p>2.7. The Planning Permission and associated Conservation Area Consents authorised the use of 17 hectares of the former Flying Field, mainly hardstanding, consisting of the former runways and taxiing areas with specified buildings for car processing. Car processing was itself defined within the decision as the <i>'inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other processing activities that may be required from time to time'</i>.</p> <p>2.8. Within their detailed decision letter, the Inspector concluded that subject to constraints in relation to the western part of the vehicle processing area as then defined, the appeal proposals would provide a balanced and lasting solution of the former airbase that was consistent with the relevant policy framework at the time, recommending that Planning Permission be granted.</p> <p>2.9. The Secretary of State, in approving the Planning Permission and associated Conservation Area Consents undertook the same assessment, balancing the relevant considerations.</p> |
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### Planning History

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| <p>2.5. There is a detailed and complex planning history associated with both the application site and wider Heyford Park site as a whole, which is summarised below.</p> <p>2.6. The use of part of the wider Heyford Park site for car processing was first granted permanent consent by the Secretary of State following a detailed Public Inquiry in January 2010 (LPA reference O8/OO716/OUT, Appeal reference APP/C3105/E/O8/2080594 and others).</p> | <p>2.10. The resulting permission confirmed the acceptability of the use of part of the wider site for Car Processing activities as part of the lasting arrangement of Heyford Park as a whole.</p> <p>2.11. Following the approval of the 2008 application, a further application was submitted in 2010 (LPA reference 10/O1642/OUT) which secured consent for a revised</p> |
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version of the new settlement area to the south of the former Flying Field.

- 2.12. The whole former base was subject to a further masterplan application in 2018 (LPA reference 18/OO825/HYBRID) which granted consent in September 2022, for the further redevelopment of the former airbase, and again approved the use of part of the site for car processing activities.
- 2.13. The application site formed part of the wider development proposals, being located within Parcel 22 (Creative City), Parcel 23 (residential parcel), Parcel 27 East (Filming Area), and Parcel 29 (Core Visitor Destination Area). A copy of the approved masterplan layout is provided at **Appendix 1**.
- 2.14. With specific reference to the application site, a series of temporary consents have previously been granted for use of the site for car processing on a temporary basis as follows:
- **Application reference 12/OO040/F** – Change of use granted to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts until 1<sup>st</sup> April 2014.
  - **Application reference 13/O1599/F** – Change of use of the eastern part of the southern taxiway in connection with established and lawful car processing operations until 16<sup>th</sup> May 2019.
  - **Application reference 18/O2169/F** – Temporary change of use of the eastern part of the southern taxiway for use in connection with established and

lawful car processing operations until 31<sup>st</sup> December 2021.

- **Application reference 20/O3638/F** – Variation of condition 1(time limit) of 18/O2169/F – proposed extension of temporary use of eastern part of southern taxiway for car processing.
- 2.15. During consideration of the 2018 application for temporary use of the application site (LPA reference 18/O2169/F), which was subsequently extended, officers set out a detailed Report which contained the following pertinent assessment:
- “The Council’s Conservation Officer confirmed that they had no objections to the principle of the temporary extension of the use of the site for car processing activities until such time as the latest masterplan was resolved as ‘no additional harm would be caused to the asset of RAF Heyford’. They also noted that the car processing use was granted at appeal and thus the use within the site was established.” (our emphasis)***
- 2.16. Officers confirmed at paragraph 9.24 of their delegated report that:
- “Previously a series of concrete rings were placed on the boundary of the site as a temporary screening measure. These remain in place and have now weathered with a mixture of grasses and lichen growing on them. These has almost blended into the surrounding grassland and have the benefit of screening the cars whilst not being so intrusive visually or in terms of land encroachment to the County Wildlife Site.”***

- 2.17. They concluded at paragraph 9.27 with regards to heritage considerations that:
- “All in all, and having regard to Section 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Officers are satisfied that the impact on designated heritage assets is acceptable and any harm is mitigated by the temporary nature of the permission being sought and the economic benefits”.***
- 2.18. A copy of the approved site plan is provided at **Appendix 2**.
- 2.19. Overall, the proposed use is well established as being, on balance, acceptable within the wider Heyford Park site, and on a temporary basis acceptable within the application site.



### 3. Methodology

- 3.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.
- 3.2. This assessment considers built heritage only, with the main consideration being that of the Conservation Area, and other designated structures being proportionally considered within the assessment of the Conservation Area rather than individually.

#### Sources

- 3.3. The following key sources have been consulted as part of this assessment:
- The Oxfordshire Historic Environment Record (HER), accessed via Heritage Gateway for information on the recorded heritage resource in the vicinity of the site;
  - The National Heritage List for England for information on designated heritage assets;
  - Historic maps available online;
  - Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;

- Old photographs accessible via the Historic England Architectural Red Box Collection; and
- Google Earth satellite imagery.

#### Site Visit

- 3.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group in August 2023, during which the site and its surrounds were assessed.

#### Photographs

- 3.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

#### Assessment Methodology

- 3.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 3**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter *GPA:2*);<sup>3</sup>
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);<sup>4</sup>
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter *HEAN:1*);<sup>5</sup>
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);<sup>6</sup> and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.<sup>7</sup>

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<sup>3</sup> Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2<sup>nd</sup> edition, Swindon, July 2015).

<sup>4</sup> Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2<sup>nd</sup> edition, Swindon, December 2017).

<sup>5</sup> Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (HEAN:1)* (2<sup>nd</sup> edition, Swindon, February 2019).

<sup>6</sup> Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

<sup>7</sup> English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

## 4. Policy Framework

### Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.<sup>8</sup>
- 4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>9</sup>
- 4.3. Full details of the relevant legislation are provided in **Appendix 4**.

### National Planning Policy Guidance

- 4.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in September 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance

documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.<sup>10</sup> The PPG also contains the *National Design Guide*.<sup>11</sup>

- 4.5. Full details of the relevant national policy guidance is provided within **Appendix 5**.

### The Development Plan

- 4.6. The Development Plan for the site comprises the adopted Cherwell Local Plan Part 1 (2011–2031) which includes the allocation of land at Heyford Park, including Parcel 10, for a new settlement under Policy Villages 5. This policy also set out a range of design and place shaping principles which are relevant to the detailed design for Phase 10.
- 4.7. Policy ESD15 which relates to the character of the built and historic environment is also relevant.
- 4.8. Additionally, a number of policies of the Cherwell Local Plan (Nov 1996) remain extant, including the following:
  - Policy C23 (Retention of features contributing to character or appearance of a Conservation Area).

<sup>8</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>9</sup> UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

<sup>10</sup> Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23<sup>rd</sup> July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

<sup>11</sup> Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).



Policy C25: Development affecting the site or setting of a scheduled ancient monument.

- 4.9. A full assessment of the relevant Local Planning Policy is set out within the accompanying planning application documentation.

## 5. The Historic Environment

- 5.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 5.2. As set out in **Section 1**, the site comprises an area of hardstanding and associated buildings within the boundaries of the former RAF Upper Heyford Conservation Area.
- 5.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.<sup>12</sup>
- 5.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 5.5. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.<sup>13</sup> In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 5.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 5.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result. This has confirmed that the proportional assessment required by the *NPPF* should focus on any potential impacts to the former RAF Upper Heyford Conservation Area, as well as Building 1368 which is noted within the adopted Conservation Area Appraisal as being a non-listed building of local significance (discussed in detail below).
- 5.8. With regard to other heritage assets in the vicinity of the site, assessment has concluded that the site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

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<sup>12</sup> Historic England, *GPA:3*, p. 4.

<sup>13</sup> *DLUHC, NPPF*, para. 207.

### Former RAF Upper Heyford Conservation Area

- 5.9. The Council adopted a Conservation Area Appraisal for the Conservation Area in 2006 when the Conservation Area was originally designated, which set out what was considered to be the significance of the Conservation Area at that time.
- 5.10. However, it is important to note that since then, the Conservation Area has seen great change, brought about by the implementation of the various development proposals associated with the redevelopment of the wider former airbase, including facilitating new uses for the former flying field buildings and redevelopment of various areas for other uses.
- 5.11. Most recently, the significance of the area and the wider site, was assessed as part of the Environmental Statement prepared in relation to Hybrid Permission 18/00825/HYBRID, whereby the significance of the various areas, and buildings/structures within the Conservation Area was mapped. A copy of the plan which shows this is provided at **Appendix 6**.
- 5.12. This notes that the application site is primarily within an area of the Conservation Area which is considered to be of low significance, with the western area of hardstanding being on the eastern edge of an area of medium significance.
- The contribution of the site
- 5.13. Notwithstanding the above, it is considered that the application site positively contributes to the significance of the Conservation Area, forming part of the historic land

use from which the significance of the Conservation Area is derived.

### Building 1368

- 5.14. Building 1368 is a former Hush House and is constructed of a steel frame with metal cladding and rolling metal doors with a steel support structure and blast silencer to the rear. The Building is currently vacant, but in a fair condition.
- 5.15. Along with the other Hush House (Building 1372), Building 1368 was described in detail within the 2005 Conservation Plan for the Former RAF Upper Heyford, which stated:
- “There are two Hush Houses at Upper Heyford, 1368 lying to the south of the runway, and 1372 situated to the north. These structures functioned as aircraft engine testing structures, to enable final checks on engine performance prior to flight. Both Hush Houses were built by ARC (Construction) Ltd and are an American design.*”**
- 5.16. The buildings are a small hanger type building, similar to a ‘K’ type hanger. They are made from stainless steel and have sound-absorbent, lined walls. There is a huge silencer for the jet efflux, which allowed planes to be run up to full power insider whilst defusing noise.
- 5.17. Both structures are of the same form, with front sliding doors and semi-segmented arch roof. Exhaust detuner extends to the rear and while the structures are sound-proofed, they do not have the double twin doors as seen in later structures (such as 1443).

- 5.18. The Conservation Plan went on to describe the significant elements of the building as being the external paintwork, being the cream and brown paint scheme and inscribed with “20 CRS 1368 HUSH HOUSE”, and describes the significance of the building as follows:

***“The Hush Houses played a significant role at Upper Heyford ensuring that the aircraft engines were tested prior to flight. Both structures are considered to be of regional significance. Functioning aircraft was important to the working mechanisms of the airbase, without which the overall operation of the base would be compromised.”***

- 5.19. The significance of the Hush Houses was also reviewed as part of the reassessment of the flying field Conservation Area undertaken by Wayne D Cocroft as part of Historic England’s Research Report Series, whereby the significance was described as: follows:

***“The engine test cells and hush house reflect the complex maintenance needs of Cold War fast jet aircraft. They also represent the experience of the majority of the personnel at Upper Heyford whose responsibility was to keep the F-111s airworthy and fully operational. In the long term, along with the fuel installations, these facilities designed to support***

***manned, hydro-carbon based air warfare, a development just over a century old, may to future generations appear as archaic as knights on horseback.”***

- 5.20. Most recently the significance of Building 1368 was considered as part of the approved Environmental Statement for application reference 18/00825/HYBRID whereby it was assessed that the building was of Medium sensitivity.

### **Summary**

- 5.21. The above assessment has concluded that as existing, the application site makes a positive contribution to the character and appearance, and thus significance of the Conservation Area. Additionally, it is considered that Building 1368 is a building which positively contributes to the significance of the Conservation Area, as well as being of some significance in its own right, thus considered to be a non-designated heritage asset as defined by the NPPF.

## 6. Assessment of Impacts

- 6.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for temporary Planning Permission (for a period of 5 years) in line with the proposals set out within **Section 1** of this Report.
- 6.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 6.3. The statutory requirement set out in Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 6.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.
- 6.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.<sup>14</sup> With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.<sup>15</sup>
- 6.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.<sup>16</sup>
- 6.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.<sup>17</sup> In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would: **"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."**<sup>18</sup>
- 6.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed

<sup>14</sup> DLUHC, *NPPF*, paras. 201 and 202.

<sup>15</sup> DLUHC, *NPPF*, para. 203.

<sup>16</sup> DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

<sup>17</sup> DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

<sup>18</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.



development, whether that be harmful or beneficial to the significance identified above.

### Building 1368

- 6.9. With regard to non-designated heritage assets, potential harm should be considered within the context of Paragraph 203 of the *NPPF*.<sup>19</sup> There is no basis in policy for describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset.
- 6.10. High Court Judgements have confirmed that when considering potential impacts on non-designated heritage assets within the decision-making process, the balanced judgement required is different from the public benefits exercise associated with designated heritage assets (as set out in Paragraphs 201 and 202 of the *NPPF*).<sup>20</sup>
- 6.11. Within a High Court Judgment of 2017, Jarman HHJ confirmed that the only requirement of the *NPPF* in respect of non-designated heritage assets is *“that the effect of an application on the significance should be taken into account”*.<sup>21</sup>
- 6.12. This was further expressed in the Bohm decision, which stated that:

***[34] “Unsurprisingly, given that an NDHA [non-designated heritage asset] does not itself have statutory protection, the test in para 135 [Paragraph 203 of the 2021 NPPF] is different from that in paras 132-4 [Paragraphs 200-202 of the 2021 NPPF], which concern designated heritage assets. Paragraph 135 [Paragraph 203 of the 2021 NPPF] calls for weighing “applications” that affect an NDHA, in other words the consideration under that paragraph must be of the application as a whole, not merely the demolition but also the construction of the new building. It then requires a balanced judgement to be made by the decision maker. The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter.”***<sup>22</sup>

- 6.13. When assessing potential impacts on non-designated heritage assets within a Conservation Area, a High Court Judgement has confirmed that a two-step assessment process should be undertaken.<sup>23</sup> First, the impact on, or loss of, the non-designated heritage asset should be considered individually under Paragraph 203 of the *NPPF* (and relevant local policies). Second, the impact of the change, or total loss, of the non-designated asset on the overall heritage significance of the designated heritage asset (the Conservation Area) should be considered separately within the context of Paragraphs 201 and 202 of the *NPPF*, see above.

<sup>19</sup> DLUHC, *NPPF*, para.203.

<sup>20</sup> DLUHC, *NPPF*, paras. 201 and 202.

<sup>21</sup> Travis Perkins (Properties) Limited v Westminster City Council [2017] EWHC 2738 (Admin), Paragraph 44.

<sup>22</sup> Bohm [2017] EWHC 3217 (Admin).

<sup>23</sup> Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government [2020] EWHC 958 (Admin) (22 April 2020).

- 6.14. The application proposals see a new use being given to Building 1368, with no physical changes proposed to the building as part of this application.
- 6.15. The reuse of buildings associated with the former military / aviation use of the wider site is well established at Heyford Park and has been demonstrated to positively enhance both the significance of the building in question itself, as well as the wider Conservation Area.
- 6.16. The proposed new use, whilst on a temporary basis, will see the building being positively used for a purpose consistent with its conservation and will thus see the contribution that it makes to the character and appearance of the Conservation Area maintained.
- 6.17. The temporary nature of the new use will also not compromise the ability to bring the building forward as part of the approved Core Visitor Destination as set out within the latest masterplan permission.

**Former RAF Upper Heyford Conservation Area**

- 6.18. When considering potential impacts on the Conservation Area, it is important to note that the site forms only one part of the much wider asset.
- 6.19. Paragraph 207 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals

undermine the significance of the Conservation Area as a whole?<sup>24</sup>

- 6.20. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:

***“Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located”.*<sup>25</sup> (my emphasis)**

- 6.21. As noted above, it has been well established that the presence of car processing within the wider Conservation Area is acceptable as part of the wider redevelopment of the former airfield, and the use has been specifically considered appropriate within the application site on a temporary basis whilst the lasting arrangement for the wider site is implemented.
- 6.22. The Landscape and Visual Statement which accompanies this application confirms that there would be no off-site views of the application site and associated car processing operations and would have no material impact on the appearance and character of the Conservation Area from any viewpoint outside of its boundaries, or from any of the public footpaths which traverse the site at either end of the main runway.
- 6.23. With regards to the character of the Conservation Area as a whole, the application site is located primarily in one

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<sup>24</sup> DLUHC, *NPPF*, para. 207.

<sup>25</sup> Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government [2020] EWHC 958 (Admin).

of the least significant areas of the Conservation Area, in a location away from any of the Listed Buildings or Scheduled Monuments which are located within the Conservation Area boundary. It is also an area within which fundamental change has been accepted via the approval of the use of the area for the various purposes detailed within the masterplan approved under application 18/OO825/HYBRID.

- 6.24. The temporary nature of the proposals will also ensure that any impact considered to arise from the proposals resulting from a change in character of the site would be for a limited timeframe, reversible and short term.
- 6.25. Overall, and as previously established in consideration of the previous applications for temporary use of the application site for car processing, it is not considered that the proposals would result in any further harm to the character and appearance and thus significance of the Conservation Area than has already been accepted and would not have a lasting harmful impact to its significance.
- 6.26. With specific reference to the proposed portacabin buildings, these are small scale structures which will blend into the wider built form across the former flying field and would easily assimilate into the built landscape. They are proposed to be located adjacent to the cluster of existing buildings and their temporary nature will ensure that any minor visual change in this small part of the Conservation Area can easily be reversed by their removal following the expiry of the permission which is sought.

6.27. With regards to the retention of the concrete rings which form the principal boundary to the application site, it has been established through the various permission which have come before this application, as well as updated on site assessment, that the concrete rings are now well weathered and successfully blend into the wider landscape. Their further retention is thus not considered to result in any impact to the significance of the Conservation Area as a whole.

6.28. The other ancillary structures and facilities proposed to support the car processing use, such as the mobile CCTV and lighting columns and washing facilities have a character and appearance which relates to the original, historic use of the wider site and again would not appear as alien or incongruous features within the built landscape of the application site and wider Conservation Area.

### **Summary**

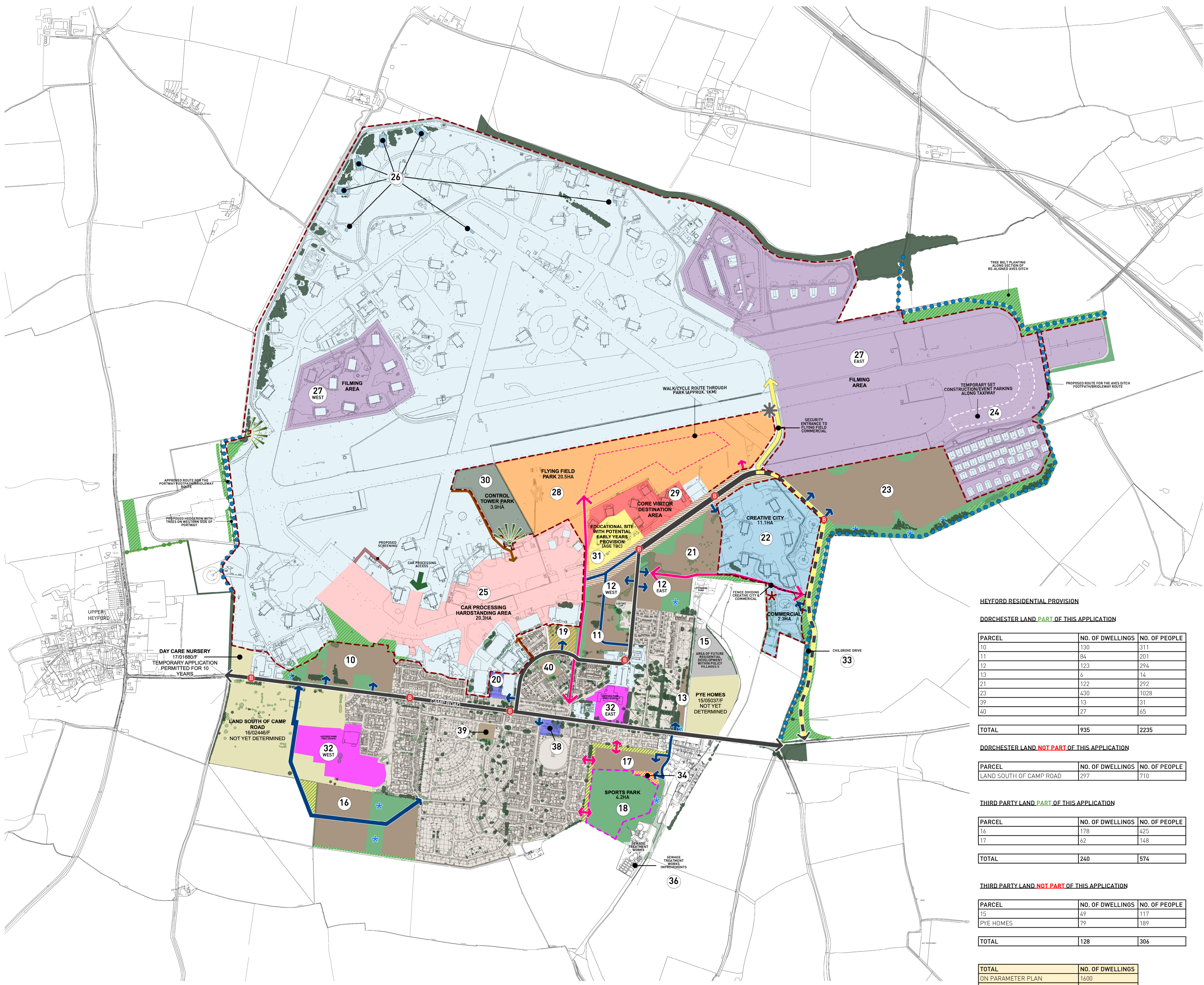
6.29. Overall, due to the nature and specificities of the application proposals, it is not considered that they would result in any further impact to the significance of any designated or non-designated heritage assets, above that which has already been considered to be acceptable in the context of the wider site redevelopment.

## 7. Conclusions

- 7.1. To summarise, the proposed development will result in the change of use of the application site and the addition of ancillary supporting equipment within it for car processing purposes.
- 7.2. The application site is located within an area of the wider Conservation Area which is principally assessed as being of low significance which forms part of the wider Conservation Area landscape which contributes the least its significance as a former military site.
- 7.3. The proposals also need to be considered in the context of the previous acceptability of the use of the site for car processing on a temporary basis and the extant approval for the fundamental redevelopment of the application as part of the wider redevelopment scheme for Heyford Park.
- 7.4. Given the nature of the proposals and the short term and temporary nature of them, there is no reason as to why the previous conclusions regarding the potential impact of the proposed use of the application site for car processing would not still apply, whereby officers were satisfied that the impact on the designated heritage assets would be acceptable, with any harm mitigated by the short term nature of the proposals and other public benefits associated with the proposals.
- 7.5. As such, it is considered that the proposals would accord with the statutory requirements set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, or the national planning policy set out within the NPPF.



## Appendix 1: Approved Site Wide Illustrative Masterplan



**PROPOSALS KEY**

**LAND USE**

- EXISTING BUILT DEVELOPMENT/PROPOSALS
- EXISTING COMMERCIAL AREAS
- EXISTING APPLICATIONS WITHIN MASTERPLAN AREA LAND SOUTH OF CAMP ROAD, VILLAGE CENTRE NORTH, DAY NURSERY & PYE HOMES
- RESIDENTIAL
- CREATIVE CITY / COMMERCIAL
- CAR PROCESSING
- MIXED USE
- FLYING FIELD PARK
- CORE VISITOR DESTINATION AREA
- EDUCATIONAL SITE WITH POTENTIAL EARLY YEARS PROVISION (AGE TBC) INCLUDING NEW BUILDING
- ANCILLARY OPEN ACTIVITY SUCH AS PARKING
- FILMING ACTIVITY AREA
- HEYFORD FREE SCHOOL SITES TO BE EXTENDED/EXPANDED
- UP TO 60 EXTRA CARE DWELLINGS (CLASS C2/C3) 0.9HA
- AREA FOR COMMUNITY USES
- CONTROL TOWER PARK
- GREEN INFRASTRUCTURE INCLUDING CHILDREN'S PLAY AREAS

**GREEN INFRASTRUCTURE**

- STRATEGIC LANDSCAPE BUFFER
- COMMUNITY ORCHARD / ALLOTMENTS
- SPORTS PARK
- APPROXIMATE LOCATION OF ATTENUATION AREAS
- PROPOSED SCREENING
- VIEWPOINT ACROSS SITE
- EXISTING VEGETATION SUBJECT TO DETAILED TREE SURVEY (CLASS 'C' HATCHED GREEN)

**ACCESS & MOVEMENT**

- BUS ROUTE, VEHICLE ACCESS & FOOTWAYS
- PRIMARY VEHICULAR ACCESS
- PRIMARY HGV ACCESS
- MAINTENANCE ACCESS
- PRIMARY PEDESTRIAN / CYCLE ROUTES WHERE NOT IN ASSOCIATION WITH VEHICLE ACCESS
- PRIMARY CAR PROCESSING ACCESS
- SECONDARY COMMERCIAL ACCESS
- POTENTIAL BUS STOP LOCATIONS
- FOOTPATH/BRIDLEWAY ROUTE

**OTHER**

- SECURITY FENCE
- PARCEL NUMBER
- OBSERVATION TOWER & ZIPWIRE
- APPROXIMATE LOCATION OF ENERGY INFRASTRUCTURE / FACILITY

**HEYFORD RESIDENTIAL PROVISION**

**DORCHESTER LAND PART OF THIS APPLICATION**

| PARCEL       | NO. OF DWELLINGS | NO. OF PEOPLE |
|--------------|------------------|---------------|
| 10           | 130              | 311           |
| 11           | 84               | 201           |
| 12           | 123              | 294           |
| 13           | 6                | 14            |
| 21           | 122              | 292           |
| 23           | 430              | 1028          |
| 39           | 13               | 31            |
| 40           | 27               | 65            |
| <b>TOTAL</b> | <b>935</b>       | <b>2235</b>   |

**DORCHESTER LAND NOT PART OF THIS APPLICATION**

| PARCEL                  | NO. OF DWELLINGS | NO. OF PEOPLE |
|-------------------------|------------------|---------------|
| LAND SOUTH OF CAMP ROAD | 297              | 710           |

**THIRD PARTY LAND PART OF THIS APPLICATION**

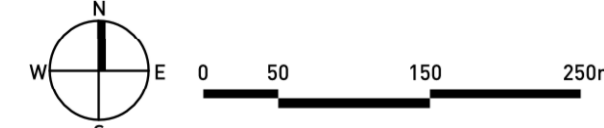
| PARCEL       | NO. OF DWELLINGS | NO. OF PEOPLE |
|--------------|------------------|---------------|
| 16           | 178              | 425           |
| 17           | 62               | 148           |
| <b>TOTAL</b> | <b>240</b>       | <b>574</b>    |

**THIRD PARTY LAND NOT PART OF THIS APPLICATION**

| PARCEL       | NO. OF DWELLINGS | NO. OF PEOPLE |
|--------------|------------------|---------------|
| 15           | 43               | 117           |
| PYE HOMES    | 79               | 189           |
| <b>TOTAL</b> | <b>128</b>       | <b>306</b>    |

| TOTAL                        | NO. OF DWELLINGS |
|------------------------------|------------------|
| ON PARAMETER PLAN            | 1600             |
| PART OF THIS APPLICATION     | 1175             |
| NOT PART OF THIS APPLICATION | 425              |

NOTE: NO. OF PEOPLE IS BASED ON 2.39 PERSONS PER DWELLING

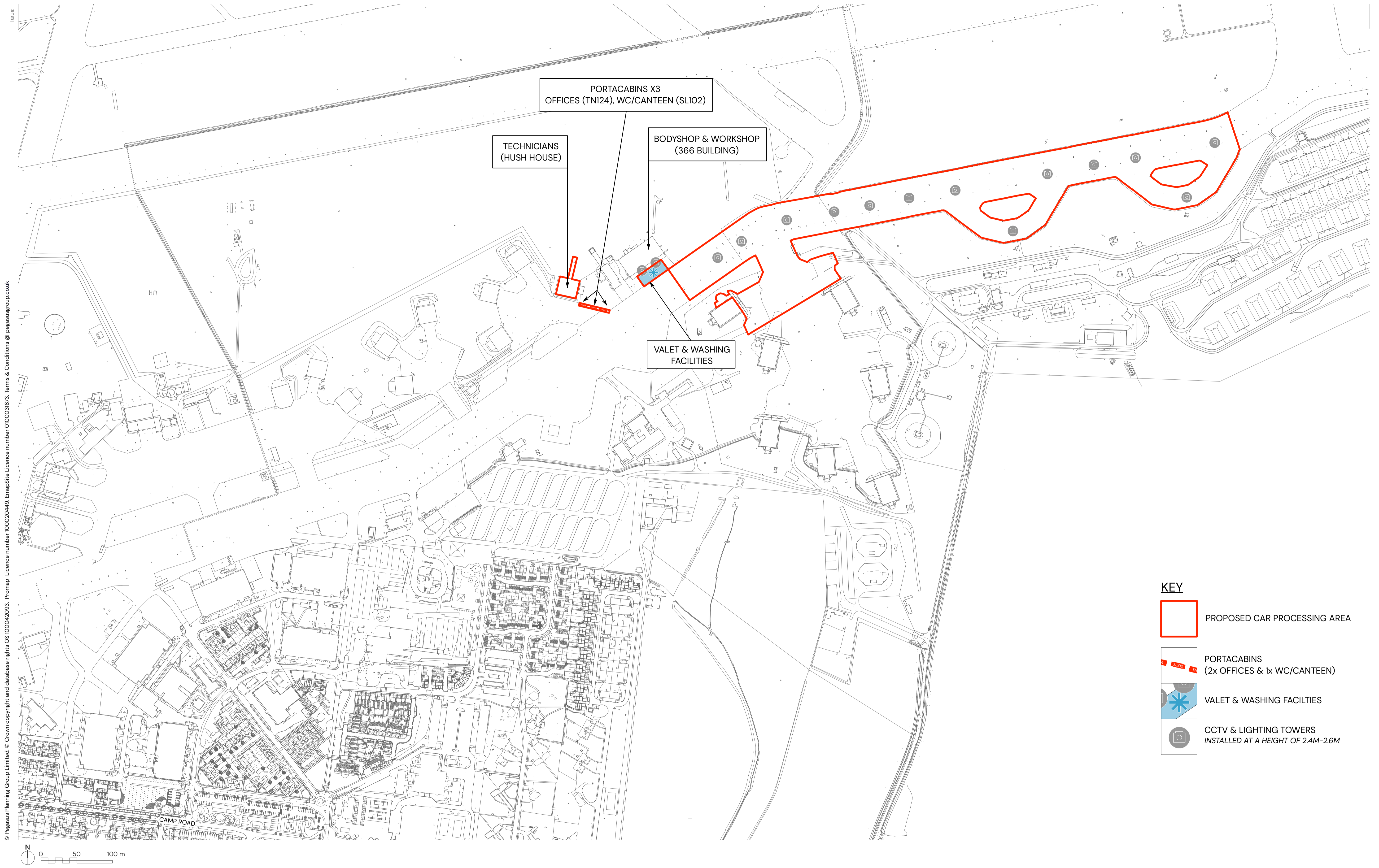


**HEYFORD PARK - COMPOSITE PARAMETER PLAN**





## Appendix 2: Proposed Site Plan



**KEY**

- PROPOSED CAR PROCESSING AREA
- PORTACABINS (2x OFFICES & 1x WC/CANTEEN)
- VALET & WASHING FACILITIES
- CCTV & LIGHTING TOWERS INSTALLED AT A HEIGHT OF 2.4M-2.6M

# HEYFORD PARK - PROPOSED CAR PROCESSING AREA





## Appendix 3: Assessment Methodology

### Assessment of significance

In the *NPPF*, heritage significance is defined as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”<sup>26</sup>*

Historic England’s *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.<sup>27</sup>

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage’s *Conservation Principles*.<sup>28</sup> These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.<sup>29</sup>

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** *As defined in the Glossary to the National Planning Policy Framework, there will*

*be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.<sup>30</sup>

Significance results from a combination of any, some, or all of the interests described above.

<sup>26</sup> DLUHC, *NPPF*, pp. 72–73.

<sup>27</sup> Historic England, *GPA:2*.

<sup>28</sup> Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

<sup>29</sup> DLUHC, *NPPF*, p. 72; DLUHC, *PPG, Annex 2*.

<sup>30</sup> DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.<sup>31</sup>

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

### Setting and significance

As defined in the *NPPF*:

***“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”<sup>32</sup>***

Setting is defined as:

***“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”<sup>33</sup>***

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

### Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.<sup>34</sup>

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

<sup>31</sup> Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

<sup>32</sup> DLUHC, *NPPF*, p. 73.

<sup>33</sup> DLUHC, *NPPF*, p. 72.

<sup>34</sup> Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

***Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.***

***Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a–013–20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”<sup>35</sup>***

## Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the *NPPF*;<sup>36</sup>
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);<sup>37</sup> and

<sup>35</sup> *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

<sup>36</sup> *DLUHC, NPPF*, para. 200 and fn. 68.

<sup>37</sup> *DLUHC, NPPF*, para. 200.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.<sup>38</sup>

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

### Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *“have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”*,<sup>39</sup> and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

***“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”***<sup>40</sup>

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *“preserving”* means doing *“no harm”*.<sup>41</sup>

<sup>38</sup> DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

<sup>39</sup> Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

<sup>40</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

<sup>41</sup> R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”.<sup>42</sup> Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.<sup>43</sup> Of particular relevance is the checklist given on page 13 of *GPA:3*.<sup>44</sup>

It should be noted that this key document also states:

***“Setting is not itself a heritage asset, nor a heritage designation...”***<sup>45</sup>

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

***“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.***<sup>46</sup>

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.<sup>47</sup>

### **Benefits**

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 5**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.<sup>48</sup>

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.<sup>49</sup>

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

***“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).***

<sup>42</sup> Historic England, *GPA:2*, p. 9.

<sup>43</sup> Historic England, *GPA:3*, p. 8.

<sup>44</sup> Historic England, *GPA:3*, p. 13.

<sup>45</sup> Historic England, *GPA:3*, p. 4.

<sup>46</sup> Historic England, *GPA 3*, p. 8.

<sup>47</sup> *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

<sup>48</sup> DLUHC, *NPPF*, paras. 201 and 202.

<sup>49</sup> Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.

***Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.***

***Examples of heritage benefits may include:***

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***<sup>50</sup>

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

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<sup>50</sup> MHCLG, PPG, paragraph O20, reference ID: 18a-O20-20190723.

## Appendix 4: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.<sup>51</sup> It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 66(1) of the Act goes on to state that:

***“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”<sup>52</sup>***

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

***“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight”***

<sup>51</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>52</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

***when the decision-maker carries out the balancing exercise.”<sup>53</sup>***

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.<sup>54</sup>

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

***“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”<sup>55</sup>***

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

<sup>53</sup> Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

<sup>54</sup> Jones v Mordue [2015] EWCA Civ 1243.

<sup>55</sup> UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).



In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.<sup>56</sup>

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<sup>56</sup> UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).



## Appendix 5: National Policy Guidance

### The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government’s *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three ‘objectives’ to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

***“Plans and decisions should apply a presumption in favour of sustainable development.*”**

***For plan-making this means that:***

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

***the overall scale, type or distribution of development in the plan area; or***

- ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

***For decision-taking this means:***

- a. ***approving development proposals that accord with an up-to-date development plan without delay; or***
- b. ***where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
  - i. ***the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
  - ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***<sup>57</sup>

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

***“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”***<sup>58</sup> (our emphasis)

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

Heritage Assets are defined in the NPPF as:

***“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”***<sup>59</sup>

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<sup>57</sup> DLUHC, NPPF, para. 11.

<sup>58</sup> DLUHC, NPPF, para. 11, fn. 7.

<sup>59</sup> DLUHC, NPPF, p. 68.

The NPPF goes on to define a Designated Heritage Asset as a:

***“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”<sup>60</sup>***

As set out above, significance is also defined as:

***“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”<sup>61</sup>***

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 that:

***“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”<sup>62</sup>***

Paragraph 197 goes on to state that:

***“In determining planning applications, local planning authorities should take account of:***

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”<sup>63</sup>***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

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

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<sup>60</sup> DLUHC, NPPF, p. 67.

<sup>61</sup> DLUHC, NPPF, pp. 72–73.

<sup>62</sup> DLUHC, NPPF, para. 195.

<sup>63</sup> DLUHC, NPPF, para. 197.

**substantial harm, total loss or less than substantial harm to its significance.”<sup>64</sup>**

**“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.”<sup>65</sup>**

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

**“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities**

**should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- a. the nature of the heritage asset prevents all reasonable uses of the site; and**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”<sup>66</sup>**

Paragraph 202 goes on to state:

**“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”<sup>67</sup>**

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

<sup>64</sup> DLUHC, NPPF, para. 199.

<sup>65</sup> DLUHC, NPPF, para. 200.

<sup>66</sup> DLUHC, NPPF, para. 201.

<sup>67</sup> DLUHC, NPPF, para. 202.

***“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”<sup>68</sup>***

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

***“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”<sup>69</sup>*** (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

***“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing***

***applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”<sup>70</sup>***

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

### **National Planning Practice Guidance**

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

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

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

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<sup>68</sup> DLUHC, NPPF, para 206.

<sup>69</sup> DLUHC, NPPF, para. 207.

<sup>70</sup> DLUHC, NPPF, para. 203.

***“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”<sup>71</sup>***

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

***“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.***

***While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which***

***harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”<sup>72</sup>*** (our emphasis)

#### **National Design Guide:**

Section C2 relates to valuing heritage, local history and culture and states:

***“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”<sup>73</sup>***

***“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”<sup>74</sup>***

It goes on to state that:

***“Well-designed places and buildings are influenced positively by:***

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

<sup>71</sup> DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

<sup>72</sup> DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

<sup>73</sup> DLUHC, NDG, para. 46.

<sup>74</sup> DLUHC, NDG, para. 47.

- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

*Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21<sup>st</sup> century.<sup>75</sup>*

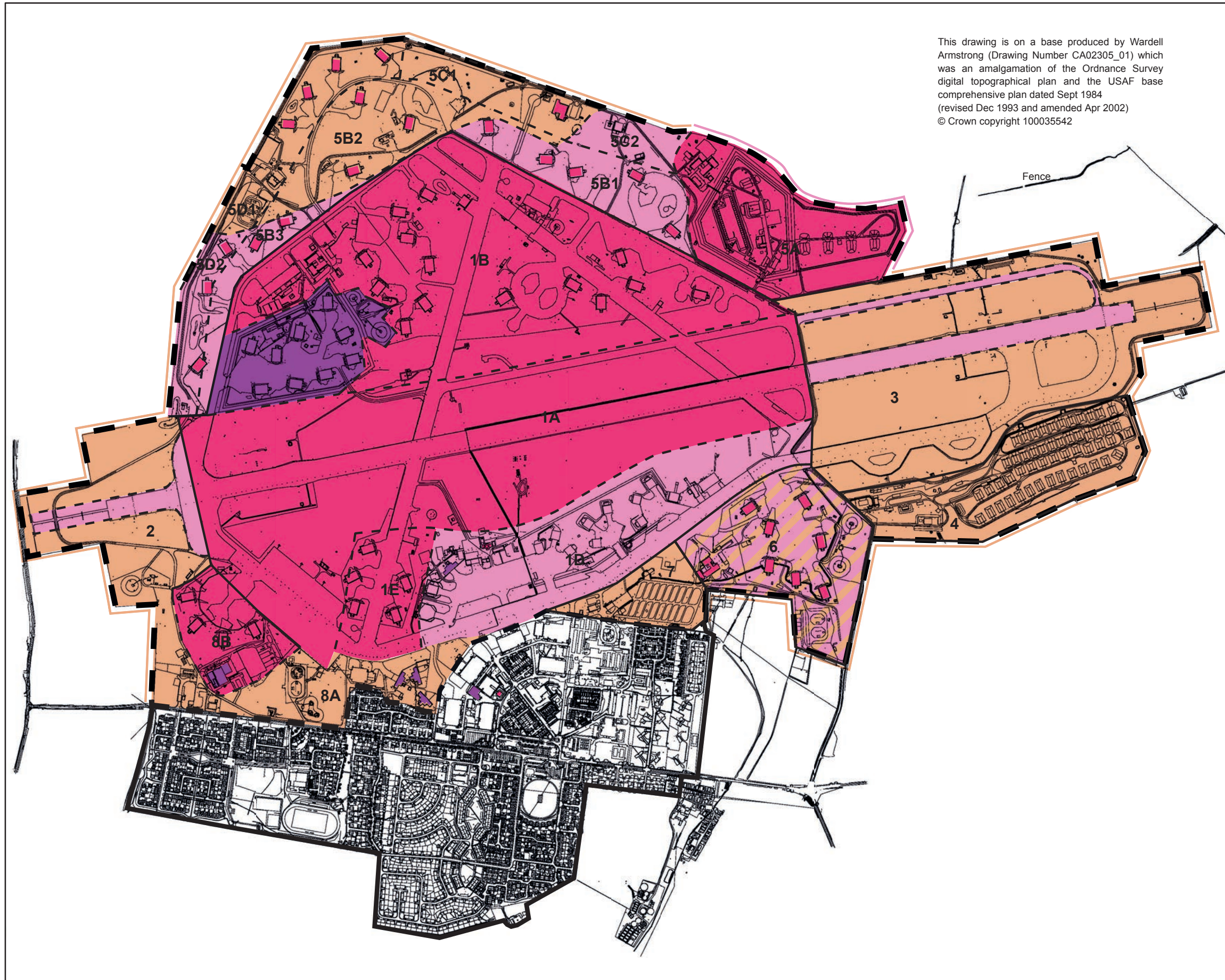
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<sup>75</sup> DLUHC, NDG, paras. 48–49.



## Appendix 6: 2020 Environmental Statement Significances Plan





This drawing is on a base produced by Wardell Armstrong (Drawing Number CA02305\_01) which was an amalgamation of the Ordnance Survey digital topographical plan and the USAF base comprehensive plan dated Sept 1984 (revised Dec 1993 and amended Apr 2002)  
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**Key**

- Cold War Landscape
- Landscape south of the Cold War Zone
- Landscape Character boundary
- Landscape Character sub-division
- Very High Significance
- High Significance
- Medium Significance
- Low Significance

- 1 Central Airbase
- 1A Central Runway National
- 1B Central Plateau National
- 1C QRAA International
- 1D South Aircraft Shelters/ Victor Alert Area Regional
- 1E Southwest HASs National
- 2 Runway West Terminal Local but with regionally significant runway
- 3 Runway East Terminal Local but with regionally significant sections of runway
- 4 Southern Conventional Arms Store Local
- 5 North Edge
- 5A Northern Bombstores National
- 5B/D Landscape and individual national significances need to be balanced against the need to maintain the integrity of squadron groupings. Area therefore divided into:
  - 5B1 Regional
  - 5C2 Regional because retains squadron grouping
  - 5B2/ Local because no point in keeping part of a squadron grouping (42nd Squadron) but containing nationally significant buildings
  - 5D1 significant buildings
  - 5D2/ Regional because retains integrity of 55th Squadron grouping
  - 5B3 retains integrity of 55th Squadron grouping
  - 6 Southeast HASs Regional/local isolated historic core
- 7 Tanker area Local
- 8 Southwest Edge
- 8A Local landscape significance but containing internationally important buildings
- 8B National because containing centrally important buildings and usually linked to core area



**FIGURE 9.11**

**Cold War Landscape  
Character areas and summary of significance**

DRWG No: **P1234\_01** REV: **B**

Date: 14.11.2017

Scale: 1:12500 @A3

Planning (Listed Buildings and Conservation Areas) Act 1990  
Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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