

Application 23/02827/F

Objections are being made to the application for the parking and processing of cars based on the understanding of the NPPF and case law relating to:

- (i) the protection of heritage assets, and
- (ii) the use of temporary planning permissions.

In framing these objections (in a different font) reliance is placed on the analysis provided by the Heritage Assessment: Land at Heyford Park provided by Pegasus Group (the typeface and paragraph nos. in that report have been retained). The fact that the Heritage assessment adopts the description "Heyford Park" to the setting of the application suggests a failure to understand or appreciate the preeminent historical importance of the heritage asset as a Cold War air base.

The former RAF Upper Heyford as a heritage asset

The following accurately describes the methodology that must be applied in dealing with and determining the application,

'1.2...an proportionate assessment of them [ie heritage assets] will be made as part of the wider consideration of the Conservation Area as a whole.'

This is the correct approach to applications for development in conservation areas

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". (NPPF194)'

Nowhere in the heritage assessment is there a description of the 'importance' of the former Cold War air base or of the character or appearance of the heritage asset that the LPA should be seeking to preserve or enhance. If, as has been agreed by Historic England, the air base at Upper Heyford now represents the best preserved physical remains from the Cold War, then this will affect the balancing exercise and the assessment of harm in a fundamental way.

Instead of carrying out this necessary exercise the Heritage Assessment seeks to rely on previous decisions taken by the planning authorities.

'2.17...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.'

The Council should not rely on this statement as temporary permissions should be seen as just that, and a previous temporary permission should not be regarded as a material reason for it to be renewed but actually flagging a potential reason for refusal. The grant of temporary permission should be carefully justified with reasons why renewal would be unlikely. In fact the

heritage assessment does not claim that no harm would be caused, only relying on past decisions, or why continuing the harm would meet the tests in the NPPF. In fact it is not possible to carry out this required test until the significance of the heritage asset has been expertly and reasonably established.

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.

There have been four material developments since the designation of the Conservation area; Historic England started to regard the air base as an integrated whole, the base has become the best preserved or least damaged site from the Cold War in the UK, the application to have the site included on the tentative list for World Heritage Site designation was deferred pending further research into which sites should be included to represent the Cold War, and the need to understand of Cold War history to which heritage sites are of recognized importance has become both more urgent and necessary.

It is right that,

5.10.... it is important to note that since then (2006), 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...

But all these changes have been with the support of Pegasus heritage consultants and accepted by the council and/or Secretary of State as preserving or enhancing the character or appearance of the conservation area and the setting of listed buildings. This application must therefore be considered by the council as if the character and appearance have not yet been materially harmed, but without being provided with an assessment that this would be the case. The reliance on a temporary permission would appear to be an admission of the obvious, that car parking and processing on a uniquely preserved Cold War air base would cause substantial harm to the heritage interest.

5.12.... 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 reduction of the air base into areas of different significances was a misapplication of an approach to the conservation of complex sites described by James Semple Kerr and now rejected by Historic England who take a holistic view of the site. In fact the heritage assessment goes on the state that,

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.

And,

5.18 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.”(Conservation Plan 2005)

5.21....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,

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.(underlining added)

Without establishing the ‘significance of the heritage assets’ it is simply not possible to determine the acceptability of the proposals.

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.

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.

While the planning authorities might claim that there has been no material harm there are no grounds to claim that these any building or the character or appearance of the Conservation Area has been ‘positively enhanced’?

“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”. A clear statement of law to be followed by the LPA.

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.

Car storage and processing was established on the site soon after the site was found to be surplus to military requirements. The fact that the uses have been granted temporary permissions is because they have been regarded as inappropriate and harmful. The historical significance and heritage value of the

of the have both been increasing since the original permissions that should not be renewed without some reasonable justification.

6.23...the application site is located primarily in one of the least significant areas of the Conservation Area, in a location away from any of the Listed Buildings or Scheduled Monuments...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 18/00825/HYBRID.

In fact the heritage statement has already confirmed that the Conservation Area should be treated as a whole; which is made relatively easy being a virtually intact military air field. The fact that further changes have been agreed under the 'masterplan' does not make car parking and processing acceptable. And the argument that these uses,

6.25...would [not] 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.

...runs contrary to previous arguments and decisions based on there have been no harm that would not be remedied by denying further temporary permissions.

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.

This is a very dangerous line to take that would appear to be supporting cumulative impacts to a heritage asset that has become progressively significant.

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...

The fact that only temporary permissions have been granted suggest quite the opposite; that harm is being caused and that this should be curtailed.

The Heritage Assessment included some useful references.

Appendix 3

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."

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, ... 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, ... including some Conservation Areas.

“Change to heritage assets is inevitable but it is only harmful when significance is damaged”. 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.”

It is hard to see how car parking and processing is ‘neutral’ or ‘beneficial’ to the significance of the best preserved Cold War remains in the UK?

Fig 9.11 Character areas and summary of significance

The inclusion of this plan suggests a failure to treat the airfield as an operational whole. All the buildings and infrastructure were built and constructed with the purpose of contesting the Cold War and the division into different levels of significance is unhelpful to understanding the site and contrary to relevant guidance and law applicable to the control of development in conservation areas.

In summary