

**Rebuttal Proof of Evidence
Cultural Heritage**

By

Robert Bourn

**Appeal under Section 78 of
Town and Country Planning Act 1990
By Hallam Land Management**

Land off Carr Road, Deepcar

Appeal Ref: APP/J4423/W/21/3267168

Application Ref: 17/04673/OUT

June 2021

Report

Rebuttal Proof of Evidence – Heritage

Site

Land off Carr Road, Deepcar

Client

Hallam Land Management

Planning Authority

Sheffield City Council

Prepared By

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Report Status

Final

Issue Date

June 2021

Orion Ref

PN1129/Rebuttal Proof

1.0 Introduction

- 1.1 Ruth Masood's (Sheffield Conservation Officer), proof of evidence presents a number of issues that are either factually incorrect or which I disagree with. These issues are addressed in this rebuttal proof of evidence. These are:
- Mis-location of the appeal site in the South Yorkshire Historic Environment Characterisation Project Part III: Sheffield Character Zone Descriptions (CD7.2).
 - Group value of the listed buildings
 - Calibration of Effect & the use of BS 7913:2013 Guide to the Conservation of Historic Buildings (CD7.13)

2.0 South Yorkshire Historic Environment Characterisation Project Part III: Sheffield Character Zone Descriptions (CD7.2)

- 2.1 In paragraphs 4.7-4.10 and Figure 2 of Ms Masood's proof of evidence considers the appeal site in relation to the South Yorkshire Historic Environment Characterisation Project (CD 7.2). This study was undertaken by the South Yorkshire Archaeology Service (SYAS) & English Heritage (now Historic England). This was an English Heritage funded study undertaken between 2004 and 2008 in accordance with a methodology devised by SYAS and agreed with English Heritage.
- 2.2 This was a thorough desk-based study undertaken to standards approved by the Government's advisor on heritage matters (English Heritage). Part III of the published study presents the assessment and categorisation of the Sheffield Character Zones which includes Royd, Deepcar, Hollin Busk and Stocksbridge and so includes the appeal site.
- 2.3 In paragraphs 4.7-4.10 of Ms Masood's proof, she relies heavily on the appeal site being located within that the SYAS study classifies as being 'Assarted Enclosure' and Figure 2 includes plan of the character areas of all the District, along with a blown up extract of the northern area of this plan on which she has circled the location of the appeal site. She relies on this to make a case that the fields of the appeal site have additional importance. However, Figure 2 has misidentified the location of the appeal site. The appeal site is not located within the 'Assarted Enclosure' character area. As shown in Figure 1 below (which uses the digital GIS shapefiles that are posted in the Archaeology Data Service digital repository (https://archaeologydataservice.ac.uk/archives/view/syorks_hlc_2012/download_ads.cfm) the appeal site is actually located within the 'Surveyed Enclosure' character area. This undermines her analysis. It is a different type of area with different origins.

- 2.4 As a consequence of this error, the consideration of the appeal site and Royd Farm in context of the assarted landscape character zone as discussed in paragraphs 4.7-4.10 of Ms Masood's proof, is irrelevant. The reality is that the fields are, as one might expect of an origin that is broadly contemporaneous with the Listed Buildings, but it is difficult to see how this makes the fields themselves of any elevated heritage quality. The fields within the appeal site conform to the characteristics of the Surveyed Enclosure character with the field walls being essentially, but not completely, straight and broadly rectangular. The irregularity of the northern boundary of the fields is the result of the uneven topography of the edge of Fox Glen. Some but not all of these boundaries remain, in various states of repair.
- 2.5 Furthermore, the inclusion of the distribution of Cruck Framed timber buildings included as Figure 1 in Ms Masood's proof (which is Figure 337 of the SYAS Historic Environment Characterisation study) is also not relevant as this is a feature of assarted enclosure historical landscape character, not Surveyed Enclosure. I do acknowledge that there is a listed Cruck Framed barn to the east of the appeal site to the east of The Royd (NHLE1193193 as shown on Figure 1 of Appendix 1 of my proof), but the effects on this are agreed to be of little relevance to this appeal as the site is agreed to be beyond its setting.
- 2.6 In relation to the field system and its historic landscape interest, it has to be noted that while small sections of the existing stone walls do have to be removed to enable the access road to be constructed, almost all of the stone walls will be retained thereby preserving the layout of the historic landscape within the development.

Group value of the listed buildings

- 2.7 Paragraph 4.4 of Ms Masood's proof addresses the group value of Royd Farmhouse and the adjacent barn. She correctly states that both buildings are listed in their own right and the barn is not included as a curtilage building. The last sentence of this paragraph states *"These were both noted to be of group value thus increasing their significance due to this concentration of heritage assets and their intervisibility due to their proximity"*. That is, she is suggesting that the heritage value of the two buildings is enhanced by their group value. This is, in my professional opinion, a misunderstanding of the listing description of the barn.
- 2.8 The full listing description of both sets of buildings is included in paragraph 4.27 of my proof and Appendix 1 of Ms Masood's proof but for ease of reference the last sentence of the listing description for the barn states *"Included partly for group considerations"*. There is no similar comment in relation to the farmhouse and this sentence actually relates to the various structures that make up the barn not the group value of the barn with the farmhouse.

2.9 As outlined in paragraph 4.33 of my proof, the farmhouse and barn are related buildings and together they form the courtyard arrangement which faces the agreed primary elevation of Carr Road. However, contrary to Ms Masood's suggestion that this group value elevates their significance to be greater than their individual parts, the group value enhances the importance of the barn and its later accretions, in order to assist the conclusion that they should be listed. It does not elevate the significance of the farmhouse which is the primary listed building in the group as without the farmhouse, the barns would not have been built. Consequently, the group value of the barn and outbuildings does not increase the significance of both listed buildings in the way that Ms Masood suggests which effectively exaggerates and over calibrates their significance.

Calibration of Effect & the use of BS 7913:2013 Guide to the Conservation of Historic Buildings (CD7.13)

2.10 Ms Masood uses the BS 7913:2013 Guide to the Conservation of Historic Buildings in her assessment of the magnitude of impact of the proposed development on the significance of the two listed buildings (Paragraphs 6.7 – 6.9, 6.11 & 6.13). The purpose of the British Standards document is to assist and guide the management plans for and direct works on listed buildings not planning related assessments. However, it is not dissimilar to the sort of matrix that is used in Environmental Statements and so this approach can be used when assessing heritage effects of planning applications. However, as with Environmental Statements, such matrices have to be used with some caution and also with the input of professional judgement as they can lead to a skewing of the predicted impacts if all factors are not taken into account fully. In my professional opinion, this is what has happened with Ms Masood's application of the BS 70913:2013 matrix as she has repeatedly indicated that it is the change to the setting that is described as "Major" by her (6.11 and 6.13). This is not the same as the magnitude of impact to the significance of the Listed Buildings, which is the true test. Ms Masood has not addressed and effectively discounted the contribution that the historic and architectural interest of the buildings makes to their significance which she earlier describes as primarily coming from the age of the buildings and their architectural interest. She has consequently overemphasised the contribution that the setting makes, as though this is the only matter to consider in assessing the magnitude of impact.

2.11 Section 4.14 of Ms Masood's proof outlines her assessment of the sources of the significance of the two listed buildings as originating from their historic, cultural, and architectural significance. I do not disagree with this statement. It is broadly consistent with the SoCG at 1.10 and 1.12. However, Ms. Masood initially downplays the importance of the architectural and historic interest of the buildings almost to the degree that the buildings themselves are implicated as being subservient and secondary to their setting thereby implying that they were listed because of their setting rather than their

architectural interest. This cannot be right and is inconsistent with the SoCG. This is further compounded by the inconsistency in her case as to architectural merit as demonstrated in the third paragraph of section 4.14 where she states that in her opinion, the architectural interest of the two buildings provides a lesser contribution to the significance than its historic interest, which here she associates more with the fields than the buildings themselves. In paragraph 6.3 she also states that should the proposed development proceed *“The interest contained within the fabric of the buildings will remain – but little else.”*; implying this is of no real importance. However, by paragraphs 6.10 and 6.12 she has changed to emphasise the importance of the architectural interest of the buildings when viewed from Carr Road.

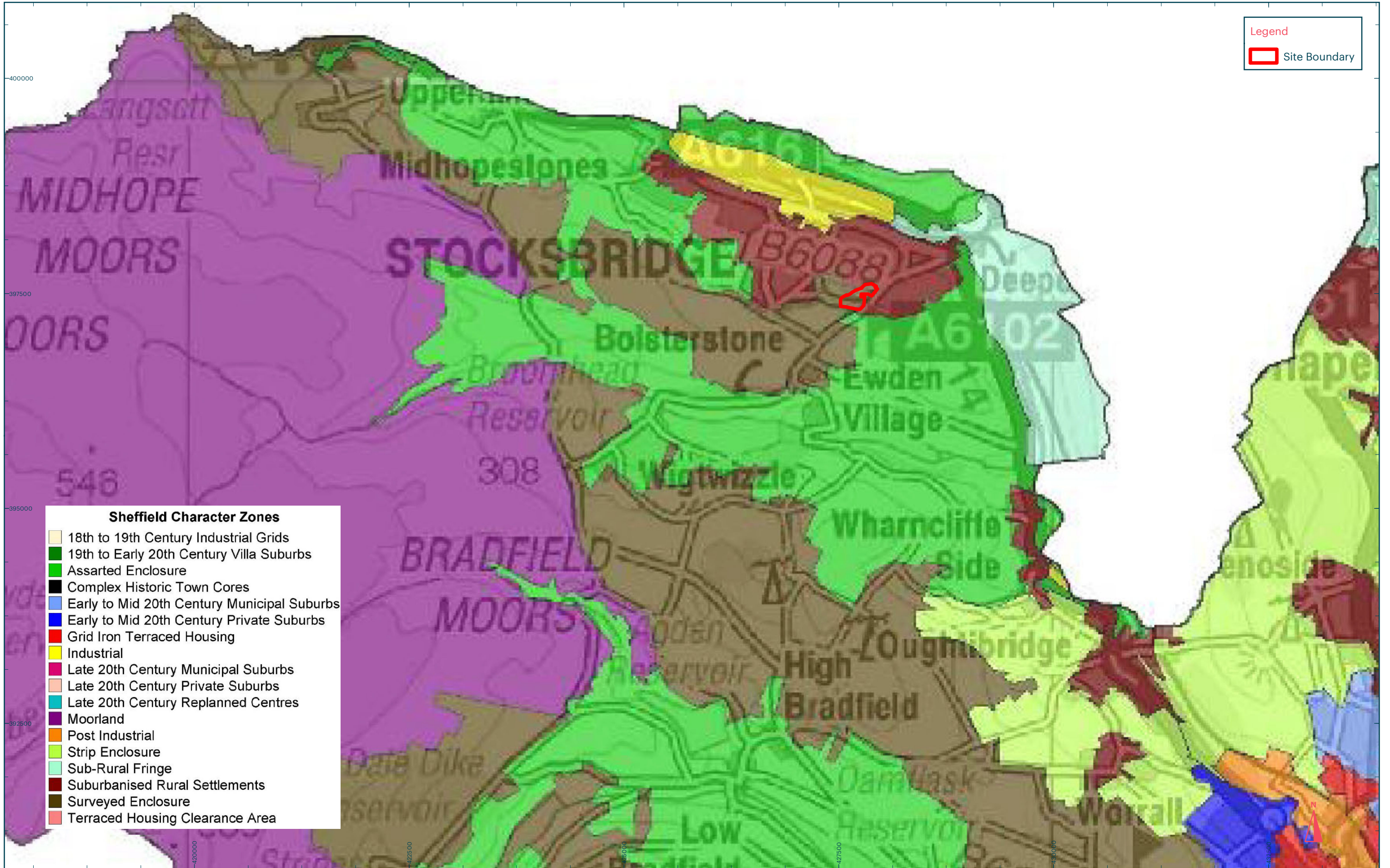
- 2.12** As outlined in my proof of evidence, I am of the professional opinion that there is no evidence to support the suggestion that the architectural and historic interest of the two listed buildings is subservient to the contribution of the setting. The two buildings have an intrinsic architectural and historic interest that is contained within their form and fabric, which is also the primary reason for designation. This will not be affected by the proposed development. Furthermore, the immediate setting of the two listed buildings (the courtyard arrangement of the former farm buildings facing Carr Road and the historic core of the former Royd hamlet to the east of Royd Farm), which has a very strong contribution to the significance of the two listed buildings, will also not be affected by the proposed development. Ms Masood does not appear to take this into account in her BS7913:2013 approach to assessing the effect of the proposed development of the significance of Royd Farmhouse and the adjacent barn.
- 2.13** As indicated above, in the second paragraph of section 6.10 and paragraph 6.13 of Ms Masood’s proof, she describes in some detail aspects of the architectural interest of the two buildings that are able to be appreciated from Carr Road as *‘... read against a clear sky backdrop ...’*. This is described in relation to the appreciation of Royd Farm and Barn as experienced from Carr Road (i.e. the primary orientation of listed buildings and their courtyard arrangement). It is from this location that, for both buildings it is claimed that harm will arise. However, from Carr Road, the blocking effect of the arrangement of buildings themselves, combined with the topography of the gardens along with the existing vegetation within and immediately adjacent to the listed buildings, mean that the proposed development will not intrude into this view and will have no or no material effect on ‘the clear sky backdrop’.
- 2.14** By discounting the historic and architectural interest of the buildings themselves over the setting, the use of the matrix has led to a severe over calibration of the resultant effect. That is, by effectively discounting the fact that the historical and architectural interest of the two buildings themselves will be completely unaffected, Ms Masood concludes that there will be a major

change to the two assets and that on the BS7913:2013 matrix, this equates to a very large impact. This does not take into account that the primary source of the significance of the two buildings (their architectural interest and the historic interest of the buildings themselves) and their immediate setting (gardens, courtyard and relationship with the older parts of the former Royd Hamlet) is unaffected. Had this been taken into account when using the BS7913:2013 matrix, there would be a minor change which for assets of high value (i.e. grade II listed buildings), would equate to a slight/moderate impact. However, the matrix is at best a blunt tool and this is where professional judgement is used to make an informed decision on the actual effect. The reasoning for my assessment of the effect of the scheme is laid out in my proof, but in summary, using this matrix, I would place the effect in the slight/moderate range which in NPPF terms equates to less than substantial harm not substantial harm and is towards the lower end of that category.

- 2.15** In relation to this, I would also draw the Inspector's attention to paragraph 2.28 of my proof, which outlines the substantial harm related case law. *Bedford Borough Council v Secretary of State for Communities and Local Government & Nuon UK Ltd ([2013] EWHC 2847 (Admin))* (CD5.5) has established that substantial harm is a high test and that as per paragraph 24 of the ruling in relation to effects on setting, the lawfulness of the Inspector's approach was endorsed by the Court; "*...the impact on significance was required to be serious such that **very much, if not all, of the significance was drained away.***" (my emphasis). In this case, the architectural and historic interest of the buildings themselves, along with the immediate (courtyard and gardens) and even intermediate (relationship to Carr Road and the former Royd Hamlet) setting of the two listed buildings (as described in paragraphs 4.33 & 4.34 of my proof) will be unaffected by the proposed development. Consequently, while it is accepted that the proposed development will have a less than substantial harmful effect on the significance of the two buildings, the significance of the assets will certainly not have been very much drained away or vitiated altogether or very much reduced.

Correction of minor error in my proof of evidence

- 2.16** Since submitting my proof of evidence, I have noticed an error in the list of the appendices in the contents list of the proof. Appendix 2 and 3 are both listed as the consultation response to the outline application by Zoe Mair. Appendix 2 is Zoe Mair's consultation response but Appendix 3 is 'Documentary research on Royd Farm by Archangel Heritage (undertaken for Orion Heritage). This is labelled correctly in the printed & bound copies of the appendices and in the submitted the pdf version.



Title:
Sheffield Character Zones Plot

Address:
Land off Carr Road, Deepcar, Sheffield

Scale at A3: 1:40,000

0 1,500m

